

**PA10-158**

**HB5208**

Commerce	117-124, 161-165, 170-176, 181-185, 229-230, 241, 244- 245, 273-286,496, 893-894	47
House	5127-5153	27
Senate	4122, 4123-4127	6
		80

**H – 1088**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

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rgd/md/gbr  
HOUSE OF REPRESENTATIVES

79  
May 5, 2010

working. If I can be recorded in the affirmative?

DEPUTY SPEAKER ALTOBELLO:

Representative Johnston shall be recorded in the affirmative.

Representative Dillon, of the 92nd.

REP. DILLON (92nd):

Thank you, Mr. Speaker.

In the affirmative.

DEPUTY SPEAKER ALTOBELLO:

Representative Dillon, in the affirmative.

Further? Further?

If not, the Clerk please announce a tally.

THE CLERK:

Senate Bill 214, in concurrence with the Senate.

Total Number Voting	143
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Necessary for Passage	72
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Those voting Yea	141
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Those voting Nay	2
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Those absent and not voting	8
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DEPUTY SPEAKER ALTOBELLO:

This bill passed, in concurrence with the Senate.

Will the Clerk please call Calendar 212?

THE CLERK:

On page 36, Calendar 212, substitute for House

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

80  
May 5, 2010

Bill Number 5208, AN ACT CONCERNING EXPEDITED  
PERMITTING FOR ECONOMIC DEVELOPMENT, favorable report  
by the Committee on Appropriations.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger, you have the floor.

REP. BERGER (73rd):

Thank you, Mr. Speaker.

I move for acceptance of the joint committee's  
favorable report and passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

Question before the Chamber is acceptance and  
passage. ...

Please proceed. ...

REP. BERGER (73rd):

Yes. Thank you, Mr. Speaker.

Before us is a bill that has -- it had a lot of  
work involved in it, Mr. Speaker. Many people have  
been involved in putting this together. Certainly  
Representative Widlitz, Representative Perone, the  
Commerce Committee, Regs Review, Program Review  
Committees, both ranking members and leadership in  
those committees have worked very hardly with various  
entities in the State of Connecticut and commissioners  
to come through with a bill and an amendment, that I

will call shortly, which will become the bill, that is going to change the way we do permitting in the State of Connecticut.

It's helping business, helping our communities, helping economic development. It's helping clean up polluted sites. It has everything, the full package, Mr. Speaker, when we want to move projects forward and we want to create and stimulate our economy in the State of Connecticut. We do that with this bill.

This is groundbreaking for this Chamber who will vote on this. We'll send this up to the Senate, and this is something that we can all be proud of. We could hang our hat on this. We could say that we've worked together with every entity and came -- come up with a product that is productive, efficient, and gets the job done, Mr. Speaker.

This bill once we do the amendment will be a final consensus package that seeks to reform and improve Connecticut's regulatory climate and make Connecticut a more attractive place for business to invest and create jobs.

The benefits of this bill, which have been carefully crafted to protect environmental quality,

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

82  
May 5, 2010

include several measures that will streamline major components of the permitting process and improve the efficiency of the Department of Environmental Protection.

Again, Mr. Speaker, this is the product of many weeks, many weeks of negotiation between environmentalists, DEP, business, labor, Legislative leadership, Executive Branch, and we have come up with a bill, again, Mr. Speaker, that we can be proud of.

Mr. Speaker, the Clerk is in possession of Amendment LCO 5580. I ask that he call and I be allowed to summarize.

DEPUTY SPEAKER ALTOBELLO:

Clerk, please call LCO 5580, which shall be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 5580, House "A," offered by Representatives Berger, Widlitz, et al.

DEPUTY SPEAKER ALTOBELLO:

The Representative seeks to leave the chamber to summarize.

Seeing no objection, please proceed, sir.

REP. BERGER (73rd):

Thank you, Mr. Speaker.

And we could see -- I move -- I will shortly move for adoption of the amendment. But in explaining that, we could see this amendment and the list of co-sponsors that are on this. It's a quite lengthy list, and rightfully so, because everyone that's on this list and everyone that I have previously stated have been part of putting this package together. And everybody on this list could be proud, once we vote on this and pass this.

I'm going to outline a couple of section of this amendment, and my good Representative Alberts, Ranking Member of Commerce, will then have a few questions for me that will outline other sections. And we will hopefully vote shortly after that.

Section 2 requires DEP to undertake a study of certain impacts of Connecticut's Environmental Protection Act, its processes, and procedures. This section requires DEP to conduct an analysis of hearings conducted by its offices to implement certain procedures.

Section 3 requires DEP, DOT, DPH to designate one or more staff members to act as a business ombudsman. This section, Mr. Speaker, will also require the Department of Economic and Community Development, DEP,

DOT, and DPH to enter into a memorandum of understanding, M-O-U, concerning certain responsibilities of each agency.

Section 5 allows the DEP commissioner to continue any general permit beyond its expiration date.

Section 7 requires DEP to hold a hearing under certain conditions and provides conditions for withdrawal for a petition.

Section 9 removes provisions which require DEP to provide notice in certain newspapers and to municipalities via certified mail, which results, Mr. Speaker, in moving the process forward.

I move adoption.

DEPUTY SPEAKER ALTOBELLO:

Question before the Chamber is adoption of House "A."

Will you remark further on House "A?"

Representative Alberts, of the 50th, you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

If I may, several questions to the proponent of the amendment?

DEPUTY SPEAKER ALTOBELLO:

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

85  
May 5, 2010

please proceed, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Looking again in the early part of the amendment, in lines 39 through 53, there's mention of all reasonable efforts shall be made by the department to ensure that deficiencies in the application for a permit are identified and then responded as soon as possible but not later than

60 days after the department receives the application.

Am I to understand that this would include not only a letter in writing but also potentially verbal communication as well? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And continuing on lines 50 on, when the reference is made to reasonable efforts shall be made by the

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

86  
May 5, 2010

department to issue a tentative determination, my understanding is that the tentative determination is to take 180 days, however that in the counting of those days if there are certain items that are still necessary to be provided to the department, that that doesn't count towards that 180-day count. Is that not correct, through you, Mr. Speaker?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

One of the things that I'm very pleased with, there are several elements, as the proponent mentioned, that are in this amendment and will become the bill if the amendment is passed that are very positive and really create levels of accountability that we haven't seen in the past. And I would just draw the Chamber's attention to lines 71 through 75, which are going to require a compilation and report by the commissioner on the Internet web site by the

category of permit, the instances in which the schedule for timely action set forth has been met, and if the department has been unable to meet, explanations for that. So I think that is a critical element of this amendment before us, and I think we should be proud of that.

Continuing on, in Section 3, lines 115 on, there's mention, as the proponent cited, of the establishment of an office of the permit ombudsman. And there are several different categories of permit activities which might qualify for this office of the permit ombudsman to be involved. And in

line 117, there's mention of the creation of at least 100 jobs, in line 118, the creation of 50 jobs, if they're to be created in an enterprise zone.

And then there are several categories that follow afterwards, jobs that may be located in a brownfield, be compatible with the state's responsible growth initiatives, be considered transit-oriented development, and develop green technology business. And there's no reference to the number of jobs that might be created, and I just want to confirm that there's no minimum level of job activity in those

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

88  
May 5, 2010

areas so that they would qualify for using this office. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger. Representative Berger.

Could we have the mic on, please?

REP. BERGER (73rd):

Through you, Mr. Speaker, the Representative is correct, there's no minimum.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And continuing in the same paragraph, on lines 133 to 139 -- it's one of our ongoing conversations -- has been what is a "green technology business." And here, the definition that we're using is a business with not less than 25 percent of its employment positions being positions in which green technology is employed or developed. So, is the business -- and I guess there's a couple different ways, potentially, to look at this. Could the business be a green business in its entirety so that virtually all the jobs are somehow impacted, even a secretarial or administrative position?

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

89  
May 5, 2010

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

I'm sorry, Mr. Speaker, if the good Representative could just repeat the last portion of his question?

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts, would you care to repeat the last portion of your question, sir?

REP. ALBERTS (50th):

Absolutely, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. ALBERTS (50th):

Would a position in an administrative function in what might be deemed to be a green technology business, perhaps -- I'll give an example -- perhaps a firm is making solar panels somewhere in the state. And so the business, itself, may be deemed to be green technology, but the position in which this individual is occupying, maybe a secretarial or an administration position, so they may not be actually doing the construction of the panels, themselves. For purposes

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

90  
May 5, 2010

of qualifying for this categorization, would the proponent believe that that would qualify? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, they would qualify under the employee definition.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Continuing on the bottom of the page, on lines 149 to 151, one of the considerations that is to be considered in the judgment of the commissioner, after consultation with the Departments of Environmental Protection, Transportation, and Public Health is that there's consistency in -- this is in lines 149 on -- with the strategic economic development priorities of the state and the municipality. I'm having a hard time finding other references to the municipality, and I'm presuming that the DECD Commissioner as part of this process will somehow integrate communication and coordination with

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

91  
May 5, 2010

a municipality, perhaps by having in a small community contact with the first selectman or perhaps with the mayor or the town council or Department of Economic Development in a particular community. Does that make sense, through you, Mr. Speaker?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, that would be certainly for legislative intent, and I would concur.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Continuing on lines 162 to 165, as the proponent mentioned, there is discussion of memorandums of understanding. Would these memorandums of understanding include waivers of fees, and if so, would they include municipal fees as well? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, they could be part of

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

92  
May 5, 2010

that process of waiver.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Again, continuing in the vein of recognizing the good work that has gone into this, if we look at lines 195 through 199, one of the elements of the guidelines to be included in the material provided is a single, coordinated project description form and checklist and an agreement by state agencies to reduce the necessity that an applicant provide duplicate information to multiple agencies. And I do want to commend the proponent for helping insure that this is here, because if there's one thing that small businesses have told me, and I know I've told them, is that there are too many duplicative efforts. And this amendment before us will help us move forward without that being added as an extra layer.

Lines 208 through 213 address a concern, that some people may have, that any existing agency nonprocedural standards for permit applications are not going to be eligible for this process. Am I to understand, then, that, you know, there aren't going

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

93  
May 5, 2010

to be shortcuts taken so that if something is not a standard request that lends itself to this, that, you know, we won't make -- we won't bend the rules, in other words? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that certainly isn't the intent and the ombudsman will protect our interests there. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And continuing on in lines 211 to 213, it's my understanding in reading this that if for some reason an applicant is not eligible to use this process, they're not going to be deemed ineligible to go in through the normal permitting process, that that normal permitting process is going to be accessible to them. Is that not correct, through you, Mr. Speaker?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

That is correct, through you, Mr. --

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And I believe that actually will be most of my comments.

Section 12 does allude to the reporting requirements, and I will give the gentleman the references that -- the line references 731 through 742. One of the concerns that many of us have had in this chamber is helping to ensure that whatever we do is held accountable. And as I understand, what we're intending to do here with the office of the permit ombudsman is to insure that there will be an annual report that will be completed by the DECD Commissioner. Actually, this is a report that's presently being done. And this report is going to include many items that the -- that would be of note for the public to know about how this permit ombudsman office has handled their responsibilities. And if the gentleman could just quickly summarize those elements of the annual report, I would be in his debt. Through you, Mr. Speaker.

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

95  
May 5, 2010

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Through you, Mr. Speaker, as in lines 726 through 730, a summary would be a total social and economic impact of the department's efforts and its activities in the areas of economic, community and housing development, and an assessment of the department's performance in terms of meeting its stated goals and objectives.

And through you, Mr. Speaker, this directly relates to efficiency, an effective government, and an effective program. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And continuing to line 731 to 742, there are going to be specific elements provided in terms of the names of the applicants for expedited review that go through the permit ombudsman, the dates of the expedited review, the state agencies that did participate in the process -- because in some cases, not all agencies will participate -- and then, of

course, the dates on which the permit was granted or denied.

And then of critical importance to us on this side of the aisle, and I believe to the proponent as well, if the applicant was determined not to be eligible for the expedited review process, the reason why so we can somehow take this information and move forward in a better way.

And I, with that, Mr. Speaker, I do want to again thank the proponent of this amendment and also recognize the hard work of many people on both sides of the aisle for making this come to fruition.

And I would urge my colleagues to support this.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Representative Perone, of the 137th, you have the floor, sir.

REP. PERONE (137th):

Can you hear this? Okay.

Thank you, Mr. Speaker.

I rise in support of this bill. I think it is a -- it's a really great turn of events because we were -- we're looking for ways to really create a more

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

97  
May 5, 2010

efficient government but also have a, you know, the parties that have the real distinct interest in many of the same issues but from different perspectives, working together. This is a way we can begin that process, and we actually will wind up creating a more efficient and a more collaborative way of working together through state -- the state issues and municipal issues. So I just wanted to express my thanks to the Chair of Commerce, Representative Berger, and also for the House and the Governor's Office for, you know, pulling this all together, and appreciate it.

Thank you.

DEPUTY SPEAKER ALTABELLO:

Thank you, Representative Perone.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

I, too, rise in support of this bill, and I applaud Representative Berger, Representative Alberts, and those who -- Representative Widlitz and those who helped put this together.

This, Mr. Speaker, is really the cornerstone of the smart growth concepts that we've adopted and

embraced here in this Legislature, the idea that we need to grow but we need to grow smartly. And in an effort to -- whenever we can help to streamline the permitting process, we make Connecticut a more competitive state without compromising our environmental standards. So I appreciate all the work that went into this. I hope that we could do more as we go forth.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Widlitz, of the 98th, you have the floor, madam.

REP. WIDLITZ (98th):

Thank you, Mr. Speaker.

Mr. Speaker, I'd also like to thank the esteemed Chair of the Commerce Committee for his leadership on this and Representative Perone and all of those who worked on this. It was quite a large, collaborative effort.

The goal of the bill is really to make it easier for businesses to do business here in the State of Connecticut. You know, we've been focusing on jobs during this session, and the economic future of Connecticut really depends largely on the perception

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

99  
May 5, 2010

of the regulatory atmosphere by the business community. We want to send the message that we're open for business in Connecticut. We want to be cooperative in dealing with businesses that expressed an interest in locating here, and we want to assist those who are already here.

It's very important to emphasize that streamlining the permit process does not in any way compromise environmental protections; rather, this bill incorporates some common-sense measures, puts people together in a framework that gets things done.

And I urge everyone to support the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Widlitz.

Representative Sawyer, of the 55th, you have the floor, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

It is refreshing to see this type of bill come forward. Constituents tell us so often when they have problems with state government. You hear all the time from the businesses, I can't get this; I can't get that; it's so slow; why is the government so hard to

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

100  
May 5, 2010

deal with? We know that one of the things that people say is: Wait a minute, they're supposed to be working for us. So when we do this type of thing, it's refreshing, it's very rewarding. But, Mr. Speaker, it's only the tip of the iceberg to get businesses to come back into Connecticut, to keep our young people here, to create -- be able to create the jobs. This is only the beginning, and it -- I am just thrilled with this, but this is only the starting point.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sawyer.

Representative Miller, of the 122nd, you have the floor, sir.

REP. L. MILLER (122nd):

Thank you, Mr. Speaker, and good afternoon.

Originally, the bill did have a significant fiscal note to it, however this amendment strikes all that. Is that correct, through you,

Mr. Speaker?

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that is correct.

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

101  
May 5, 2010

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. L. MILLER (122nd):

And at one time we had a bill floating around here that had a six-to-eight million dollar fiscal note for equipment and computers. That one is gone, I assume. That would have dealt with the DEP. Through you, Mr. Speaker, it was 453.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Yes. Thank you.

Thank you, Representative Miller: Through you, Mr. Speaker, the amendment will strike the underlying bill and all of its associate fiscal impact. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. L. MILLER (122nd):

And through you, Mr. Speaker, on line 624 it talks about meeting the housing needs of the state, and it refers to 8-30g. I see no mention of HOMEConnecticut, which I think is a new program that has a lot of potential. And I would hope that that

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

102  
May 5, 2010

would be incorporated at some point in here, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, there is existing language that the commissioner could tie into to extend to what the good Representative is referring to as a very outstanding program.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller, further?

REP. L. MILLER (122nd):

Thank you, very much:

And I want to thank you, Mr. Chairman.

I urge the support of this amendment. Hopefully it will go a long way to help correcting some of the problems we have in our state, which are many.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller.

Representative Chapin, of the 67th, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

103  
May 5, 2010

Mr. Speaker, I also rise in favor of the amendment before us. In my ten years in this building, I don't think I've ever seen a session that had so many bills before different committees that dealt with some of these issues about permitting and trying to make state government more responsive to businesses in the State of Connecticut.

I think the bill before us goes a long way in incorporating a lot of those good ideas that we heard during the public hearing process to make the state a more business-friendly entity.

And I certainly encourage all of my colleagues to support it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Chapin.

Further on House "A?" Further on House "A?"

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed?

The ayes have it. House "A" is adopted.

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

104  
May 5, 2010

Further on the bill as amended? If not, staff and guests please retire to the well of -- Representative Berger, why; an additional comment, perhaps?

REP. BERGER (73rd):

Yes, just quickly.

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. BERGER (73rd):

And thank you for the recognizing, Mr. Speaker.

I, in my opening remarks, I believe I failed to notice CBIA and its liaisons and the great work they have done in putting this bill together and negotiating with the Chamber of Commerces. And, again, thank you to them.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Staff and guests, retire to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by a roll call. Members to the chamber. The House is voting by a roll call. Members to the chamber, please.

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

105  
May 5, 2010

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted?

Please check the board and make sure your vote is properly cast.

If all members have voted, the machine will be locked. The Clerk please take a tally. The Clerk please announce a tally.

House Bill 5208 as amended by House "A".

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	1
Those absent and not voting	6

DEPUTY SPEAKER ALTOBELLO:

Bill as amended passes.

Representative Olson, of the 46th, you have the floor, madam.

REP. OLSON (46th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for the immediate transmittal of all action -- all actions -- all items acted upon that require further action of the Senate.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

**S - 610**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2010**

**VOL. 53  
PART 13  
3842 - 4128**

cd  
SENATE

568  
May 5, 2010

THE CHAIR:

That's a House -- sir, Senator Looney, that's a House Joint Resolution 36 on 529.

SENATOR LOONEY:

All right.

Mr. President, then, if we might withdraw that?

THE CHAIR:

Okay. That is withdrawn.

SENATOR LOONEY:

Mr. President, moving to an item on Agenda, I believe it's Agenda Number 3, Calendar 569, House Bill 5208.

THE CHAIR:

Yes, sir. Like to place that on consent?

SENATOR LOONEY:

Yes, Mr. President, would you place that on the consent calendar?

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Calendar page 16, Mr. President -- returning to calendar page 16, Calendar 525, House Bill 5255, move to place that item on the consent calendar.

THE CHAIR:

cd  
SENATE

569  
May 5, 2010

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

And, Mr. President, calendar page 14, Calendar 514,  
House Bill 5426, move to place the item on the consent  
calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, Mr. President, at this time would call the  
consent calendar.

THE CHAIR:

Mr. Clerk, please call for the consent calendar.

THE CLERK:

An immediate roll call vote has been ordered in the  
Senate on the consent calendar. Will all Senators please  
return to the chamber. An immediate roll call vote has  
been ordered in the Senate on the consent calendar. Will  
all Senators please return to the chamber.

Mr. President, the items on the Consent Calendar  
Number 2:

Calling from agendas first: Agenda 3, Substitute  
for House Bill 5208, Substitute for House Bill 5490;

Senate Agenda Number 6, House Bill 5482.

cd  
SENATE

570  
May 5, 2010

Calling from Agenda Number 4, Substitute for Senate Bill 201.

Senate Agenda Number 8, Substitute for House Bill 5398, Substitute for House -- Senate Bill 175, Substitute for Senate Bill 302.

Returning to the calendar -- beginning on calendar page 5, Calendar Number 315, House Bill 5264.

Calendar page 6, Calendar 378, Substitute for or -- correction -- House Bill 5197.

Calendar page 8, Calendar -- correction, returning back to page 5, Calendar 295, Substitute for House Bill 5114 -- correction, not Calendar 295, it's Calendar 294, House Bill 5391.

Returning to calendar page 6, Calendar Number 378, House Bill 5197.

Calendar page 8, Calendar Number 440, Substitute for House Bill 5113. Calendar page 441 -- Calendar 441, Substitute for House Bill 5109.

Calendar page 9, Calendar 444, House Bill 5500.  
Calendar 5 -- 41 --

Calendar page 9, Calendar 444, House Bill 5500;  
Calendar 4555, House Bill 5202; Calendar 445, House Bill 5392; Calendar 450, House Bill 5529.

cd  
SENATE

571  
May 5, 2010

Calendar page 10, Calendar 461, House Bill 5207;  
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar  
487, House Bill 5220; Calendar 488, House Bill 5297;  
Calendar 490, 5425 -- House; Calendar 496, House Bill  
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;  
Calendar 514, House Bill 5426; Calendar 516, House Bill  
5393.

Calendar page 15, Calendar 520, House Bill 5336;  
Calendar 521, House Bill 5424; Calendar 523, House Bill  
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;  
Calendar 540, House Bill 5494; Calendar 543, House Bill  
5399.

Calendar page 18, Calendar 544, House Bill 5434;  
Calendar 547, House Bill 5196; Calendar 548, House Bill  
5533; Calendar 549, House Bill 5387; Calendar 550, House  
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,  
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

cd  
SENATE

572  
May 5, 2010

Calendar page 20, Calendar 556, House Bill 5498;  
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,  
House Bill 5253; and House Bill -- Calendar 563, House  
Bill 5340; Calendar 567, House Bill 5371; and Calendar  
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,  
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the  
Senate on the consent calendar. Will all Senators please  
return to the chamber. Immediate roll call has been ordered in the Senate on the  
consent calendar. Will all Senators please return to the chamber.

cd  
SENATE

573  
May 5, 2010

THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent  
Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**COMMERCE  
PART 1  
1-299**

**2010**

know, and looking at ideas of some which may be controversial but there apparently other more controversial ideas that are being discussed in other committees today and so therefore we're not being broadcast. And it's -- it's unfortunate because this is -- the kinds of things we're working on today are the kind of things that can lead to a better future for the State.

But having said that, we're -- we have a lot of bills on the agenda today and I -- we have quite a few sign-ups and we look -- we look forward to listening to you.

Mr. Chairman.

REP. BERGER: Thank you, Senator. First on the list from Legislators, Agency & Municipal Offices is the House Minority leader, Representative Larry Cafero.

REP. CAFERO: Thank you. Good afternoon Chairman LeBeau, Chairman Berger, Ranking Member Alberts -- my phone is ringing, excuse me -- and members of the committee. It's a pleasure to be here and have an opportunity to speak in favor of House Bill 5208.

It's our House -- Republican House Bill and -- and basically a concept. We -- you, probably far better than the rest of us realize the struggles and challenges we're going through as a state; 94,000 people unemployed in two years, 10,000 people -- 10,000 businesses, if you will, closing their doors; our state, unfortunately being last in job growth.

And I think all of us, though we might have different ideas how to do it, have made a

priority to create jobs this year. We have various plans and -- and I respectfully offer this to Committee as a concept and certainly defer to your judgment to change it where you see fit, and -- there's no pride of authorship here but more importantly I think mostly the concept.

And basically what it is, is we try so hard to say how could we create jobs and sometimes the answer is, get out of the way; government get out of the way. We have varying agencies and permitting and licensing processes that have a chilling affect on business and developers that hope to come to Connecticut, create jobs and stimulate the economy here in our state. And many times they are faced with a whole morass of permits that they must get at varying places, some of which seem to contradict each other, licenses etcetera, they go from one building, are sent to another, and then another and another and on and on it goes. In some cases it deters them enough that they say what the heck, what's the use.

So what this calls for is a unified and expedited permit process. The particular of this concept is that it would require the Commissioner of Economic and Community Development to establish teams to expedite the review of permit applications for certain economic development projects.

The teams would be established when the projects create at least 100 jobs or create at least 50 jobs in an enterprise zone or are located in brownfields. Municipalities might also request the Commissioner of DECD to establish a team to expedite the permit process

if the project would create a minimum of 10 jobs that meet the certain criteria.

Now I understand that there's some concern by DECD as to some of the particulars of this concept, I totally respect that and I would defer to them, they're the front line agency that would be dealing with such a concept. But most importantly I guess, the idea is to tell business we have a one-stop shop here. You come in, you go to one point of entry, that's -- they will guide you if you will, have a -- for lack of a better term, a business concierge that will guide you through the process etcetera so we could expedite this process, get out of the developers way and encourage economic development.

Again, I leave it to the wisdom of the members of this Committee and the General Assembly and members of the Commission on Economic and Community Development to fine-tune, change, do whatever it takes to get this kind of concept going. But I think a unified and expedited permitting and license process would help go a long ways, one step in helping us create jobs.

Thank you for the opportunity to testify. I'll be glad to answer any questions if I can.

REP. BERGER: Thank you Representative Cafero. And I -- I could clearly state that the Committee is -- is tackling these -- these -- the type of projects you're testifying to today. Certainly on the permitting process we have a bill that's before us that we'll be hearing in public -- in a public hearing. And also in looking how better we can make ourselves as far as both marketing and the availability of business to be able to access the many multitudes of

5

February 25, 2010

par/gbr

COMMERCE COMMITTEE

1:00 P.M.

sources that we have both financially and through professional development of other business.

We are committed to that this year and -- and I think you'll be happy with some of the bipartisan work that we'll be able to put forward out of this Committee.

REP. CAFERO: That's great news. Thank you.

SENATOR LEBEAU: Excuse me, Mr. Minority Leader.

REP. CAFERO: I thought I was dismissed. I apologize Mr. Chairman.

SENATOR LEBEAU: You were dismissed by one - one co-chairman.

REP. CAFERO: Okay.

SENATOR LEBEAU: I just want to pay you a compliment. I think this is a -- conceptually a very strong bill. I like pretty much the kind team approach that you're advocating here. I had a chance to read the bill last night. A lot of times we don't get a chance and -- and I think everybody knows this, if don't get a chance to read all the bills we raise them as concepts and we don't see the language. And last night I got a chance to read this and I like what you're doing in terms of breaking down the silos, I hate the phrase but everybody knows what I'm talking about when I say it, between DEP and DECD and -- and DRS and others to make a team -- have a team approach to economic development. I think that -- you hit the nail on the head here, Mr. Minority Leader. And I want to compliment you on it and I -- I

6

February 25, 2010

par/gbr COMMERCE COMMITTEE

1:00 P.M.

like the ideas and I think we're going to move this forward.

REP. CAFERO: Thank you very much.

SENATOR LEBEAU: Unless -- I haven't heard from DECD yet and see what --

REP. CAFERO: I understand they have some concerns and I -- I respectfully defer to them to make the bill as workable and better.

SENATOR LEBEAU: Uh-huh.

REP. CAFERO: And certainly again, I said not pride of authorship here but the concept itself I think is imperative that we move forward with it.

SENATOR LEBEAU: And we'd like to work with you in doing that part.

REP. CAFERO: Thank you very much. I don't want to leave unless I'm dismissed.

REP. BERGER: Representative Alberts has a couple of questions.

REP. ALBERTS: I'd like to ask the grilling questions here. No, I think that a lot of what you've put forward today is actually -- Senator LeBeau and I were in a break-out session yesterday of CBIA and I think that -- this really goes to the heart of much of what we've heard. So I just want to thank you for introducing this.

REP. CAFERO: I appreciate it Representative Alberts and you know there -- though many of us -- we have very gifted and talented legislatures

throughout this building, many of the best ideas come from those we represent. And in going around the State as I'm sure many of you have, you hear from business saying, please don't make it so difficult for us to do business in your state. A very simple request and one that they get frustrated with and one has to wonder if that isn't contributing certainly to our unfortunate and dismal numbers when it comes to job creation.

REP. BERGER: Senator Frantz.

SENATOR FRANTZ: You thought you were off the hook.

Representative Cafero I can't think of a better voice and a better person to be supporting this general concept of making it easier to do business in Connecticut. I've spent over a decade and a half trying to recruit companies to come to Connecticut as well as keep companies in Connecticut who employ so many of us here within the State. And I can tell you the number one complaint is that it just doesn't seem like a friendly state to do business in. Especially those looking at it from the outside, add to that the other challenges that we face. Everything within this bill and then some is going to undoubtedly make it an easier place to do business at a time such as the one we face today with unprecedented economic and fiscal circumstances that would argue -- I would argue are the worst we've ever faced as a state in our entire history.

It is super critical that we are attracting new employment to the State of Connecticut. We're starting to see a -- little rays of hope, particularly down in the southwestern part of

Connecticut as a result of some of these conditions getting easier. This bill nails it and I want to thank you for being so involved with this and you can count on this committee's support.

Thank you.

REP. CAFERO: Thank you Senator.

REP. BERGER: That's a lot of shocking support on the republican side.

Representative Perone.

REP. PERONE: I just want to thank you again for bringing forward this -- this concept. It's -- it's -- when we talk to developers, when we talk to people that are trying to -- they want to put down roots here we -- we've heard everything from, they can't get their -- their permits processed in a timely way to -- they would have to wait 6 or 8 months and then be told they either have to reapply or start the process again. I think that's one of the things that frustrate people to their core. And while they're waiting -- you know, they're getting brochures from New Jersey and North Carolina and other places. Or in other cases -- you know, the governor of Michigan in flying out to other states and - and - and - you know, getting into -- and it has nothing to do with the -- the -- the governor here, it's really the -- the -- the approach that other states -- the initiative that other states are taking. And -- and I just applaud you for bringing this forward. I think it's a great concept.

Thank you.

9

February 25, 2010

par/gbr COMMERCE COMMITTEE

1:00 P.M.

REP. CAFERO: Thank you.

REP. BERGER: Any other questions from the Committee?

Okay; thank you.

REP. CAFERO: Thank you very much.

REP. BERGER: Senator Debicella; is Senator Debicella here?

LINDSAY CHURCHILL: Hello my name is Lindsay, I'm an intern here at the Capital, Senator Debicella apologizes that he can't be here today but I've been asked to read his testimony on House Bill 5209, AN ACT CONCERNING SMALL BUSINESS TAX CREDITS.

Good afternoon Chairman LeBeau and Berger, Ranking Members Frantz and Alberts, and members of the Commerce Committee. Thank you for allowing me the opportunity to testify in favor of House Bill 5209, AN ACT CONCERNING SMALL BUSINESS TAX CREDITS.

As we have seen from the recent high unemployment in the State of Connecticut and throughout the country, it is more important than ever for the legislature to make job creation a priority. Job growth provides the economic basis for everything else we seek as a society. Business -- especially small businesses are the key to job creation. Small business owners have created more than 90 percent of the new jobs in our state in the last 10 years. While big corporations are great to have in Connecticut, it is the little guy who really drives our economic growth and I

SENATOR LEBEAU: Bill Ethier.

BILL ETHIER: Thank you Senator LeBeau, Representative Berger; my name is Bill Ethier, I'm the CEO of the Home Builders Association of Connecticut.

To change course a little bit we'll talk about some other bills this afternoon.

We have about 1,100 small businesses in Connecticut that we estimate bill between 70 and 80 percent of all the new housing in the state. And I'm here to express our strong support for two bills, Raised Bill 174 and 5208, and I guess I would characterize it as sort of luke-warm support for 5209:

SB120  
AB5208  
HB5209

The -- 174 is the bill that would require DEP's water quality standards to be -- to follow the UAPA. The normal noticing comment rule making that regulation follows. We support --

If I might, on 174 The Water Quality Standards Bill -- you know, somebody said it earlier, there's no question that DEP's mission is an important one for all of us; current citizens and future citizens.

You know, I'm the last one in my industry given my environmental background to question that. But no agencies regulatory mission justifies operating in the dark. And that's -- that's what this is all about. Water quality standards have significant regulatory impact because they're referenced in many of the clean water regulations so they should operate like any other regulatory process and be exposed to outside review.

So we urge you to support that. I attached for you to my testimony, the testimony I gave on Raised Bill 120 in the Environment Committee earlier this week because it raises some of the same issues.

On 5208, the bill that the minority leader talked about is the expedited permitting for economic development. As I say in my testimony, Connecticut's development in permitting process is extremely difficult. I have cited in my testimony some documents that go to that point. Those documents are easily found on our web site. I give you the referenced to those if you care to look at those. 5208 though is just one of many ways that we can work to streamline our regulatory system and to make us a more business friendly state while protecting the environment and other things that we need to protect.

I would point out to you that this bill is essentially identical to last year's bill which was House Bill 6586 that was heard in the Planning and Development Committee. The Planning and Development Committee passed this bill unanimously, 18 to nothing last year but it died in the Environment Committee. Though I think for lack of action, I don't think it came to a vote.

So I would urge you to proceed with this bill. We have recommended several ways to improve it. I've got a couple comments on the 90 day permit -- or the 90 day sort of limit that was discussed earlier that my view, I don't think 90 days is an issue and I'll be happy to explain that if you have questions. But I would urge you to pass this bill and work with

leadership to make sure it survives the process because I fear it will have the same fate as last years bill.

And then finally, to keep within my three minutes, the -- 5209 is the Small Business Tax Credit Bill, I said luke-warm support for this because I just say that to highlight that - you know, it's a nice gesture, it's a nice thank you for businesses to hire employees but I've been representing small businesses for my entire career -- you know, almost 28 years or so, most of it with the home builders. This bill is not going to incentivize anyone to hire a new employee. That's not why businesses hire employees. The only reason why businesses hire employees is because their current workload is -- is too much for their current staff. So they go out and then hire people to -- to service their product, service their needs. It's a nice thank you. We appreciate you raising it, it would be sort of in the greater mix but I only say that to urge you to not stop with this bill which is one of -- and this is a minor one, of many of the other things that we need to do as a state to turn this state around.

And with that I'd be happy to answer any questions.

REP. BERGER: Thank you Bill and questions from the Committee Members?

Thank you for your testimony.

BILL ETHIER: Thank you.

REP. BERGER: Eric Brown.

49

February 25, 2010

par/gbr

COMMERCE COMMITTEE

1:00 P.M.

ERIC BROWN: Good afternoon Representative Berger, Senator LeBeau, Members of the Commerce Committee; my name is Eric Brown and I'm with the Connecticut Business and Industry Association. I'm here today to provide support for two bills, Senate Bill 174 and House Bill 5208.

On - on the Bill 174, I have submitted written testimony more detailed on that one and basically -- you know, our contention is, you might ask why -- why is this bill -- why the heck is this bill in Commerce. It seems awfully environmental. Well, hello - but the day has come where what's going on at DEP and Environmental Policy in the state needs to have a broader set of eyes looking at it than just a perspective that is interested in whether the micro-organisms survive a certain level of contamination or not. DEP is on a path towards trying to achieve zero risk and not sufficiently focused on economic impact. And so this document that is the subject of this bill and the environmentalist in me would not permit me to make 45 copies of this but I did make 4 or 5 so you can see what the water quality standards look like.

And even on DEP's -- I'm sorry, they'll pass them down, you'll -- if I have permission to approach the Chairs, I'll bring them up to you. But they'll get there.

At any rate, even on DEP's own website they'll tell you how fundamentally critical the water quality standards are to a broad range of programs. Permitting programs, costal, inland waters, wetlands, water discharge permitting even remediation of contaminated sites. These standards form the foundation of that. There

are over 500 new or revised standards being proposed right now. Despite that, despite the critical nature of these things and how they're applied, there is no process outside of DEP. You have one shot to submit comments to the department, they can take them or they can leave them and they shoot these things forward. So for that reason we think -- that's part of the reason we're here. The other reason is, you'll see in my testimony, there is a definition for what a regulation is under the UAPA. There's also guidance from the legislative commissioners office on what is a regulation. And we think if you look at those definitions and that guidance you will see that in fact the water quality standards are just one example of a document that DEP puts out that is in fact a regulation and needs further and fuller review by other agencies and by this legislature.

And I -- and I ended my time. I'll just say quickly on the other bill, 5208, I think it's regrettable that we need to have a bill like this but with the way the permitting process works right now and the approach that's taken to it, it's simply necessary, we have to have some kind of -- at least for important -- the most significant programs, a special process for it. So until such time as we have a better permitting program all together we need something like is suggested in 5208.

And I'll end my testimony there and I'd be more than happy to try and answer any questions you might have.

REP. BERGER: Any comments from the Committee Members?

55

par/gbr

COMMERCE COMMITTEE

February 25, 2010

1:00 P.M.

ERIC BROWN: Yeah.

SENATOR LEBEAU: So I -- I'm aware that this happens. So now we're looking at -- not looking at the result, you're looking at how to -- again, the engineering of how to get to the result.

ERIC BROWN: Right.

SENATOR LEBEAU: DEP thought it should be done a certain way, the company had a much simpler solution and it worked.

ERIC BROWN: All right.

SENATOR LEBEAU: Saving \$50,000. Which for a company --

ERIC BROWN: And who knows how many jobs.

SENATOR LEBEAU: Yeah, exactly.

Which for a company that's going to margin -- you know, a few percentage points, that's -- that's the difference between maybe being here and not being here.

Representative Morin.

REP. MORIN: Thank you Mr. Chairman. Hello Eric.

ERIC BROWN: Good morning.

REP. MORIN: Thank you for your testimony.

I am - this is a very interesting set of bills that you're testifying before. I -- I spent a

HB5218

lot -- a lot of my career dealing with DEP from another state agency and --

ERIC BROWN: Right.

REP. MORIN: -- going through a permitting process. And I sense that there can be some frustration and - and I understand that and - and especially when time is money.

The one area, Eric -- and -- and you -- you've -- you've discussed what it's like for a business, maybe that's building new or doing something structurally and - you know seems to be micro-managing, but I think you'd at least have to admit, on the flip side some of the regulations and the permitting that's required is -- is -- is very important; for frankly, the quality of life for the people of this state. Whether it for recreation, whether it's for clean water, whether it's for -- you know, things that directly harm. And there have been numerous -- numerous times when we've had problems from people that should know better.

So I'm concerned -- I'm concerned about a lot of the things that I'm -- that I'm reading. Let me ask you, as far as the water quality aspect of this, I -- this is something that I - - I think -- if you look back and -- I don't know, I'm pretty old, but you remember back in the seventies -- you know, where we were with water quality, Connecticut River. Many of the small water courses, Long Island Sound, I mean, we have real problems with our -- with -- we had problems and they've gotten markedly better and -- and I think frankly because some of these types of legislation or standards. Do you think we run the risk if we -- if we loosen these up or -- or that we could revert at all?

57

February 25, 2010

par/gbr

COMMERCE COMMITTEE

1:00 P.M.

And -- and frankly, that doesn't help business either if -- if people that -- that run marinas and -- and such. It's always a fine a line. I've talked to all of them, what do you think?

ERIC BROWN: Well, first of all, there's nothing in this bill or any of the bills that we're proposing this year that seek to reduce the standards.

REP. MORIN: Okay.

ERIC BROWN: All we're looking to do is change the process and open up the process. So I would -- I would make that statement. It's also -- we're not talking about enforcement issues that are clearly important. We're not talking about not having permits. We're simply talking about changing the way things are done. And I -- you know, it's great to hear that -- I know the legislature and executive branch and even DEP itself is talking about -- you know, doing things differently. We have to do things differently.

We're about trying to make some suggestions of things they could do differently that don't hurt the environment, that don't get rid of standards, that don't loosen standards but that try and get things done more smartly and -- and with greater review and -- and critiquing.

REP. MORIN: And -- and thank you for those comments.

One thing, you know, we -- one of the things -- and I'm not crazy about this legislation 5208. And I'll be honest with you because I think shrewd people will be able to -- a -- a 90 day permitting process, depending on the scope of

the project, I think shrewd people would be able to say, we got our 90 days, and we can -- we can make this go away and -- and we can circumvent this process. And I don't ever want to see the things that are very important to the environment getting -- getting circumvented.

We had one of the -- people out here and around this building would all say that Gina McCarthy was one of the best Commissioners -- everybody spoke glowingly about Gina as far as the DEP Commissioner. And I share those sentiments but part of the structural problem is, frankly is that the leaders, the commissioners that are appointed by the administration do not talk to each other. It's -- you sense frustration from the business community, state agencies don't even do that. So I think its imperative and I think the message from this committee and from this legislature should be that the leaders of these state agencies that have such important roles should be willing to talk to businesses, should be willing to talk to other state agencies to help expedite projects. There are some projects that can't be expedited, they are too important and so putting a 90 day limit on something -- not -- I don't know that I support it. I'm going to have to listen more as our Chairman encourage us to look at the benefits of this however I -- I just think communication is key and you -- I think you made a comment that we need to look at doing things differently. And to me communication amongst our commissioners and agencies is key. And -- and I have not seen -- I have not seen that at all.

ERIC BROWN: Well I'd certainly agree with you and when I think what -- one of the things that

reflect is that the commissioners should be a team pushing towards a common goal. And if I may say, I'm concerned that the DEP too often acts as an advocacy group.

I'm involved in transportation issues and have been involved in meetings up at Bradley Airport for example, all kinds of momentum to do great things up there to grow the economic base of that and to make that area a real engine for the state. And without any sense of remorse at all I hear the DEP say, well none of that's going to happen until they get through this environmental review and that's going to take a couple of years and that's just a drag. So don't get too excited, you know.

So I agree with you. I think if the agencies act as a team with a common goal and work together to get -- to move towards that goal, that's the way that government ought to operate. Not everybody has their own silo and we're going to -- you know, look at our mission as our mission and don't bother me with your mission, this is my mission, kind of thing.

REP. BERGER: Representative Perone.

REP. PERONE: Thank you very much, Mr. Chair; and thank you very much for your -- for your testimony. I just -- my -- I think that an important point has been made though that, given -- given the situation that we're in economically we need to take a really hard critical look everywhere across -- I would do business across all phases of government. You know, I think that there are things that the DEP does very well. I think -- you know, you -- they're -- the stories where they've come in and they've -- they've counseled on how to

remediate areas when we have prime field redevelopment (inaudible) -- I think there's a really good case to made there. On the other hand the -- the Norwalk River -- at the base of the Norwalk River there's very little that is alive at the base of the Norwalk River frankly. And so -- on how you have both of those issues under the same roof, given all the other issues on -- when you talk about how complex the processing is, you have to ask the question, can this all be done better? And I just -- I've heard testimony after testimony and not just today, but the last 4 years -- can -- how -- can we do it better, are there ways to do it better. Given -- given where we are I think we're taking a hard critical look and I think that -- you know, not every piece of the bill is going to work -- work for everybody but I just -- you know, just think that we need to have really -- you know, really take a deep look at streamlining this -- this process to make sure that perhaps by being more efficient through online permitting and that kind of thing and -- and ways to address it, that other parts of the -- other parts can be more efficient so we don't have situations where some parts of the environment are succeeding and some aren't.

So I think -- you know, you need to have the continuity through all phases and -- and I think that the permitting problem here is -- is a signal that we could be doing a lot better and -- you know, and frankly I mean, I think that -- you know, we're all actually in our way trying to help, we're not trying -- you know, to be destructive. You know, we love the environment, we go kayaking, we do everything but it's -- we got to get it right and I don't think it's right.

61

February 25, 2010

par/gbr

COMMERCE COMMITTEE

1:00 P.M.

ERIC BROWN: Well I agree with -- and certainly Representative Morin brought up, you know, correctly she was famous for saying she'd never seen a successful environmental program in the absence of a -- a healthy economic situation. We agree with that.

And I want to make it clear, we're not -- we're not talking about sacrificing the environment in any way, shape or form. As you point out, even under the current processes there are short comings, there are areas like the end of the Norwalk River that -- that need improvement and so forth. That's not what the discussion is; the discussion is how we achieve the goals of both those interests. The economic interest as well as -- you know, people talk about hardship with staff and resources of DEP, the way you resolve that is with a strong economy. You'll have more money to buy open space, to fund clean water projects, etcetera -- etcetera. And so -- you know, I just don't want there to be any kind of impression that we're looking at this as economy versus environment and you got to choose one or the other. No, we agree you got to have both and if you make -- and you can and need to have both.

Thank you.

REP. BERGER: Okay, thank you; any other questions from the committee?

Thank you for your testimony.

ERIC BROWN: Thank you very much.

REP. BERGER: Lucy Nolan.

to people's bodies so it does -- we're finding more that we need to do something about this. And -- and there's issues with advertising and how people find out what they know and -- you know, what a serving size is and -- and -- and all those things that -- that -- it seems that we need to step in, that the Government does need to take a step in and look at what's going on.

REP. HORNISH: Thank you very much for testifying today. I just want to let you know that I'm in strong agreement with you. I actually sent a letter to the Public Health Committee in support of a soda tax. Actually I expanded it a little bit with a few other ideas. And I would agree that there is an element of personal responsibility that people need to take especially in considering the burgeoning health care costs in our society. And -- and that's -- that -- those figures are -- are real and can be directly attributed in many cases to what people chose to consume. And because of that I think that there is -- an intervention should be considered.

And I thank you for providing some of this -- the statistics you gave here today.

Thank you.

LUCY NOLAN: Thank you.

REP. BERGER: Okay; any other questions?

Thank you for your testimony.

LUCY NOLAN: Thank you.

MARTIN MADOR: Good afternoon Members of the Committee. I believe this is the first time I've testified before the Commerce Committee. I'm the volunteer Legislative Chair for the Sierra Club, obviously I'm an environmentalist. I've heard all the testimony you've heard so far and what I'm going to do is discard my prepared remarks which I hope you will ready anyway. And try to address some of the issues that have come up so this may be a little bit rambling and a little bit disjointed but I want to try to address some of the comments that were made.

HB5208

With your permission I'm going to try to speak honestly, respectfully and frankly until you -- where as an environmentalist I and the Sierra Club stand on this.

Let me start by just reading two sentences from my prepared remarks so you'll understand where we are. Sierra believes that a permitting process which is both predictable and reasonably timely is in everyone's best interest. That's as starkly as I can say that. Secondly, we all agree that job creation is a top priority in these times of economic crisis. The environment community, acting in concert, has in fact issued a detailed plan for green job creation which has been submitted to legislative leadership, so all the ideas today that have come up earlier today about the connections between the environment and the economy we fully subscribe to. In fact the best way to get the environmental goals we would like is to have a thriving economy, absolutely.

Now let me try -- let me try to address some of the things which have come up here.

Representative Cafero used the words, he would like to get Government out of the way, and I -- that's almost the literal quote from what he said. I have to say that we completely disagree with that philosophy. We think there's a very important role for Government here that it's proven that it's provided many benefits to us including substantially addressing issues of the quality of life. So we think Government has a very appropriate role. In fact we think the current economic mess we're in was created in large part because Government was A.W.O.L. from their oversight duties, but that's another conversation.

We don't think the problem is regulatory stifling of economic process; we think there are more fundamental issues far more contributory to where we are right now. The availability of credit, the way we make land use decisions in the state are balkanized very small scale government, our lack of regional government and issues of -- as has been pointed out, the lack of communication between the agencies in the state which is a huge problem for us illustrated no better than the issues of water. There are four agencies that have water responsibilities and they really don't talk much to each other. And that's a huge problem for us. So the comments we've heard earlier about the Commissioners not talking to each other, we agree with completely.

Senator LeBeau asked directly a little while ago, how do we fix the problem? I'm going to suggest two general ideas about that. One of them is we have to have better resolve to addressing the problems. We have a lot of tremendously good people in the legislature and in state government and we, like them we're a

little bit lacking on resolve. And I'm going to suggest, if you want to do some good, run a new bill which would provide this, it would officially renounce our unofficial state motto which is the land of steady habits. We think that does a tremendous amount of harm and we'd like to move away from it. Secondly, we have a significant problem with resources. Our State DEP -- last time I looked, is about .7 percent of the budget. I believe the national average for the environment is about 2 percent. That means that we're funding our environment at about one-third of the national average. So we run into issues like permitting, we don't have the resources to do as well and we've been complaining about this for a long time. Ten years ago there was a campaign which was one percent for the environment. We're at 0.7 percent -- and I'll try to wrap this up quickly.

REP. BERGER: Don't try -- succeed.

MARTIN MADOR: Okay. That's a real - that's a real problem. We can't fix that this year, we don't have the money to increase the DEP staff but we have to recognize that's a real problem in -- in the permitting issue. The silos are a problem, the idea that we don't talk to each other, we agree absolutely that's a problem. I'm concerned from what I've heard from - in a number of cases is that people are using - are confusing the word streamline with the word bypass. Streamlining a process, making it in a relatively reasonable amount of time is a great goal and we fully subscribe to that. What we're concerned is, some people are trying to replace the idea with streamline with the idea of bypass. That's not acceptable. We can't turnover permitting oversight to a state agency

which does not do permitting. DEC does not do permitting, to turn over responsibility for the permitting process to them; we believe would be a huge mistake. It's not a way to solve the problem that all of us agree exists.

REP. BERGER: Thank you for your testimony; any questions from committee members? Okay, thank you.

MARTIN MADOR: Thank you.

REP. BERGER: Eric Mueller.

ERIC MUELLER: Senator LeBeau, Representative Berger, Senator Frantz, members of the Commerce Committee, good afternoon; my name is Eric Mueller. I'm the owner of a small vending company in Cheshire and I'm here today to testify in support of S.B. 177, AN ACT TO EXPAND THE TAX EXEMPTION FOR THE VENDING INDUSTRY. As some of you know, we've been asked - the vending industry has been asking for these changes that S.B. 177 notes for a few years predicated upon, tax relief, tax fairness, and job restoration.

The relief and fairness portion stem predominantly from diminished avenues to conduct business. Many of these avenues have been curbed or eliminated due to negative legislation that has affected our industry. I have listed these in my written testimony but will not be reading all of them as I have about three minutes to get my message across.

What I will be reading is the portion of my testimony that communicates how this legislation will have positive effect on jobs in the state. It is well known that the

114

February 25, 2010

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COMMERCE COMMITTEE

1:00 P.M.

percentage on it I think is a little short-sided. I don't know what a percentage would be. You heard from the NBC friends, 10 percent is what they say.

REP. BERGER: Okay, well thank you for your testimony.

Any questions from members of the committee? Okay, thank you.

Kachina Walsh.

KACHINA WALSH-WEAVER: Good afternoon, thank you for sticking me on the end of your agenda today. For the record I'm Kachina Walsh-Weaver, I'm Senior Legislative Associate for the Connecticut Conference of Municipalities and I'm here in support of Raised House Bill 5208.

CCM has long advocated requiring economic development teams to be established with pertinent agencies, municipal representation and the developers that are involved with the projects. We've heard time and again from our members about the delays and problems that many projects experience when trying to navigate the bureaucracy processing -- permitting process through multiple agencies. Often times the requirements from the various different agencies are either duplicative or they're countered to each other and the time that it takes to go through one agency is excruciatingly long, let alone if you have to go through multiple agencies.

What we've envisioned -- well I think the proposal before us is a -- is a -- is -- is a great start, what we've always envisioned is creating teams for these projects that at least

115  
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COMMERCE COMMITTEE

February 25, 2010  
1:00 P.M.

include a representative from each of the agencies that the projects would have to go through for permitting. Allowing the permit applications and requirements to be processed simultaneously where applicable with special attention paid to any sort of redundant or contrary requirements and then coordination between the agencies to move the project through.

We also think that this bill would build on Public Act 09-165, which allows our po's to establish a voluntary process for applicants to see their local agencies to request a pre-application review. I've heard that some of the people that testified before me had issues with the time limits. CCM has no position on the time limits. Our concern is wholly from looking at each project from a holistic perspective trying to navigate it simultaneously through the agencies rather than doing it piece-meal. We don't see that there is any cost associated with doing this. In the end we see this as being a substantial savings and that more economic development projects will go through.

And in the end, we urge you to support the bill.

REP. BERGER: Okay.

Any questions or comments from committee members? Thank you for your testimony.

KACHINA WALSH-WEAVER: Thank you, have a good day.

REP. BERGER: And if there aren't any other comments that will conclude the meeting for today. And



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Martin Mador, Legislative Chair

Commerce Committee  
February 25, 2010

Testimony In Opposition to  
SB 174 AAC the Standards of Water Quality  
HB 5208 AAC Expedited Permitting for Economic Development

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club Connecticut Chapter. I hold a Masters of Environmental Management from the Yale School of Forestry and Environmental Studies.

**174**

SB 174 would require that water quality standards be revised according to Chapter 54, the Uniform Administrative Procedure Act. DEP has an active review process for water quality standards. Proposed revisions have been issued, the public hearing has been held, the comment period is open until March 17. True, DEP has been very tardy in conducting the tri-annual review required by the federal Clean Water Act. I cannot act as apologist for the DEP, but for decades we have had one of the lowest funded state conservation agencies in the country. We are currently at about one third of the national average. This shortcoming will certainly not be fixed this year, or even next, but it is important to understand the efforts this respected agency has made in spite of critically short resources.

Sierra does not see any value in changing horses midstream, nor any compelling rationale for significantly changing the rules. We believe this bill will impact the review currently underway, which is conducted as a result of a federal lawsuit. Ironically, this would simply delay the process even further.

Section 22a-426 provides for an open, public, process for revision of the standards which we feel serves the interests of all stakeholders well. We urge rejection of SB 174.

**5208**

HB 5208 creates a new model for permitting, driven by an agency, DECD, which has no responsibility for permitting. Sierra believes that a permitting process which is both predictable and reasonably timely is in everyone's best interests. However, to simply accelerate the process without safeguards and sufficient time for a reasonable and complete process is in no one's best interests. We would like to see sufficient state government resources to support permitting process; we have been short for a very long time. However, a solution which simply says that we'll do it quickly whether or not we meet standards would be foolish. It might address short term interests, but the long term damage would be considerable. We all agree that job creation is a top priority in these times of economic crisis. The environment community, acting in concert, has in fact issued a detailed plan for green job creation. But to disregard the long term health of the world we live in would be an abdication of our responsibilities, would throw away decades of investment in keeping our world safe and healthy, and would put short term interests ahead of our obligation to passing on a healthy world to our children.

Sierra is adamantly opposed to this proposal.

**CBLIA**

10

Connecticut Business &amp; Industry Association

**TESTIMONY OF ERIC J. BROWN  
ASSOCIATE COUNSEL  
CONNECTICUT BUSINESS AND INDUSTRY ASSOCIATION  
BEFORE THE  
COMMERCE COMMITTEE**

**FEBRUARY 16, 2010**

Good afternoon. My name is Eric Brown and I am associate counsel with the Connecticut Business and Industry Association (CBIA). CBIA represents thousands of businesses of all sizes throughout Connecticut that provide hundreds of thousands of Connecticut citizens with good jobs and good benefits.

CBIA is pleased to have this opportunity to voice our support for two bills on your public hearing agenda today:

S.B. No. 174 (RAISED) AN ACT CONCERNING STANDARDS OF WATER QUALITY.

S.B. No. 5208 (RAISED) AN ACT CONCERNING EXPEDITING PERMITTING FOR ECONOMIC DEVELOPMENT

The State Water Quality Standards (WQS) represent the technical foundation of a wide variety of regulations and programs administered by the Department of Environmental Protection.

The DEP is currently seeking to dramatically revise the WQS by instituting or revising over 500 hundred specific criteria. Notice of a public hearing and issuance of the draft proposal was issued on Dec. 22. DEP held a hearing on Feb. 4. The multi-hundred page document explaining the justification for the changes was made available to the public roughly 24 hours prior to the hearing.

Yet current law does not require the WQS to be adopted or revised in accordance with the Uniform Administrative Procedures Act as proscribed in Chapter 54 of the Connecticut General Statutes. Thus, DEP has complete control over the adoption of these standards with no opportunity for administrative appeal nor legislative review.

The UAPA defines "regulation" as follows:

"Regulation" means each agency statement of general applicability, without regard to its designation, that implements, interprets, or *prescribes law or policy*, or describes the organization, procedure, or practice requirements of any agency. . ."

Additionally, the 2009 version of the "State of Connecticut Manual for Drafting Regulations" prepared by the Legislative Commissioners' Office states:

"According to the [statutory] definition, if an agency drafts any directive that has general applicability, whether or not it is designated a regulation, it is considered a regulation."

According to the DEP's website: "The WQS do not stand alone as a regulatory means of protecting public health and the environment. *These standards are integrally related to, and applied by DEP simultaneously with, other statutory and regulatory requirements governing water and waste management.* As an example of how these pieces fit together, the following may be of assistance." (emphasis added).

The Water Quality Standards are applied generally throughout DEP's water permitting and remediation regulations and permits. They also prescribe DEP policy. They also meet the definition under the UAPA of a "regulation" and therefore should be subject to the requirements of the Uniform Administrative Procedures Act as defined in Chapter 54 of the Connecticut General Statutes.

Regarding HB-5208, CBIA supports this bill as a concept. It is regrettable that such a bill is necessary but until the permitting and other related processes are changed so they are no longer administered an unnecessarily cumbersome way, a bill such as this is necessary in the short-term.

Thank you for this opportunity to support SB-174 and HB-5208

The macroeconomic benefits of efficiency derive from changes in the economy that occur as a result of increased spending on efficiency measures and decreased spending on energy. The majority of these impacts (77-90%) result from the energy savings realized by households and business. Lower energy costs cause other forms of consumer spending (such as dining out or discretionary purchasing) to increase. Lower energy bills reduce the costs of doing business in the region, bolstering the global competitiveness of local employers and promoting additional growth.

The total energy savings and reduced greenhouse gas emissions associated with the modeled levels of efficiency investments are also very significant. The following table illustrates these savings.

**Table 2: Summary of Connecticut Energy Saved and Greenhouse Gas Emissions Avoided**

	Electric	Natural Gas	Unregulated Fuels
Energy Savings	(GWh)	(TBTU)	(TBTU)
Maximum annual savings	8,600	22	29
Maximum savings vs. Business as Usual	25%	20%	28%
Lifetime savings (15 years of programs)	125,900	272	368
Equivalent GHG Emissions Avoided	(Millions short tons)	(Millions short tons)	(Millions short tons)
Maximum annual avoided emissions	4.3	1.3	2.3
Maximum annual avoided emissions vs. 2005 total Connecticut Emissions	9.7%	2.9%	5.2%
Lifetime avoided emissions (15 years of programs)	72	21	41

#### About the Study

The study uses a proprietary, multi-state policy forecasting tool by Regional Economic Models, Inc. (REMI) to project macroeconomic impacts of policy options as compared to a baseline. For this study, the model operates using assumptions about efficiency program budgets, costs to achieve energy savings, and energy prices and consumption levels during the modeled period. ENE developed modeling assumptions based on conservative extrapolations from current and proposed efficiency program data. The modeling assumptions and results of the report were vetted by an Advisory Board of industry professionals, regulators and others experienced in the field and in the region. Expanded efficiency programs were modeled over 15 years, and funding ramp-up periods were incorporated to reflect sustainable program growth rates. The model continues for another 20 years to capture the economic benefits achieved over the life of efficiency measures.

In order to investigate the complementary nature of efficiency programs across jurisdictions, two scenarios were modeled for each fuel: first where each state acts alone (the "individual" scenario); and second where all New England states implement at once (the "simultaneous" scenario). In all cases simultaneous action resulted in greater economic benefits to the region, as energy savings improved states' relative national competitiveness and increased trade among states and with the rest of the world.

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Environment Northeast is a nonprofit organization that researches and advocates innovative policies that tackle our environmental challenges while promoting sustainable economic development. ENE is at the forefront of state and regional efforts to combat global warming with solutions that promote clean energy, clean air and healthy forests.



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Written Testimony of Christopher Phelps  
Environment Connecticut Program Director

Before the Connecticut General Assembly Commerce Committee

Monday, February 22, 2010

**Opposing Raised House Bill 5208, An Act Concerning Expedited Permitting For Economic Development**

Senator LeBeau, Representative Berger, and members of the Committee:

On behalf of Environment Connecticut, I am submitting this testimony **Opposing Raised House Bill 5208**. This same bill was introduced in 2009 (HB 6586 of the 2009 session) and received a significant fiscal note due to the costs to implement the bill that would be imposed upon state agencies and municipalities.

To impose the costs associated with implementation of this bill on state agencies would place significant strains upon the Department of Environmental Protection as well as other agencies. This, at a time when they are already facing staffing shortages and cut backs which impede their ability to implement existing agency functions. We are concerned that adding additional significant burdens upon the DEP at this time would hinder its ability to effectively and efficiently carry out its work protecting our state's air, water and landscape.

Additionally, we have serious concerns about the substance of HB 5208. We support efforts to improve efficiency and collaboration between agencies in environmental permitting and other areas. However, we are concerned that this legislation may tend to create unintended outcomes whereby important environmental safeguards are bypassed in the name of "expediting" economic development projects. This would be a foolish, short-sighted course of action that could create significant long-term damage to Connecticut's clean water and other environmental protections.

We encourage the committee to reject this legislation. Instead, we urge the committee to work to bring all interested stakeholders together to discuss realistic, affordable steps that could be taken to achieve the underlying goal of this bill to remove unnecessary barriers to projects while retaining the integrity of the permitting processes intended to protect Connecticut's air, water and landscape

Sincerely,

Christopher Phelps  
Program Director  
Environment Connecticut

*Environment Connecticut is a non-profit, member-supported environmental advocacy organization working for clean air, clean water and open spaces.*

[www.EnvironmentConnecticut.org](http://www.EnvironmentConnecticut.org) / [www.facebook.com/EnvironmentConnecticut](http://www.facebook.com/EnvironmentConnecticut)



Testimony of Marie C. O'Brien, President  
Connecticut Development Authority to the Commerce Committee

**Raised Bill No. 5208, AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT**

February 25, 2010

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Senator LeBeau, Representative Berger and distinguished members of the Commerce Committee. I'd like to thank you for the opportunity to comment on proposed HB 5208, AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT.

CDA's value as a member of the state's economic development team is directly related to its status as a quasi-public entity, an authority offering special public financing, financial expertise, and technical and analytical resources necessary to achieve the state's goals for business and job creation, and subsequent increased tax revenues.

As a member of the state's economic development team, and the finance authority therein, CDA continues to work with our state and agency partners to simplify access to economic development assistance in Connecticut, especially as it relates to Brownfield financing.

The significance of the process of making Brownfield plans a reality, as well as the importance of site selection, adequate financing, cooperation, and regulatory compliance through all the stages in the redevelopment process is paramount to the success of these projects.

We are pleased that this committee is taking steps to expedite the permitting process for economic development and Brownfield's in particular.

Thank you for the opportunity to offer these comments in support of the concept of Raised Bill No. 5208.



Joan McDonald  
Commissioner



State of Connecticut  
Department of Economic and  
Community Development

**TESTIMONY SUBMITTED TO THE COMMERCE COMMITTEE**  
**February 25, 2010**

*Joan McDonald, Commissioner*  
*Department of Economic and Community Development*

**HB 5208 AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT**

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The Department of Economic and Community Development (DECD) offers the following comments concerning HB 5208 An Act Concerning Expedited Permitting for Economic Development.

DECD fully supports any effort to expedite state and local approvals for projects that grow our economy and support our state's quality of life. A common point of contention that we often hear about from the business community and developers, concerns the cost of, and timeframes related to state and local permits and approvals. The ability for businesses to efficiently receive permits and approvals via a transparent process is a significant economic development issue. Many states have taken similar approaches, balancing the regulatory requirements necessary to preserve health and safety, and maintaining a business-friendly environment that attracts investment and supports job creation.

DECD is actively supporting the permit task force established under Governor Rell's Executive Order Number 39. The task force will convene later today and begin its deliberations on how to best expedite state permits. The task force's charge is to provide its recommendations by the end of March, 2010.

DECD would like to offer the following specific comments related to HB 5208:

Permit expedition will require agency staff and regulatory staff resources. The volume of projects requesting permitting assistance may overwhelm existing resources even after applying the criteria included with the act.

Any permit expedition must be in support of projects that are compatible with the state's responsible growth strategies. Including this requirement will connect project activities with the state's goals for balancing conservation and development. Additionally, it would be inappropriate for the state to be encouraging responsible growth and assisting projects that are not compatible with these same goals. Project activities and locations should also be compatible with the state's environmental justice strategies.

While HB 5208 focuses solely on economic development projects, DECD believes that language for mill conversions to either housing or mixed-use developments should also be considered, especially when they are compatible with the state's responsible growth strategies.

DECD also believes that the minimum job threshold in Section 2(1) of HB 5208 for municipalities that do not contain an enterprise zone should be substantially higher. The committee should consider raising that threshold to 75 new jobs.

HB 5208 further directs DECD to establish teams for the purposes of expediting state and local permits. These teams are to be comprised of staff from DECD, CONNDOT, and DEP as well as the applicable regional planning agency and, as an option, municipal staff. While we applaud this strategy, its implementation may be difficult. Rather, we would suggest the hiring of a permit ombudsman, to be located within DECD, to be the sole point of contact to coordinate all activities associated with expedited permits. DECD could charge a nominal application fee, which would be used to administratively fund the activities of the ombudsman and his activities.

Finally, drafting of project-specific Memorandums of Understanding (MOU) could potentially be labor intensive, thus slowing down the process. DECD would suggest that rather than having an MOU for each project, the ombudsman would have the authority to direct all parties involved (DECD, DOT, DEP, etc), thus allowing the process to move expeditiously.

In closing, DECD believes that this bill is a step in the right direction to helping support business growth in the state. We look forward to working with the committee on this bill and would welcome the opportunity to assist in any way possible.

Thank you for your time and consideration of the department's comments.



**CONNECTICUT  
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22

**TESTIMONY**  
of the  
**CONNECTICUT CONFERENCE OF MUNICIPALITIES**  
to the  
**COMMERCE COMMITTEE**  
February 25, 2010

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities.

**CCM supports Raised House Bill 5208 "An Act Concerning Expedited Permitting for Economic Development."**

CCM has long advocated requiring "economic development teams" to be established for projects with permitting requirements in multiple state agencies - namely Department of Economic and Community Development, Department of Environmental Protection and Department of Transportation.

Members have told us time and again about the delays and problems many projects experience when trying to navigate the bureaucratic permitting process through multiple state agencies. Municipal leaders and developers both have explained that the approval processes, with requirements that are either duplicative or counter to each other, can be so long that projects can founder and sometimes are abandoned.

Creating "teams" for these projects that at least include key representatives from the applicable agencies, municipality, and the developer; allowing permit applications and requirements to be processed simultaneously where applicable, with attention paid to redundant or contrary requirements; and, coordinated between agencies, will go a long way towards improving the state-local partnership for economic development and the completion of important projects. In addition, it could help rid our state of the reputation as a place where economic development projects go to die.

This bill would build on PA 09-165, which requires each regional planning organization to establish a voluntary process for applicants to state or local agencies, departments, or commissions to request a pre-application review of proposed projects of regional significance. Further, the Act requires the process to include a procedure to assure that all relevant municipalities and regional and state agencies provide the applicant with (1) preliminary comment on the project, in a form determined by the agency; (2) summaries of each agency's review process; and (3) an opportunity for the applicant to discuss the project with representatives of each relevant municipality or state agency at a meeting convened by the RPO.

CCM urges the committee to favorably report this bill.

## ## ##

If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of CCM via email [kweaver@ccm-ct.org](mailto:kweaver@ccm-ct.org) or via phone (203) 710-9525.



**HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.**  
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*Your Home  
 Is Our  
 Business*

February 25, 2010

9

To: Senator Gary D. LeBeau and Representative Jeffrey J. Berger, Co-Chairs,  
 and members of the Commerce Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: RB 5208, AAC Expedited Permitting for Economic Development

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. We estimate that our members build 70% to 80% of all new homes and apartments in the state.

We support RB 5208, with some suggested amendments, as another step on the path to restore Connecticut as a place to do business and grow once again.

Connecticut's development and permitting environment is extremely difficult. Very often, the multitude of local and state agencies that need to review and approve a proposed development or activity do not communicate or coordinate their reviews. In many cases, the various reviews are sequential, rather than simultaneous or concurrent, which further lengthens the overall processing time. The legislature's Blue Ribbon Commission on Affordable Housing and Economic Development over a year ago reviewed a draft development due diligence spreadsheet that shows a possible thirty-five (35) stops at the municipal level and twenty-five (25) stops at the state level for development activity (*see the latest version on our web site's Housing & Economic Development page at [www.hbact.org](http://www.hbact.org)*). Add federal permits, reviews by private and public utilities and delays caused by litigation from opponents and Connecticut has a perfect storm of approval nightmares. It does not surprise us that Connecticut lags in so many economic development, housing and demographic indicators as compared to other states. We also refer you to our testimony submitted to the Regulations Review Committee on January 26, 2010 (*also posted on our Housing & Economic Development page*) for some specific regulatory burdens faced by our industry.

RB 5208 is just one way to help streamline and expedite the permit approval process. Essentially identical to last year's HB 6586, which we supported in the Planning & Development Committee (but which died in the Environment Committee for lack of action), RB 5208 promotes the establishment of action review teams to expedite the review of permit applications for projects that produce permanent, full-time equivalent jobs or are located in brownfields. We urge you amend the bill so that residential developments will also directly benefit and be able to take advantage of these expedited reviews. According to the National Association of Home Builders, the construction of 100 single family homes creates 305 local jobs in the year of construction (about 80% are construction jobs and 20%

Testimony, Home Builders Association of Connecticut, Inc.  
5208, AAC Expedited Permitting for Economic Development  
February 25, 2010, page 2

are other local jobs), producing \$8.9 million in revenues for federal, state and local governments. These 100 new homes also create 53 additional annually recurring local jobs. New homes create these annually recurring local jobs because of the economic activity of new home owners, from buying furnishings to landscaping to filling their gas tanks and making other purchases in the community. Another way to put the economic impact, the construction of a new single family home creates, on average nationally, 3.05 jobs and \$89,216 in taxes, fees and payments to government in the first year alone. The impacts are likely higher in Connecticut because our taxes and fees are higher than the national average. Housing construction is and always has been a driver in the larger economy – when housing is up, our economy is up, and now more people know the reverse is true – so housing construction should also be promoted through expedited permit processes.

While we support the concept of this bill, we strongly urge adding language to RB 5208 that prohibits a memorandum of understanding among participating agencies and municipalities from waiving the statutory timeline for processing permits pursuant to section 8-7d, i.e., making the processing deadlines in that section longer. Also, the public hearing process beginning at line 59 seems unnecessary and will add significant time to permit processes that already have public hearings. Adding a new public hearing to processes that already provide for public comment will not streamline or expedite permit approvals.

Finally, we urge that you include a specific reference to residential developments of a certain size (e.g., 100 or more dwelling units) as eligible for assistance from the expedited action review teams.

In conclusion, before the Planning & Development Committee on February 18, 2009, on RB 6586, we said; "The critically important point is that the need for this bill could not be greater and now, when development activity is at a low point, is the time to do it." 2008 was a horrible year for new housing. One year later, I never thought I could say we would be worse off. We are. New housing permits for 2009 were issued at an all-time low. Connecticut is dying. Our often-touted strengths are not enough to overcome our weaknesses. We need to fix our weaknesses while playing to our strengths. Please do something to turn Connecticut around. Please!

We urge you to pass RB 5208 with our suggested amendments, and to work with leadership so it and other measures this committee pursues to improve our regulatory environment survive the Environment Committee, perhaps other committees and the onslaught of advocates who want to keep the status quo.

Thank you for raising, and the opportunity to comment on, this legislation.



**STATEMENT REGARDING**  
**House Bill 5208: An Act Concerning Expedited Permitting for Economic**  
**Development**

**Commerce Committee**  
**February 25<sup>th</sup>, 2010**

The MetroHartford Alliance is Hartford's Chamber of Commerce and the region's economic development leader. Our investors include businesses of all sizes, health care providers, institutions of higher education, and 34 municipalities. The Alliance's mission is to ensure that the Hartford Region competes aggressively and successfully for jobs, talent and capital so that it thrives as one of the country's premier places for all people to live, work, play, and raise a family.

Businesses place a high value on their ability to negotiate the state and local regulatory processes in an efficient manner. This factor can be as or more important than the offering of incentives. House Bill 5208 directs the Commissioner of Economic and Community Development to establish teams for the sole purpose of expediting the review of permit applications that will lead to the creation of fifty jobs in any enterprise zone or one hundred jobs elsewhere in our state. Additionally, a municipality may request the Commissioner establish a team for a project that would create a minimum of ten new jobs. Particularly given the current state of our economy and the impact of growing unemployment in Connecticut, this legislation should be considered a high priority for the state's economic development community.

Your consideration of proposals such as this sends an important message to Connecticut's employers and potential employers that our state is supportive of

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business development and job growth. Navigating the process of permitting approvals at the state and local levels can be cumbersome and take considerable time. This legislation supports increased cooperation between these levels of government to remove this potential deterrent to growth.

We thank you for your consideration of this proposal and ask you to vote in favor of House Bill 5208.



3



**Testimony of Connecticut Fund for the Environment  
Before the Commerce Committee**

***STRONGLY OPPOSING* Raised Bill 5208 AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT and Raised Bill 174 AN ACT CONCERNING THE STANDARDS OF WATER QUALITY**

Eric Annes, Legal Fellow

February 25, 2010

*Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 6,500 members statewide. For thirty years, CFE has used law, science and education protect and preserve Connecticut's natural resources.*

CFE strongly opposes **RB 5208**. This bill would create a complex new regulatory track for large projects that would remove vital protections and impose unreasonable deadlines on agencies. So long as a municipality determines the project could create at least 10 jobs, the act would create a new regulatory process that would override existing law and require final agency action by municipalities and state agencies within 90 days of a completed permit application (text of the proposed legislation requires approval, apparently rejecting the possibility of a denial by a municipality while accepting the possibility of rejection by a state agency. Compare lines 67 and 73.).

This bill was proposed last year and received a large fiscal note from the Office of Fiscal Analysis. It would also place additional strains on overextended and underfunded agencies. It would require substantial expenditures by DOT (\$715,000 per year), DEP (full time position + benefits) and DECD (full time position + benefits and additional legal costs) at a time when these agencies are already facing shortages of staff and cutting back on necessary functions.

Further, the mandatory 90 day time limit is not a realistic time period for a full and thorough review of projects. This bill aims to expedite the largest projects that generally require more thorough reviews than small projects. Large projects often have to go through several iterations before an appropriate and acceptable plan is reached. It seems more appropriate to expedite small scale projects with little potential impact than large scale projects with significant potential for harm. Whatever the size of the project, however, mandatory timelines without consideration of appropriate review is inappropriate.

Of particular concern is that this bill allows for substantive changes in municipal law without following local procedures. Allowing unlimited changes to substantive law for a single project without following the appropriate local rules and procedures is unacceptable. Although the bill calls for a public workshop and a public hearing, on the same day, the bill does not give the public a substantive say in the outcome. The public lacks an actual voice even though substantive law, that could require a referendum, may be overridden.

CFE does not see the need for RB 174 at this point in time. DEP has nearly completed updating the water quality standards pursuant to the current statutory law and changing the process midstream is unnecessary.

DEP is required under the Federal Clean Water Act to hold public hearings for the purpose of reviewing applicable water quality standards and modifying and adopting standards at least once every three years. See 33 U.S.C. § 1313(c)(1). DEP has not updated the current water quality standards since 2000 in gross violation of the Clean Water Act. This violation led to a federal suit. Soon after the suit was filed, DEP announced that it was finally conducting a review of the standards.

Raised Bill 174 would make it very difficult for the Department to comply with the Clean Water Act. With an active federal law suit, now is not the time to re-start the review process. The current process for review and amendment of the water quality standards is sufficient and allows for public input. The DEP solicits input from the public and makes (or does not) changes based on that information. DEP is obligated to complete its review. DEP has followed the procedure it was directed to follow by the legislature. It would be inappropriate to change the rules as the process nears its conclusion.

For the above reasons, we **STRONGLY OPPOSE** Raised Bill 5208 and Raised Bill 174.



**State of Connecticut**  
**HOUSE OF REPRESENTATIVES**  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE LAWRENCE F. CAFERO, JR.**  
 ONE HUNDRED FORTY-SECOND DISTRICT

**REPUBLICAN LEADER**

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**HB 5208: An Act Concerning Expedited Permitting for Economic Development**

Good morning Chairman LeBeau, Chairman Berger, Senator Frantz, Representative Alberts and members of the Commerce Committee. I am here to express my support for House Bill 5208 An Act Concerning Expedited Permitting for Economic Development.

It is our instinct as lawmakers to constantly ask, "What can we do to help?" How can we create a new program, or where can we find some seed money to jumpstart an industry or business. If done right, these things can be helpful. But, with budget deficits as far as the eye can see, we just don't have the money to make a real, meaningful impact with these types of programs.

HB 5208 is a different approach and one answer to a very different question: "How can we in government get out of the way?"

Most licenses and permits may not cost that much compared to other business expenses. But, the mere mention of the word "permit" makes all of us cringe because probably no other word better conjures up all that is wrong with government: lines of people, 30 to 90-day waits, inspections, re-inspections, and of course the \$50, \$100, or \$200 fee to top it off. If we can't repeal some of the licenses and permits required by the state, we can at least responsibly speed up the process for getting them.

This bill as submitted will require the Commissioner of Economic and Community Development to establish teams to expedite the review of permit applications for certain economic development projects. The teams will be established when projects create at least 100 jobs, create at least 50 jobs in an enterprise zone or are located in brownfields. Municipalities may also request the Commissioner of DECD to establish a team to expedite the permit process if the project would create a minimum of 10 jobs that meet certain criteria.

HB 5208 will help streamline the permitting process for economic development projects and ensure that projects are approved as quickly as possible. Many economic development projects are held up for long periods of time due to a complicated permitting process. These delays can severely slow down progress of projects that would benefit local economic development and job growth.

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We all understand that the permitting process serves an important function in the checks and balances of economic development projects. Connecticut must find some common ground that ensures proper checks while moving projects forward that will create business and job growth.

By now, we all know the statistics, and unfortunately this is the reputation of Connecticut that businesses see:

- the "least business friendly" state according to *Expansion Management Magazine*
- the 5<sup>th</sup> most costly state to do business according to the Milken Institute and The Connecticut Business and Industry Association.
- 94,000 jobs lost during this recession
- dead last in job growth since 1989 among all states.

Will HB 5208 change this overnight? Certainly not. But, this recession is a journey for all of us, and the journey starts with the first step.

On behalf of the House Republican Caucus, I would like to thank the Chairs for raising HB 5208, which is similar to a proposal that we submitted to the Commerce Committee. This is a common-sense proposal. I hope the Committee will support it, and I will do all I can to ensure that it becomes law.

I look forward to working with the Committee and General Assembly in crafting a proposal that will get us back to work.

If you have any questions, I would be happy to take them now.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**COMMERCE  
PART 2  
300 – 604**

**2010**



**HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.**  
 1245 FARMINGTON AVENUE, 2<sup>nd</sup> Floor, WEST HARTFORD, CT 06107  
 Tel: 860-521-1905 Fax: 860-521-3107 Web: [www.hbact.org](http://www.hbact.org)

*Your Home  
 Is Our  
 Business*

9

March 2, 2010

To: Senator Gary D. LeBeau and Representative Jeffrey J. Berger, Co-Chairs, and members of the Commerce Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: RB 5359, An Act Requiring Permits Issued by the Department of Environmental Protection be Adopted in Accordance with the Uniform Administrative Procedures Act.

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. We estimate that our members build 70% to 80% of all new homes and apartments in the state.

We support RB 5359 as another step to bring outside oversight to DEP's regulatory work. It falls in line with RB 174 (in this committee) which would require DEP's water quality standards to be adopted pursuant to the UAPA, and RB 120 (in the Environment Committee) which would establish a process to potentially require DEP's guidance manuals, documents and policy letters that have regulatory impact to be reviewed according to the UAPA. Thank you for raising this important bill.

As we stated in our testimony before you last week on RB 5208 (expedited permitting), Connecticut's development and permitting environment is extremely difficult. We cited to documents that outline the regulatory torture faced by developers of property in this state. We also refer you to our testimony submitted to the Regulations Review Committee on January 26, 2010, for some specific regulatory burdens faced by our industry (*also posted on our Housing & Economic Development page*).

Included in this complex mix of regulatory hurdles are DEP's "general permits." The requirements of general permits are, of course, mandatory yet they are adopted and revised entirely within the confines of DEP with no formal outside review, as are regulations applicable to individual permits (i.e., review by OPM, Governors Office, Attorney General's Office and the Regulations Review Committee).

DEP's general permits that are affected by this bill have a direct and significant impact on the regulated community and economic development potential of the state. General permits can serve a very useful function to help streamline the regulation of common, less complicated or minor activities. However, without outside vetting of a general permits' requirements, as well as the process to "obtain" a general permit, DEP has adopted general permits that can add months if not years to the overall permitting process.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**COMMERCE  
PART 3  
605 – 909**

**2010**



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*Your Home  
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March 16, 2010

To: Senator Gary D. LeBeau and Representative Jeffrey J. Berger, Co-Chairs,  
 and members of the Commerce Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: RB 5499, AAC the Promotion of Business

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. We estimate that our members build 70% to 80% of all new homes and apartments in the state.

We strongly support RB 5499 and respectfully request the committee's consideration of the attached substitute language. The attached substitute will provide more improvement to the regulatory environment and make Connecticut a better place to conduct business.

Under the current law, directives to state agencies to "consider" streamlining regulations or stating agencies "may" adopt regulations that accomplish a legislative purpose are not enough to get state agencies to take action. State agencies need to be directed with mandatory language to do certain things or they will not be done. **RB 5499 does this by requiring agencies to utilize regulatory methods that minimize the impact on small businesses, all while accomplishing "the objectives of applicable statutes."**

**However, our attached substitute language makes several suggestions to better accomplish the stated purpose of the legislation.**

In line 9 of our substitute, we delete "welfare" while keeping agency actions consistent with the public health and safety. The public's welfare is a "police power" concept (as in a broad catch-all of powers reserved to the states by the US Constitution) and typically encompasses everything within the state's power beyond health and safety. For example, eighty percent or more of local zoning and planning is based on "welfare" concepts, not health or safety. **Saying regulatory streamlining efforts for small business shall be consistent with public "welfare" gives agencies a big "out" to do little streamlining.**

More importantly, the substitute strengthens the bill by adding "minor or less complex activity" after small business. You could have a large business apply for something minor or not complex. They should also enjoy an expedited process, i.e., have access to some of the streamlining techniques identified in the bill, to help move things along and make CT a friendlier place for business.

- continued

SB120 SB174 HB5359 SB338 HB5208 HB5477

Testimony, Home Builders Association of Connecticut, Inc.  
RB 5499, AAC The Promotion of Business  
March 16, 2010, page 2

The substitute at line 24 adds a sixth method to the current law. This new provision directs agencies to use "general permits" as distinguished from individual permits. Under a general permit program, which is designed for minor, less complex or common regulated activities, the agency develops application requirements and prescriptive or performance standards for a regulated activity that falls under the general permit's threshold. Under such a program, an applicant files its application with all the requirements to register its activity with the agency. The applicant should then be able to proceed with its activity without waiting for agency approval.

Our substitute also adds new sections 3 and 4 and makes them applicable to only DEP, DPH, DOT and DECD. Section 3 streamlines the initial part of a permit process (i.e., getting an agency to determine that an application is complete so the agency can begin its technical review). It requires these agencies to clearly outline what is required in an application for a license, permit or approval. It requires a determination within sixty days as to the completeness of an application. And it requires an agency to outline what is missing in the application if it determines an application is incomplete. Finally, it allows an agency to request additional information from an applicant during the review process.

Section 4 urges agencies to set up an online application process. Given today's digital technology, an online system, if designed well and user-friendly, would be a great service for businesses and the regulated community to work through a permitting system essentially 24/7. Both sections 3 and 4 are "within available appropriations" so there should be no adverse fiscal note.

If our proposed substitute is seen as too bold, then this state has little hope of participating in a meaningful way in the long, slow climb out of this recession. The items in our substitute should be doable and are necessary. These things can be done while protecting the environment and ensuring the public's health and safety. It is going to take leadership in the legislature to adopt these and other regulatory reform requirements and leadership in the administration to implement them. CT must change the way it regulates the private sector if we are to change the perception and reality that this state is a difficult place to get economic development done.

There will be much resistance among some agency staff and among anti-growth, anti-development advocates. We urge you to fight through that resistance in order to promote CT as a better place to grow and do business. In fact, we're counting on you to do so.

We urge you to pass RB 5499 with the attached substitute language, and work with the proponents of other regulatory reform bills (RB 120, 174, 5359, 338, 5208, 5477 and others).

Attachment (HBA of CT's proposed substitute for RB 5499)