

PA10-120

SB412

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 17
5315 – 5590**

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DEPUTY SPEAKER GODFREY:

Just call it incomplete and call 535.

THE CLERK:

535 is not on the calendar.

On page 26, Calendar 497, substitute for Senate Bill Number 412, AN ACT CONCERNING THE ENVIRONMENTAL IMPACT EVALUATION PREPARED FOR STATE OWNED AIRPORT DEVELOPMENT PROJECTS AND THE REQUIREMENTS FOR THE PREPARATION, EVALUATION AND REVIEW OF ENVIRONMENTAL IMPACT EVALUATIONS, favorable reported, Committee on Planning and Development.

DEPUTY SPEAKER GODFREY:

Representative Guerrero.

REP: GUERRERA (29th):

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

Question is on passage.

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Mr. Speaker, would the Clerk please call LCO 4973, designated Senate "A."

DEPUTY SPEAKER GODFREY:

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Clerk is in possession of LCO Number 4973,
previously designated as Senate Amendment Schedule
"A." Clerk, please call.

THE CLERK:

LCO Number 4973, Senate "A," offered by Senators
DeFronzo and Senator Kane.

DEPUTY SPEAKER GODFREY:

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker, I move adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption.

REP. GUERRERA (29th):

And I just ask that this matter be referred --

DEPUTY SPEAKER GODFREY:

You are granted the leave of the Chamber to
summarize Senate Amendment Schedule "A."

REP. GUERRERA (29th):

Mr. Speaker, this basically allows the DOT to
accept previously completed environmental impacts and
reports back to the DOT. And I move adoption.

DEPUTY SPEAKER GODFREY:

Thank you. Question is on adoption.

Let me try your minds. All those in favor

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signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay. The ayes have it. The amendment is adopted.

Representative Guerrero.

REP. GUERRERA (29th):

And with no objection, I asked that this be moved to the consent calendar.

DEPUTY SPEAKER GODFREY:

Without objection so ordered.

Mr. Clerk.

Representative Merrill.

REP. MERRILL (54th):

Yes, thank you, Mr. Speaker. I move the suspension of our rules to take up item -- Calendar Number 535.

DEPUTY SPEAKER GODFREY:

Suspension of the rules for 535: Any objection? Hearing none, Mr. Clerk, please call 535.

THE CLERK:

Senate Bill Number 428, AN ACT CONCERNING REVISIONS TO THE PUBLIC HEALTH RELATED STATUTES,

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Representative Roy.

REP. ROY (119th):

Mr. Speaker, without objection, can I move this to consent?

DEPUTY SPEAKER GODFREY:

Without objection, this item is moved to the consent calendar.

Ladies and gentlemen, I'm going to call on Representative Olson to call today's consent calendar.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. We are about to vote on SB108 SB302 today's lengthy consent calendar. The items we have SB250 HB5398 moved to consent are: SB153 SB175

Calendar Numbers 499, 487, 180, 507, 430, 396, SB412 SB428 535, 497, 522, 517, 510, 155, 466 and 489. Thank you, SB121 SB427 Mr. Speaker. SB370 HB5420 SB354 SB272

DEPUTY SPEAKER GODFREY:

Thank you, madam. And as soon as we get this up on the board.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. Actually, we have already voted on item 430. I want to thank

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Representative Hamzy for being so diligent and
watching the calendar. I make a motion to remove Item
4370 from the consent calendar. Thank you, Mr. SB153

Speaker.

DEPUTY SPEAKER GODFREY:

I believe we have corrected the error.

As you can see, the consent calendar is on the
board. Representative Olson has moved passage of the
bills on the consent calendar.

Staff and guests, please come to the well of the
house. Members, take your seats, the machine will be
opened.

THE CLERK:

The House of Representatives is voting by roll
call. Members to the Chamber. The House is voting
today's consent calendar by roll call. Members to the
Chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members
voted? Please check the roll call board and make sure
your votes were properly cast. If all the members
have voted, the machine will be locked. Clerk,
please announce the tally. Clerk, please announce the
tally.

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THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. I move to -- I move for the immediate transmission of all times acted upon that require further action in the Senate. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Motion for immediate transmittal to the Senate of all items acted upon needing further action. Any objection? Hearing none, the bills and items are immediately transmitted.

Will the Clerk please call Calendar 430 --

Will the Clerk please call Calendar 422.

THE CLERK:

On page 19, Calendar 422, Senate Bill Number 430,

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Mr. Clerk.

THE CLERK:

Calendar page 29~~r~~? Calendar Number 194, File
Number 264, Substitute for Senate Bill 412, AN
ACT CONCERNING THE ENVIRONMENTAL IMPACT
EVALUATION PREPARED FOR A STATE OWNED AIRPORT
DEVELOPMENT PROJECT AND THE REQUIREMENTS FOR THE
PREPARATION, EVALUATION AND REVIEW OF
ENVIRONMENTAL IMPACT EVALUATIONS, Favorably
Reported, Committee on Transportation,
Environment, Planning and Development.

THE CHAIR:

Senator DeFronzo, good evening.

SENATOR DEFRONZO:

Thank you, Mr. President, I move acceptance
of the Joint Committee's Favorable Report and
passage of the bill.

THE CHAIR:

On acceptance and passage, will you remark,
sir?

SENATOR DEFRONZO:

Thank you, Mr. President, before we discuss
the underlying bill, I'd like to call an

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amendment I believe is in the possession of the clerk, LCO 4973. I would ask that the amendment be called, and I be given an opportunity to summarize.

THE CHAIR:

Senate, please be in order.

Okay. Mr. Clerk, please call the amendment.

THE CLERK:

The amendment is not in possession of the clerk.

SENATOR DEFRONZO:

Mr. President, may we stand at ease just for a moment until it arrives?

THE CHAIR:

Senate will stand at ease.

(Senate at ease.)

SENATOR DEFRONZO:

Mr. President, perhaps with --

THE CHAIR:

Senate will come back to order.

SENATOR DEFRONZO:

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- with your indulgence, I may go on and describe the bill and we'll call the amendment?

THE CHAIR:

Senator Looney.

SENATOR DEFRONZO:

May I proceed?

THE CHAIR:

Thank you, Mr. President. Mr. President, the underlying bill is an attempt to resolve a conflict between the Office of Policy and management and the Department of Transportation over an environmental impact-evaluation concerning implementation of a plan of development for Waterbury-Oxford Airport.

And this bill lays out the provisions by which that conflict can be resolved and it also sets up provisions to avoid such potential conflicts in the future. Mr. President, with the passage of this bill, the DOT will be relieved of the obligation of having to repeat the study. It will save approximately \$100,000 in additional costs, it will expedite the development of this site, which is entirely privately funded.

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And with that, Mr. President, I hope the amendment's arrived.

THE CHAIR:

Thank you, Senator.

Will you remark -- will you remark further, Senator DeFronzo.

SENATOR DEFRONZO:

Mr. President, I think -- do we have the amendment now, Mr. President?

THE CHAIR:

Senate will stand at ease.

(Senate at ease..)

THE CHAIR:

Senate will come back to order.

Mr. Clerk.

THE CLERK:

LCO 4973, which will be designated Senate Amendment Schedule A. It's offered by Senator Frantz (sic) of the 6th District.

THE CHAIR:

Senator DeFronzo.

SENATOR DEFRONZO:

Thank you, Mr. President. Mr. President, I

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move adoption of the amendment.

THE CHAIR:

On adoption, will you remark, sir?

SENATOR DEFRONZO:

Thank you, Mr. President. Mr. President, this amendment adds a time frame for a response to a reporting requirement in the underlying bill, and I would ask the chamber to approve the amendment.

THE CHAIR:

Thank you, sir.

Will you remark further? Will you remark further on Senate Amendment A?

If not, I'll try your minds. All those in favor of the amendment, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, nay.

The ayes have it, Senate Amendment A is adopted.

SENATOR DEFRONZO:

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Mr. President.

THE CHAIR:

Senator DeFronzo.

SENATOR DEFRONZO:

Mr. President, if I might proceed.

Mr. President, Senator Kane has championed this bill for the last two years and has worked very hard on it, has worked diligently with the Transportation Committee and other committees of the chamber. And if I might yield to him, I'd like to do that, Mr. President.

THE CHAIR:

Senator Kane, do you accept the yield?

SENATOR KANE:

I do, Mr. President, thank you very much.

First of all, let me thank Senator DeFronzo and the Transportation Committee for all the help they have given us on this bill. I want to thank the Environment Committee as well. It went through three committees this year, all unanimously, I might add.

But, Mr. President, what this bill does is fix an ambiguity in the statutes in relation to

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environmental impact studies, especially in this case where it's a privately funded project on a state land, on a state owned property. So there's some existing regulations that talk about sponsoring agencies and their ability to hire contractors who perform these types of studies.

And the ambiguity comes in where these agencies do the hiring of the contractor or the developer does the hiring of the contractor. Our bill fixes that. So as they go forward, there won't be any uncertainty when these type of situation occur because, quite honestly, are very unique.

More importantly, what this does is help a 33 million dollar privately funded project go forward at the Oxford Airport as Senator DeFronzo stated. It also will help create 300 construction jobs as well as 300 permanent jobs after that.

There's just a great example of what kind of economic development we can have here in the state of Connecticut.

The biggest thing to happen with the bill as

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we talked to the environmental community, the Council of Environmental Quality for example, thoroughly vetted the existing study and to quote, said, "it was thorough and easy to understand." So the actual study was never in concern, never in question, it was performed at the utmost level.

And in addition to that, this bill has a positive fiscal note. It will actually save the state of Connecticut a hundred thousand dollars. So many times we have fiscal notes attached to bills, this one actually is in the positive nature.

So again, I just want to thank Senator DeFronzo for all his help in the Transportation Committee and I look forward to passage of the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President. I rise in favor

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of this initiative. Oxford Airport is another jewel in the portfolio of assets in Connecticut. And the expansion that's going on there, although I know it's controversial to a degree with some parts of the community, is also a wonderful boon for economic development. And what's going to happen there is that it's going to attract some additional operators, and I will say this for the record, that these are operators who are keenly aware of noise issues having to do with aircraft. They are typically bringing in very modern aircraft that do not make a lot of noise. It's not the ideal industry, yes, it does pollute a little bit, but it's much, much better than it was many, many years ago.

So the initiative that's being taken place - - the initiative that is in place right now, the investment that is being made is fairly large. The number was just thrown out and I personally don't know of too many other projects or proposed projects in the state of Connecticut that are on the table at this point for consideration.

So your consideration tonight for this bill

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-- for this bill is most appreciated and I do hope you vote in favor of it. I applaud Senator Kane's hard work on this. I know he's been at this for many years now. I also want to publicly thank the sponsors of this particular project at the airport. They're doing a great thing for the state of Connecticut, for the aviation community. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further on Senate Bill 412?

Senator DeFronzo.

SENATOR DEFRONZO:

Mr. President, if there's no further discussion, I would ask that this matter be placed on the consent calendar?

THE CHAIR:

Is there any objection to placing this on the consent calendar?

Hearing and seeing no objection, so ordered.

Senator Looney.

SENATOR LOONEY:

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for Senate Bill 176.

Calendar page 5, Calendar Number 242,

Substitute for Senate Bill 403.

Calendar page 14, Calendar Number 472,

Substitute for House Bill 5539.

Calendar page 23, Calendar Number 63, Senate
Bill 185.

Calendar 68, Substitute for Senate Bill 221.

Calendar page 24, Calendar 104, Substitute
for Senate Bill 45.

Calendar page 25, Calendar 125, Substitute
for Senate Bill 316.

Calendar 128, Substitute for Senate Bill
330.

Calendar page 26, Calendar 141, Substitute
for Senate Bill 188.

Calendar page 29, Calendar 194, Substitute
for Senate Bill 412.

Calendar page 30, Calendar Number 212,
Substitute for Senate Bill 13.

Calendar page 31, Calendar 213, Substitute
for Senate Bill 93.

Calendar 214, Substitute for Senate Bill

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192.

Calendar 219, Substitute for Senate Bill

402.

Calendar 220, Substitute for Senate Bill

325.

Calendar page 32, Calendar 234, Substitute
for Senate Bill 167.

Calendar page 35, Calendar Number 278,
Senate Bill Number 400.

Mr. President; that completes the items
placed on consent calendar number 2.

THE CHAIR:

Thank you, Mr. Clerk, the machine will be
open.

THE CLERK:

Mr. President, there's one correction.
Calendar page 2, Calendar 118 was not placed on
consent, that was referred to Finance, Revenue
and Bonding.

THE CHAIR:

Thank you, Mr. Clerk.

Senator Fasano.

Have all members voted? Have all members

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voted?

Please check the board to make sure your votes are properly recorded? Have all members voted?

The clerk will announce the tally.

THE CLERK:

The motion is on adoption of the consent calendar number 2.

Total number Voting	32
Those voting Yea	32
Those voting Nay	0
Those absent and not voting	4

THE CHAIR:

The consent calendar passes

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I believe the clerk is now in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, Clerk is in possession of

**JOINT
STANDING
COMMITTEE
HEARINGS**

**TRANSPORTATION
PART 2
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March 10, 2010

csd/par TRANSPORTATION COMMITTEE 12:00 P.M.

SENATOR KANE: Good afternoon, Representative Guerrera, Senator DeFronzo, Representative Scribner, Senator Boucher, all the members of the Transportation Committee. I'm here to talk about a bill, Senate Bill 412, which has to do with the Oxford Airport, which is located in my district.

This story is long and goes back a way, but I think, ultimately, we can see the finish line. Last year, I had a bill that would pretty much, basically, just a -- you know, to be fruitful and truthful and honest with you, would bypass the environmental impact study needed for such a project. There have been many studies located up at Oxford Airport, and we are hoping to get a \$33 million hanger project built at Oxford Airport, which will equate to 300 jobs that all of us can agree are so duly needed -- desperately needed in this dire economic time that we are hoping for such a thing to happen.

A long story short, we have been able to work with the environmental groups that really didn't have an opposition to the project, just an opposition to us bypassing the environmental impact study. So we came together with the environmental groups, we came together with the developer, and we have a great piece of legislation that I have in front of you today, which will, hopefully, JFS out of this committee.

What happened is after our bill failed last year, the DOT did authorize an environmental impact study for this project. Unfortunately, the developer was allowed to hire the consultant themselves. What the issue is, is with the hiring of the actual consultant, and there tends to be some ambiguities in the regulations, whether a developer of a state

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agency is responsible for selecting that consultant or to conduct the environmental impact study. This bill will fix that, as well.

Going forward, we will be able to fix any ambiguities there are in relation to agencies, and the hiring of outside consultants in working with environmental impact studies. We kind of have an odd situation where we have a state-run airport for private development on the state-run airport that is also overseen by the federal government and the FAA. So we've got a whole host of different entities here. But what this bill does is it fixes all the ambiguities on a study that everyone agreed was unbiased, thorough and appropriate. So we have an agreement with the environmental groups, who I think will testify here today, with the developer, with the Town of Oxford and with the Department of Transportation that says that this is (a) a good project, a viable project, \$33 million of private investment, 300 new jobs that we so desperately need and we are following the law, the letter of the law when it comes to environmental impact studies.

I don't want to delay this project any further. It's been delayed a couple of years already. We can -- if we do this, we'll also cost the State of Connecticut another \$100,000 for a new study to begin. We -- I think we can all agree that we don't have another \$100,000 to spend on a study that's already been done and is factual and thorough and unbiased. So I will open it to any questions, but I felt, rather than read my testimony, I'd kind of speak from the heart and just give you a basic background on how the whole situation occurred.

SENATOR DEFRONZO: Thank you, Senator. And, first, I want to commend your perseverance on this

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bill. We almost had it done last year, but we didn't quite make it. But I think you're -- I think the DOT expedited the study for you. And I think that is a good thing. You should be commended for that. And I understand, I guess, this is essentially, basically, a potential ethical question that's been raised about who hired and actually employed the contractor. But as I understand, particularly, the subsequent language you submitted that the environmental community has reviewed the study, has given its blessings to the objectivity of the study and that the findings would allow the development to go forward. That's correct. Right?

SENATOR KANE: That's exactly right.

SENATOR DEFRONZO: Okay. And, hopefully, we'll hear testimony on that from the environmental community later this morning, which will clarify this. And I personally think your approach is a common sense approach, to deflect this potential investment for an issue like this, doesn't really seem in the best interest of the state. So, hopefully, we'll be able to move it for you. And, again, I commend your leadership on it.

REP. GUERRERA: Thank you, Senator, for bringing this to our attention again. But the more individuals that I talk to in your district, in regards to Oxford Airport, it is becoming quite a good little airport. I was amazed at some of the comments that Representative Scribner -- he'll -- I'm sure he'll speak on it after I will -- but the progress of that airport, and how much businesses are starting to come into the airport and more jobs and more taxes, which, you know, let's be honest, the more jobs we can produce, the more taxes our State will receive. And I think that's a good thing. And

I think it's important that we try to do whatever we can and help make sure that those businesses do succeed. And I think this is a good start. So I want to commend you for that.

SENATOR KANE: Thank you. Thank you, Representative. I think it's the second busiest airport in the State, quite honestly.

REP. GUERRERA: Is it really?

SENATOR KANE: And, you know, we have the Economic Coordinator for the Town of Oxford is here. He'll be speaking on the project. He can talk to you about the growth in the Town of Oxford and the general area. But you're exactly right. Thank you.

REP. GUERRERA: That's great. I see Senator Frantz nodding his head. So -- and he's a flyer. So it must be one of the busiest ones. So let me give it to Representative Scribner and then we'll go from there. Thank you.

REP. SCRIBNER: Thank you, Mr. Chairman. Good morning, Senator. Thank you for being here and bringing this forward again. Just as a point of clarification, it's noted in here that action would take place on or after January 1, 2009. Was there some particular reason that that was put in, a date that's about 14 months behind us? Or is that just a revisit of the language that may have been here last year?

SENATOR KANE: Do you have the most updated -- it should be attached to my testimony. The -- we are -- we have JFS language, if you will, that is attached to my testimony, which will change what was originally proposed.

REP. SCRIBNER: That's exactly the clarification I was looking for. But I'd also like to echo the

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comments made by Chairman Guerrera and as I discussed with you earlier today, we've met with constituents and business owners that are affiliated with Oxford Airport and had been very impressed to see the level of collective support that there is growth in that airport, which really does cohabitate with surrounding residential areas and does it so well. And, obviously, your advocacy, along with other legislators from the area, has been very helpful to promote and move that forward. And so I commend you for that.

SENATOR KANE: And we have a great restaurant on the airport, as well, 121 it's called. And you can watch the planes come in. And, you know, it's really a nice setting.

REP. SCRIBNER: Thank you. Thank you for that.

REP. GUERRERA: More importantly, is it an Italian restaurant?

SENATOR KANE: They do serve pizzas there. I don't know. Beyond that I can't tell you. But I will ask them to change the menu.

REP. GUERRERA: You should have just said, yes, there is an Italian restaurant. Senator Frantz.

SENATOR FRANTZ: Thank you. I think it has just become an Italian restaurant; a big Benvenuto sign is being put up as we speak.

Senator Kane, I want to also thank you for your doggedness in pursuing this. In my opinion, it's a classic example of what can go wrong in the state of Connecticut, maybe other states as well. But here in Connecticut, where you have an interested independent developer, with a whole lot of capital, willing to put that

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capital into a very exciting project; that's going to support a shining star -- not one that's so bright that everybody knows about it -- but Oxford County Airport has this incredible competitive advantage when you look at it through the eyes of the industry, because of all the corporate aircraft located in New York State, Massachusetts. If you can develop a competitive set of rates and taxes related to aviation, to aerospace, to overall, to all the people who are involved in the industry, then you've got a fighting chance of doing well over the course of time and being able to survive during a time like we're faced today and for the last couples of years and, hopefully, for not too much longer.

The airport is a focal point of the aviation industry, especially the corporate end of it, because of its unique qualities. The great thing about the project is that it's not only new jobs, but it's set up in a way to handle some larger aircraft, which are presumably much more modern than the other aircraft that have used airports in New England in the past. And that's good news for the neighbors, because you're talking about much quieter aircraft, aircraft that climb out much quicker and will have much less impact on surrounding neighborhoods.

So it's -- it's a concept. It's an area. It's an industry that should be leveraged in Connecticut because we have that competitive advantage. This project does that. Unfortunately, what happens is when you come to Connecticut, sometimes you run into quirks in the law like this and, unfortunately, it takes a whole year, or in this case, multiple years to actually be able to fix that, that law. So -- and this committee, I think, has done a great job of addressing it, but state,

government, the process thereof is slow and bureaucratic at times, and it's unfortunate because -- my own question for you is this: Are you still as enthusiastic as you were before?

SENATOR KANE: Certainly. Certainly. You know, again, Senator, your background in aviation and work with Bradley Airport is extensive, so I know you fully understand this airport, as well. But, yes, you know, they are growing. They are booming there. And we should help them. And we have some very good companies up there that just want to expand and add jobs and increase their payrolls, which as Representative Guerrero said, is good for all of us. Not to mention we have another company that was just listed in the local paper, the Waterbury Republican-American, Tradewind Aviations, as making flights to Haiti, missions to Haiti, at their own expense. So we have some really good things coming out of there. So I appreciate the kind words. Thank you.

SENATOR FRANTZ: Terrific. Thank you. And thank you, Mr. Chairman.

REP. GUERRERA: Let me go to Representative Mikutel, followed by Senator Boucher.

REP. MIKUTEL: Yes. Thank you, Mr. Chairman. Senator, I was a bit surprised to hear you say that the Oxford Airport is the second busiest in the state. How -- but, you know, I know this project is important to you. But could you just tell me a little bit about what this \$33 million project does?

SENATOR KANE: It will be a new hangar. I don't have the square footage. You know, Herman Schuler, the economic coordinator, can go into the specifics of the project, but it will be a

brand new hangar, with all private money, to be built on the property. Also, what it also does -- which I was remiss -- in order to build this hangar, we're going to literally have to move some earth. In doing so, we're going to add to the industrial park that surrounds the hangar, which in turn, can create more jobs through the industrial park that surrounds it. So by moving some of the land, some of this property, we're going to create new industrial pads that surround the property, as well, which could create more jobs, as well.

REP. MIKUTEL: Thank you.

REP. GUERRERA: Thank you. Senator Boucher, do you have a comment?

SENATOR BOUCHER: Thank you, Senator Kane. Thank you for being here and bringing this issue up. I actually grew up around that airport, in that area. But, particularly, I use the Westchester Airport quite a bit on business and also very tuned to some of the environmental concerns, as its grown in popularity and in use a great deal over the last 10 years.

This is an enormous resource for us here, but it also speaks to the issues of residential communities in the area, noise factors and so on, and the fact that you are working very closely with them, and understand it has to be a really important connection between the two and bringing everyone along makes this much easier to pass out of committee to discuss, because we also have a quality of life issue within our state. We're such a small state. So that -- but we do want to encourage that development, as well. And that tension between the two is also very helpful, especially when everyone is working together, which, obviously, this appears that you have done some of that.

And so the delay, sometimes, is helpful in bringing people and organizations on board, to make sure that it grows it in the appropriate fashion. But I'm highly supportive of the direction this is going. It is good for Connecticut. We do need to have another airport that can be used for multiple purposes, as well.

SENATOR KANE: Yes, you know, Senator, I would agree with you, the delay was helpful. We were able to bring everyone to the table to come to an agreement that everyone is in favor of. But we don't want to delay any longer. That's the other half of this. You know, it's been a number of years. The project is ready to go. And we don't want to lose it. You know, I don't see too many people investing \$33 million right about now and creating 300 jobs. So I think that's very important.

REP. GUERRERA: Thank you, Senator Boucher. Senator LeBeau, do you have question?

SENATOR LEBEAU: Yes, thank you, Mr. Chairman. Actually, Mr. Chairman, I was thinking of asking some questions about -- I really don't know that much about Oxford, but I'd like to know more. But instead of taking up the committee's time to ask, right now, I'll speak to you, Rob.

SENATOR KANE: Thank you. Thank you, Senator.

SENATOR LEBEAU: Thank you, Senator.

REP. GUERRERA: Thank you. Any other comments? Representative Boukus.

REP. BOUKUS: Thank you, Mr. Chairman. Senator Kane, I'm just going to follow up what Senator LeBeau said. I'm very interested in this. I'm

very interested in the airplanes in the state of Connecticut, both privately owned, as well as owned by municipalities, so I would like to ask, if you have an opportunity, if you would set up some kind of a meeting. I'd be very happy to go down to Oxford and see what's happening there.

SENATOR KANE: That's wonderful. I would love that.

REP. BOUKUS: I'd ask you to set that up, and we'll see if we can mutually agree on that. I don't want a ride. That's fine. I just want to go down and see how it id operated.

SENATOR KANE: I would love to have you.

REP. GUERRERA: Thank you. Any other comments?
Seeing none --

SENATOR KANE: Thank you very much.

REP. GUERRERA: -- thank you, Senator. Good luck.
Next, Commissioner Ward.

COMMISSIONER ROBERT WARD: Sorry about that. I SB409
assume the welcome and happy to be here is on the record. Even if the mike wasn't pushed, I won't repeat that all.

REP. GUERRERA: And it's always such a pleasure for you to be here. I like that.

COMMISSIONER ROBERT WARD: And, indeed, it is a pleasure to be here. The Senate Bill 414, there are several sections I'd like to make mention of within it that kind of fall into a category of public safety, efficiency and cost savings and security. I'll mention first the security issue.

CHRISTINE ŠIKSA: Thank you, sir.

REP. GUERRERA: All right. Next we have Karl Wagener, followed by Ken Crowley, followed by Representative Larson.

KARL WAGENER: Thank you. Good afternoon. I'm Karl Wagener. I'm executive director of the State Council on Environmental Quality. And the council recommends adoption of Raised Bill 412, otherwise known as the Oxford Airport Bill, with the addition of the suggested JFS language worked on by Senator Kane and others.

Remarkably, environmental advocates and airport advocates and other parties, including our agency, came together to solve a problem with the Connecticut Environmental Policy Act that we did not know existed until several weeks ago. And the problem is this: The Environmental Impact Evaluation for the proposed hangar project that you heard about, was prepared by a consultant paid by the private party that wants to build a hangar. But OPM then sent a letter to the DOT in November that said OPM does that believe that DOT has any statutory power to delegate its authority to conduct an EIE to any second party or third party. As a result, the EIE was pulled from the public comment period. And the proposed bill would clarify the DOT's legal authority.

Section 1 of the proposed language applies to any public/private partnership where the private party wants to build a facility on state land. And these are pretty uncommon under CEPA. But the language will clarify that the sponsoring agency, which usually will be the DOT, shall be in charge of hiring the consultant and guiding the consultant. And

then the agency may collect a fee from the private party, sufficient to pay for the EIE.

Section 2 of the bill will allow previously prepared EIEs to go through the review and approval process, even if it was paid for by a private party. So this would allow the EIE for the Waterbury-Oxford hangar to go through the process. And for the record, CEQ staff reviewed that EIE back in November and we found it satisfactory and provides the DOT with enough information to make its decision, which is the whole point of CEPA.

And I'll just conclude by saying that the CEQ's primary interest in this matter really isn't in airport hangars, but in trying to improve CEPA. And CPEA's supposed to be a useful planning tool for state agencies, not a bureaucratic impediment to private development. But as Senator Frantz pointed out, in the airport case here, just the opposite happened. And the Raised Bill 412, you have to have an opportunity to fix this problem for Oxford and for the future.

SENATOR DEFRONZO: Thank you, Mr. Wagener. And I want to express the committee's gratitude to you, for your help in resolving it. And this is -- and like you had indicated, it was unforeseen circumstance. And I think the language -- the -- and we don't have -- not all the committee members have the draft language, the JFS language in front of them. I did see it yesterday. And I think it will do exactly what you say.

I'll clarify our process going forward, so that DOT can engage in these projects. And we can adhere to the concerns raised by OPM. And section 2 of the bill will allow us, sort of retroactively, to adjust for the Oxford

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project. I think it speaks well of your agency to be as constructive as you have been in this. And I think it will be in the best interest of the state to move forward.

So thank you very much for your comment. I'm glad you came today. And we wanted to have your testimony on the record. And we appreciate it. Thank you.

KARL WAGENER: Sure. Thank you.

REP. GUERRERA: Any other comments? Senator Frantz.

SENATOR FRANTZ: Just a quick one, Mr. Chairman. And thank you for your testimony. I'd just like you to pass on to everybody involved that we are grateful for the interest in investing in Connecticut and particularly in that sector, which bring wonderful high-paying jobs. And we apologize for the inconvenience, if we can do that collectively. But, importantly, if you can thank them for their interest in Connecticut. The jobs are important to us. The increased tax revenues to the State and the economic development contributions are deeply appreciated. Thank you.

REP. GUERRERA: Thank you. Any other comments? Thank you for your testimony. Ken Crowley.

KEN CROWLEY: Good afternoon, Senator DeFronzo, Representative Guerrero, Representative Scribner, members of the committee. My name is Ken Crowley. I'm a businessperson with an automobile and RV dealerships in Plainville, West Hartford and Bristol. I employ approximately 300 people in the Crowley Group. One of the businesses I own is Crowley RV, in Bristol, Connecticut. We represent Winnebago Motor Homes and Ever-Lite Travel Trailers for the state of Connecticut.

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case in any risky behavior is of paramount importance.

And we know that on two wheels you have to pay attention to everything from road conditions -- is there sand on the road after -- you know, a snowy spring, is there oil on the road, did it just rain, what are the blind spots of the truck or the car in front of me? Are they going to be able to see me? How do you deal with that? The dynamics of power to weight ration of these two wheeled vehicles is in many cases off the charts. You can get into real trouble that way.

So at the very minimum there has to be some very stringent training for the younger people or anybody who is new to the activity of driving on two wheels. And you're addressing it in this Legislation and I can't imagine it dying here. I hope that it is -- it hails to a successful passage very quickly and goes into law in a very affective way.

So, thank you both very much. And thank you, Mr. Chairman.

REP. GUERRERA: Thank you, Senator. Any other comments? Seeing none, thank you for coming out to us.

Herman Schuler.

HERMAN SCHULER: I'm Herman Schuler; I'm the Economic Development Director for the Town of Oxford.

I'd like to thank Representative Guerrero, Representatives Scribner, DeFronzo and the members of the committee for allowing me to speak in favor of the Raised Bill 412, which is

the -- I guess it's also known as the Oxford Airport Bill.

Rather than go through prepared testimony on facts that you would see well aware of let me simply say that I think Section 1, which enables private -- public partnerships going forward is something that needs to be done. I see no particular reason why the state should cut itself off from a source of funding so that tax payors can basically assume that role. I don't think that facilitates economic development going forward.

As far as the environmental impact evaluation that needs to go forward in order to complete this transaction on the Oxford Airport it was sponsored -- managed by DOT, the consultant, DOT, the developer, all of us basically had a conference call every Friday throughout the course of this process just to make sure that it stayed on track. Its only flaw seems to be that it was paid for by the developer and I think it's been reviewed very favorably by the environmental community in general. And the environmental community has collaborated with us to basically write this language. And I would encourage that it be reported out of committee and eventually become law.

Let me just use the balance of my time to answer any issues or questions on this.

REP. GUERRERA: Thank you, Herman and I do probably -- I don't see too much opposition right now I'd say in regards to this bill coming out. And I think it would -- I appreciate your comments and I -- I think you will probably see this come out of this committee.

So, if there's any questions in regards to Mr. Schuler. Seeing none, thank you for your comments.

HERMAN SCHULER: Thank you.

REP. GUERRERA: James Hayden, is there a James Hayden here? Okay, thank you.

Representative Labriola; how are you David?

REP. LABRIOLA: Good, thank you.

Representative Guerrero, Representative Scribner, Esteemed Members of the Transportation Committee, thank you for raising this bill 412 which shows that the Oxford Airport, in every sense of the word, the Oxford Airport is a powerful engine of economic growth not just for Oxford but for the surrounding region.

Thanks in large part to the efforts of Senator Kane, we were able to bring all the parties together, you just heard from Herman Schuler, Oxford Economic Development Coordinator, as well as the business community and the environment community which are all in support of this language which will make more possible this truly excellent project -- the Hanger Project, which will provide jobs not only for Oxford but the region. And it's a great project for the whole state.

I thank you for the opportunity to address you. And finally in regard to the 121 Restaurant, I know from talking to the owners of that restaurant they provide catering services around the country to airports around the country and I can assure you Representative Guerrero and the other Italian American -- fellow Italian American Members of this

committee that the brick oven pizza is excellent.

REP. GUERRERA: Thank you, Representative, and all kidding aside -- you know, this is truly an important project -- and I know for your district, but I think even for the State of Connecticut here. And -- you know, we want to be more business friendly and I think this is a good opportunity for us to get this legislation out there so it allows your town, this airport to do what's best and provide service to their customers and -- and we don't want to hamper that. So, I think again, as I stated before, I see some good things happening here and I hope that everything works out towards your benefit in regards to the Oxford Airport.

Representative Scribner.

REP. SCRIBNER: Thank you, Mr. Chairman. Good afternoon Representative, thank you for patiently waiting to add your voice to the testimony. And as we discussed earlier I think it's particularly important in a case like this where we're really learning more and more about the -- not just the pre-existing benefits that the Oxford Airport offers to your region but the entire state but we're also learning a lot more about the potential for jobs for growth, for business development and was expressed earlier, doing so -- doing it so well is a largely residential surrounding area is probably a good example to set for the entire state.

And as we're looking for opportunities to stimulate economic growth and create jobs these are the kinds of measures that are just a natural progression that should be supported. But we need the voices of people like yourself to elevate the awareness and help stimulate the

support for it to happen. And so we appreciate you being here and being an advocate on behalf of your constituency.

Thank you.

REP. LABRIOLA: Thank you, Representative; I appreciate your comments and your support.

REP. GUERRERA: Any other questions for Representative Labriola? Seeing none, thank you, David.

REP. LABRIOLA: Thank you.

REP. GUERRERA: Raphael Podolsky. Is he here, is Ralph here or did he step out -- or is he here. He's back.

RAPHAEL PODOLSKY: Thank you very much, Mr. Chairman. I'm Raphael Podolsky from the Legal Assistance Resource Center. I'm facing the problem of trying to be in two places at one time, it doesn't work very well.

The Legal Assistance Resource Center is part of the legal aid program as we represent low-income people in Court and a variety of circumstances. But the reason I'm here today is to speak in regard to House Bill 5459, AN ACT CONCERNING WRECKERS. And what I ask the committee to do is to delete Section 1, subsection h of Section 1 from the bill; it's lines 106 to 110.

What those sections do -- what that section does is it allows an entity that has towed a car and is storing it to add \$50 to the charge for moving -- for releasing the vehicle if it has to move it under certain circumstances. The reason that towing and storing charges are important to us is for -- because for people

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2010



TOWN OF OXFORD

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Date: March 10, 2010

Testimony of Herman Schuler, Economic Development Director for the Town of Oxford

re: Raised Bill No. 412 AN ACT CONCERNING ENVIRONMENTAL IMPACT EVALUATIONS FOR A DEVELOPMENT PROJECT LOCATED AT A STATE-OWNED AIRPORT

Senator Defronzo, Representative Guerrero, members of the Transportation Committee. Thank you for the opportunity to express my support for Bill No. 412 which is being proposed to resolve a technical issue raised by the Office of Policy and Management with regard to a public/private partnership that used developer funding to complete a DOT sponsored and managed CEPA EIE covering construction of two new hangars and integrated office facilities that will add 300 new aviation services jobs at the Waterbury-Oxford Airport and a new 85,000sf flex space building to host new Oxford Businesses.

By way of background -

In December, 2007 the Oxford Conservation Commission & Inland Wetland Agency approved the site plan for a new privately funded 273,000 square foot hangar and administrative facility to be built on the Waterbury-Oxford Airport. The privately funded \$33 million dollar facility would be built by Claris Corporation for Keystone Aviation on a 10 acre parcel owned by CTDOT. When complete, the building will be deeded to the state in exchange for long term operating leases.

The project will employ 300 construction workers for 18 months during the construction phase and create 300 new aviation services jobs. In total, the project will generate approximately \$54 million in annual economic output going forward.

The project, which was discussed at a CEQ meeting in May 2009, has been stalled by interagency conflicts for over two years. In mid 2009, the environmental community opposed a town sponsored legislative proposal to exempt the project from CEPA requirements based on previous CTDOT practices governing privately funded airport development.

Senator Kane and I made a presentation to CEQ members explaining that the airport had been extensively studied in the preceding five years. We shared the previously completed and approved CEPA/NEPA documents and the Airport

Master Plan and FAR 150 noise studies plus the town sponsored CEPA EIE that covered adjacent town property and the surrounding road network.

CEQ, in conjunction with representatives from the environmental groups, agreed that the verified data from the previously completed studies could be used to accelerate completion of a new EIE, however, they emphasized that the resulting EIE would have to be socialized with the public as required by the CEPA process to gain their support.

In August of 2009, at the request of the Governor's Office, OPM directed CTDOT to complete a CEPA EIE by December 30, 2009. Under direct CTDOT supervision, and with the cooperation of the Town, Keystone Aviation and Claris Corporation, a draft CEPA EIE, was completed by BL Companies and distributed to town libraries and town clerk offices. A public hearing to gather public comment was scheduled for December 3rd at the Oxford High School.

On November 29th 2009, in response to an OPM concern over consultant selection, project funding and potential environment community opposition to the consultant selection process, DOT was directed to "postpone" the public hearing and award a redo of the project to a new consultant. This action will cost Connecticut taxpayers over \$100,000 dollars and delay the hangar project, and the associated economic benefits, an additional 9 to 11 months.

It is our belief that the draft CEPA EIE, prepared by a licensed engineering and environmental company that followed a statutory protocol and endorsed the product with their operating license and seal, completed an exemplary document that joins the Airport Master Plan Update, the FAA FAR 150 Noise Study and the five other CEPA EIE documents that provide a comprehensive record of the Oxford Airport environmental and economic conditions.

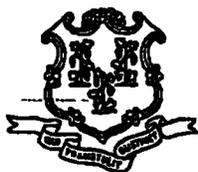
The current EIE draft was favorably reviewed and approved by CEQ, as documented in their November 18, 2009 minutes, and can be completed in six weeks by simply completing the public hearing, integrating public comments, completing the Record of Decision and submitting the final documents to OPM for approval.

We request that the Section 2 language be adopted to facilitate completing the existing EIE as approved by CEQ.

To facilitate public/private partners going forward, we respectfully request that the Section 1 language be adopted and the entire bill receive a Joint Favorable outcome.

Respectfully Submitted,

**Herman Schuler
Economic Development Director
Town of Oxford**



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

7?

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Executive Director

TESTIMONY

DATE: March 10, 2010

PRESENTED TO: Transportation Committee
Connecticut General Assembly

PRESENTED BY: Karl J. Wagener
Executive Director

SUBJECT: Raised Bill No. 412, AAC Environmental Impact Evaluations
for a Development Project Located at a State-owned Airport

The Council on Environmental Quality recommends adoption of Raised Bill 412, with the addition of language that has been worked on by Senator Kane and others.

Environmental and airport advocates and other parties have come together to solve a serious problem with the Connecticut Environmental Policy Act (CEPA) that we did not know existed until a few weeks ago. The problem surfaced in connection with the Waterbury-Oxford Airport – which explains the title of this bill – but the new suggested language (see below) is generic and will solve the problem for all projects.

The problem is this: The Environmental Impact Evaluation (EIE) for the proposed hangar project at the Waterbury-Oxford Airport was circulated for public comment by the DOT, but the document had been prepared by a consultant paid by the private company that proposes to build the hangar. In a November 6, 2009 letter to the DOT, the Office of Policy and Management (OPM) called into question the legal authority for the DOT to delegate the task of preparing an EIE. CEPA regulations say that an agency may delegate the task of preparing an EIE. The CEPA statute, however, is silent on the matter. OPM concluded, in its letter, that “OPM does not believe that DOT has any statutory power to delegate its authority to conduct an EIE to any second party or third party as described above.” As a result, the EIE for the project was pulled from the public review process. The proposed bill will provide needed clarification of the DOT’s legal authority.

Section One of the proposed language applies to any public-private project where the private party proposes to build a facility on state land. These are uncommon projects that are subject to CEPA. The language will clarify that the sponsoring agency (probably the DOT in most cases) shall be in charge of hiring and guid-

ing the consultant that prepares the EIE, and may collect a fee from the private party sufficient to pay for it. This clarifies the agency's authority to delegate the EIE preparation, but also allows the private party to move the process along because the agency won't have to wait for funds to materialize from elsewhere. It's a win-win.

Section Two of the recommended language will allow previously prepared EIEs to go through the review and approval process even if they were prepared by a consultant paid by the private party, as long as the sponsoring agency is satisfied with its thoroughness and quality. This would allow the EIE for the airport hangar project to go through the approval process. For the record, CEQ staff reviewed the hangar project EIE in November and found it satisfactory (with minor technical reservations). The EIE provides the Commissioner of Transportation with sufficient information to make his decisions regarding the hangar project. The provision of such information is, of course, the purpose of CEPA.

The CEQ's primary interest in this matter really isn't in airport hangars, but in trying to improve CEPA. The Council has stated repeatedly that EIEs should be less costly and take less time to complete. CEPA is supposed to be a useful planning tool for state agencies, not a bureaucratic impediment to private development, but the Waterbury-Oxford Airport experience turned out to be just the opposite. With Raised Bill 412, you have a chance to fix the problem for all agencies.

Recommended Language:

Section 1. (New) The sponsoring agency responsible for conducting an environmental impact evaluation may enter into contracts with outside consultants to assist in the preparation of such evaluation so long as the sponsoring agency furnishes guidance, participates in the preparation and independently evaluates the document prior to its general circulation. Where the actions which are the subject of the environmental impact evaluation pursuant to section 22a-1c are being undertaken by private non state entities, the sponsoring agency may not delegate the task of preparing an environmental impact evaluation to the private non state entity but may require such entity to pay a fee sufficient to cover the reasonable cost of hiring any outside consultants.

Section 2. (New) (Effective upon passage) Notwithstanding the above, for any environmental impact evaluation performed prior to the effective date of this statute by a contractor retained by a private non state entity and independently evaluated by the sponsoring agency, (1) the sponsoring agency shall review, circulate, publish and hold a public hearing on such evaluation as required by section 22a-1d of the general statutes and shall submit all comments and responses thereto to the Office of Policy and Management, and (2) the Office of Policy and Management shall review such evaluation together with the comments and responses thereto and make a determination as required by section 22a-1e of the general statutes. For any such environmental impact evaluation, the fact that it was performed by a contractor retained by a private non state entity shall not be grounds for a determination by the Office of Policy and Management that it does not satisfy the requirements of Chapter 439, Part I and the regulations adopted pursuant thereto.



State of Connecticut

SENATE

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APPROPRIATIONS
PUBLIC HEALTH

March 10, 2010

Testimony in Support of SB 412 An Act Concerning Environmental Impact Evaluations for a Development Project Located at a State-Owned Airport

Chairman DeFronzo, Chairman Guerrero, Ranking Member Boucher, Ranking Member Scribner thank you for taking the time to consider SB 412 An Act Concerning Environmental Impact Evaluations for a Development Project Located at a State-Owned Airport a bill that I consider a critical economic development tool for not only my district, but the entire state.

This bill would allow a privately funded development to proceed at the publically owned Oxford Airport. This development is a \$33 million investment that will create 300 jobs at a time when they are desperately needed. It's not everyday that we have business people looking to generate this type of investment in CT.

I have attached a copy of substitute language that I hope the committee will consider favorably. The language was developed with the input of all parties. The compromise language has been drawn up to correct ambiguities in regulations over whether the developer or state agency is responsible for selecting a consultant to conduct an Environmental Impact Evaluation for private development on state land.

The substitute language requires OPM to accept the EIE that has already been performed for this project, which all sides agree has been legally acceptable and thorough. The language also clarifies existing regulations by making it clear that for any future development requiring an EIE, the developer will pay money to the agency involved and that agency will then hire a consultant to complete the report. Although, all parties agree the EIE in this case is comprehensive and unbiased, it is clear that having the developer pay for and hire an environmental consultant is a conflict of interest and should be avoided.

Without this bill DOT will be forced to do another EIE which would result in a \$100,000 cost and another year delay in the project. Given the state's dire fiscal challenges, another \$100,000 may be very difficult if not impossible to attain. Also, putting off the development another year may result in the loss of the private investment and an end to the project.

I would like to thank the committee for raising SB 412. I look forward to working with you to ensure that this critical development can get started and 300 people who need jobs can get back to work.

Section 1. (New) (Effective upon passage) The sponsoring agency responsible for conducting an environmental impact evaluation may enter into contracts with outside consultants to assist in the preparation of such evaluation so long as the sponsoring agency furnishes guidance, participates in the preparation and independently evaluates the document prior to its general circulation. Where the actions which are the subject of the environmental impact evaluation pursuant to section 22a-1c are being undertaken by private non state entities, the sponsoring agency may not delegate the task of preparing an environmental impact evaluation to the private non state entity but may require such entity to pay a fee sufficient to cover the reasonable cost of hiring any outside consultants.

Section 2. (New) (Effective upon passage) Notwithstanding the above, for any environmental impact evaluation performed prior to the effective date of this statute by a contractor retained by a private non state entity and independently evaluated by the sponsoring agency, (1) the sponsoring agency shall review, circulate, publish and hold a public hearing on such evaluation as required by section 22a-1d of the general statutes and shall submit all comments and responses thereto to the Office of Policy and Management, and (2) the Office of Policy and Management shall review such evaluation together with the comments and responses thereto and make a determination as required by section 22a-1e of the general statutes. For any such environmental impact evaluation, the fact that it was performed by a contractor retained by a private non state entity shall not be grounds for a determination by the Office of Policy and Management that it does not satisfy the requirements of Chapter 439, Part I and the regulations adopted pursuant thereto.