



General Assembly

January Session, 2009

Committee Bill No. 5821

LCO No. 3757

03757HB05821CE_

Referred to Committee on Commerce

Introduced by:

(CE)

AN ACT CONCERNING ECONOMIC DEVELOPMENT PROJECTS.

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section: (1) "Engineering professional" means a person who is qualified
3 by reason of his knowledge, as specified in subsection (e) of this
4 section, to engage in activities associated with work on economic
5 development projects, including the rendering or offering to render to
6 clients professional services in connection with such activities; (2)
7 "commissioner" means the Commissioner of Economic and
8 Community Development or the commissioner's designee; and (3)
9 "economic development project" has the same meaning as in section
10 32-23d of the general statutes.

11 (b) There shall be within the Department of Economic and
12 Community Development a State Board of Examiners of Engineering
13 Professionals. The board shall consist of eleven members. One
14 member, who shall be the chairperson of the board, shall be the
15 Commissioner of Economic and Community Development, or the
16 commissioner's designee. The Governor shall appoint the other ten

17 members of the board, six of whom shall be licensed engineering
18 professionals or, prior to the publication by the board of the first roster
19 of licensed engineering professionals, persons on the list maintained
20 by the commissioner pursuant to subsection (h) of this section. The
21 members of the board shall administer the provisions of this section as
22 to licensure and issuance, reissuance, suspension or revocation of
23 licenses concerning engineering professionals. The Governor may
24 remove any member of the board for misconduct, incompetence or
25 neglect of duty. The members of the board shall receive no
26 compensation for their services but shall be reimbursed for necessary
27 expenses incurred in the performance of their duties. The board shall
28 keep a true and complete record of all its proceedings.

29 (c) A licensed engineering professional shall perform his duties in
30 accordance with the standard of care applicable to professionals
31 engaged in such duties. The commissioner, with advice and assistance
32 from the board, may adopt regulations, in accordance with the
33 provisions of chapter 54 of the general statutes, concerning
34 professional ethics and conduct appropriate to establish and maintain
35 a high standard of integrity and dignity in the practice of an
36 engineering professional and may make rules for the conduct of the
37 board's affairs and for the examination of applicants for licenses.

38 (d) The commissioner shall receive and account for all moneys
39 derived under the provisions of this section and shall deposit such
40 moneys in the General Fund. The board shall keep a register of all
41 applications for licenses with the actions of the board thereon. A roster
42 showing the names of all licensees shall be prepared each year. A copy
43 of such roster shall be placed on file with the Secretary of the State.

44 (e) The board shall authorize the commissioner to issue a license to
45 any person who demonstrates to the satisfaction of the board that such
46 person: (1) Has, for a period of time established by the commissioner,
47 in regulations adopted under chapter 54 of the general statutes and
48 this section, engaged in work on economic development projects and

49 holds a bachelor's or advanced degree from an accredited college or
50 university in a related science or related engineering field or is a
51 professional engineer licensed in accordance with chapter 391 of the
52 general statutes; (2) has successfully passed a written examination, or a
53 written and oral examination, prescribed by the board and approved
54 by the commissioner, which shall test the applicant's knowledge of
55 economic development projects; and (3) has paid an examination fee of
56 one hundred eighty-eight dollars to the commissioner. In considering
57 whether a degree held by an applicant for such license qualifies for the
58 educational requirements under this section, the board may consider
59 all undergraduate, graduate, postgraduate and other courses
60 completed by the applicant.

61 (f) The board shall authorize the commissioner to issue a license to
62 any applicant who, in the opinion of the board, has satisfactorily met
63 the requirements of this section. The issuance of a license by the
64 commissioner shall be evidence that the person named therein is
65 entitled to all the rights and privileges of a licensed engineering
66 professional while such license remains unrevoked or unexpired. A
67 licensed engineering professional shall pay to the commissioner an
68 annual fee of three hundred thirty-eight dollars, due and payable on
69 July first of every year beginning with July first of the calendar year
70 immediately following the year of license issuance. The commissioner,
71 with the advice and assistance of the board, may adopt regulations in
72 accordance with the provisions of chapter 54 of the general statutes,
73 pertaining to the design and use of seals by licensees under this section
74 and governing the license issuance and renewal process, including, but
75 not limited to, procedures for allowing the renewal of licenses when an
76 application is submitted not later than six months after the expiration
77 of the license without the applicant having to take the examination
78 required under subsection (e) of this section.

79 (g) The board may conduct investigations concerning the conduct of
80 any licensed engineering professional. The commissioner may conduct
81 audits of any actions authorized by law to be performed by a licensed

82 engineering professional. The board shall authorize the commissioner
83 to: (1) Revoke the license of any engineering professional; (2) suspend
84 the license of any engineering professional; (3) impose any other
85 sanctions that the board deems appropriate; or (4) deny an application
86 for such licensure if the board, after providing such professional with
87 notice and an opportunity to be heard concerning such revocation,
88 suspension, other sanction or denial, finds that such professional has
89 submitted false or misleading information to the board or has engaged
90 in professional misconduct, including, without limitation, knowingly
91 or recklessly making a false verification of a remediation under section
92 22a-134a of the general statutes or violating any provision of this
93 section or regulations adopted under the provisions of this section.

94 (h) The board shall hold the first examination pursuant to this
95 section not later than eighteen months after the date the commissioner
96 adopts regulations pursuant to chapter 54 of the general statutes and
97 this section, and shall publish the first roster of licensed engineering
98 professionals not later than six months after the date of such
99 examination. Until such time as the board publishes the first roster of
100 licensed engineering professionals, any person, who (1) has, for a
101 minimum number of years determined by the commissioner, engaged
102 in work on economic development projects; (2) holds a bachelor's or
103 advanced degree from an accredited college or university in a related
104 science or related engineering field or is a professional engineer
105 licensed in accordance with chapter 391 of the general statutes; and (3)
106 pays a registration fee of two hundred twenty-five dollars, may apply
107 to the commissioner to be placed on a list of engineering professionals.
108 Any person on such list may perform any duties authorized by law to
109 be performed by a licensed engineering professional until such time as
110 the first roster of licensed engineering professionals is published by the
111 board.

112 (i) Nothing in this section shall be construed to authorize a licensed
113 engineering professional to engage in any profession or occupation
114 requiring a license under any other provisions of the general statutes

115 without such license.

116 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) The Commissioner of
117 Economic and Community Development shall, by regulations adopted
118 in accordance with chapter 54 of the general statutes, define the scope
119 of activities to be engaged in by licensed engineering professionals.
120 Such regulations shall be designed to expedite the process of issuing
121 approvals under any provision of the general statutes for economic
122 development projects. In developing such regulations, the
123 commissioner shall consult with municipalities, colleges and
124 universities and relevant professional engineering organizations.

125 (b) Each licensed engineering professional shall submit an action
126 report to the commissioner for such a project which includes a
127 proposed action for the commissioner. The report shall be deemed
128 approved unless, not later than sixty days after such submittal, the
129 commissioner determines, in his sole discretion, that such action
130 should not be taken. The commissioner may disapprove the report
131 provided the reasons therefore shall be stated, in writing, and
132 transmitted to the licensed professional engineer.

133 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) The Commissioner of
134 Economic and Community Development shall publish, along with any
135 list or roster of licensed engineering professionals published pursuant
136 to section 1 of this act, a record of any work performed by any licensed
137 engineering professional pursuant to review or approval for work on
138 economic development projects which is submitted to the
139 commissioner and any action taken by the commissioner with regard
140 to such work.

141 (b) Any licensed engineering professional who performs any
142 services pursuant to section 1 of this act or any regulations adopted
143 under section 2 of this act shall perform such services with reasonable
144 care and diligence and shall apply the knowledge and skill ordinarily
145 required of a professional in good standing practicing in that field at
146 the time the services are performed.

147 (c) Any licensed engineering professional who performs any
148 services pursuant to a license issued under section 1 of this act or any
149 regulations adopted under section 2 of this act shall not have, develop
150 or acquire any business association or financial interest which is
151 substantial enough to create an impression of influencing his judgment
152 in connection with the performance of such services. No licensed
153 engineering professional shall offer or render such services under an
154 arrangement whereby no fee will be charged if a specified finding or
155 result is attained, or where the payment of his fee or the amount of the
156 fee is otherwise dependent upon a specified finding or result of such
157 services.

158 (d) Any licensed engineering professional who violates any
159 provision of subsection (b) or (c) of this section shall be assessed a civil
160 penalty of not more than twenty-five thousand dollars. The Attorney
161 General, upon complaint of the State Board of Examiners of
162 Engineering Professionals or the Commissioner of Economic and
163 Community Development, shall institute a civil action to recover such
164 penalty.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section
Sec. 2	October 1, 2009	New section
Sec. 3	October 1, 2009	New section

Statement of Purpose:

To authorize licensed professional engineers to certify that work done on economic development projects is done in accordance with state requirements in order to expedite the completion of such projects.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. O'CONNOR, 35th Dist.; REP. FRITZ, 90th Dist.
REP. BERGER, 73rd Dist.

H.B. 5821