



General Assembly

**Amendment**

February Session, 2006

LCO No. 3968

**\*HB0552503968HDO\***

Offered by:

REP. FONTANA, 87<sup>th</sup> Dist.  
SEN. FONFARA, 1<sup>st</sup> Dist.  
REP. DELGOBBO, 70<sup>th</sup> Dist.  
SEN. HERLIHY, 8<sup>th</sup> Dist.

To: Subst. House Bill No. 5525

File No. 225

Cal. No. 169

**"AN ACT ESTABLISHING AN ENERGY AND TECHNOLOGY  
AUTHORITY."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 4-5 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective January 1, 2007*):

5 As used in sections 4-6, 4-7, as amended, and 4-8, the term  
6 "department head" means Secretary of the Office of Policy and  
7 Management, Commissioner of Administrative Services,  
8 Commissioner of Revenue Services, Banking Commissioner,  
9 Commissioner of Children and Families, Commissioner of Consumer  
10 Protection, Commissioner of Correction, Commissioner of Economic  
11 and Community Development, State Board of Education,  
12 Commissioner of Emergency Management and Homeland Security,

13 Commissioner of Energy and Technology, Commissioner of  
14 Environmental Protection, Commissioner of Agriculture,  
15 Commissioner of Public Health, Insurance Commissioner, Labor  
16 Commissioner, Liquor Control Commission, Commissioner of Mental  
17 Health and Addiction Services, Commissioner of Public Safety,  
18 Commissioner of Social Services, Commissioner of Mental Retardation,  
19 Commissioner of Motor Vehicles, Commissioner of Transportation,  
20 Commissioner of Public Works, Commissioner of Veterans' Affairs,  
21 Commissioner of Health Care Access, Chief Information Officer, the  
22 chairperson of [the Public Utilities Control Authority] Public Utility  
23 Control, the executive director of the Board of Education and Services  
24 for the Blind and the executive director of the Connecticut Commission  
25 on Culture and Tourism.

26 Sec. 2. Subsection (a) of section 4d-90 of the 2006 supplement to the  
27 general statutes is repealed and the following is substituted in lieu  
28 thereof (*Effective January 1, 2007*):

29 (a) There is established a Geospatial Information Systems Council  
30 consisting of the following members, or their designees: (1) The  
31 Secretary of the Office of Policy and Management; (2) the  
32 Commissioners of Environmental Protection, Economic and  
33 Community Development, Transportation, Public Safety, Public  
34 Health, Public Works, Agriculture, Emergency Management and  
35 Homeland Security and Social Services; (3) the Chief Information  
36 Officer of the Department of Information Technology; (4) the  
37 Chancellor of the Connecticut State University system; (5) the  
38 president of The University of Connecticut; (6) the Executive Director  
39 of the Connecticut Siting Council; (7) one member who is a user of  
40 geospatial information systems appointed by the president pro  
41 tempore of the Senate representing a municipality with a population of  
42 more than sixty thousand; (8) one member who is a user of geospatial  
43 information systems appointed by the minority leader of the Senate  
44 representing a regional planning agency; (9) one member who is a user  
45 of geospatial information systems appointed by the Governor  
46 representing a municipality with a population of less than sixty

47 thousand but more than thirty thousand; (10) one member who is a  
48 user of geospatial information systems appointed by the speaker of the  
49 House of Representatives representing a municipality with a  
50 population of less than thirty thousand; (11) one member appointed by  
51 the minority leader of the House of Representatives who is a user of  
52 geospatial information systems; (12) the [chairperson of the Public  
53 Utility Control Authority] Commissioner of Energy and Technology;  
54 (13) the Adjutant General of the Military Department; and (14) any  
55 other persons the council deems necessary appointed by the council.  
56 The Governor shall select the chairperson from among the members.  
57 The chairperson shall administer the affairs of the council. Vacancies  
58 shall be filled by appointment by the authority making the  
59 appointment. Members shall receive no compensation for their  
60 services on said council, but shall be reimbursed for necessary  
61 expenses incurred in the performance of their duties. Said council shall  
62 hold one meeting each month and such additional meetings as may be  
63 prescribed by council rules. In addition, special meetings may be called  
64 by the chairperson or by any three members upon delivery of forty-  
65 eight hours written notice to each member.

66 Sec. 3. Section 7-244j of the 2006 supplement to the general statutes  
67 is repealed and the following is substituted in lieu thereof (*Effective*  
68 *January 1, 2007*):

69 An authority shall have an annual audit of its accounts, books and  
70 records by a certified public accountant selected by such authority. A  
71 copy of the audit shall be filed in the office of the city clerk of the  
72 constituent municipality and with the [Public Utilities Control  
73 Authority] Department of Public Utility Control, and shall be available  
74 for public inspection during the ordinary business hours of such  
75 authority at the principal office of such authority.

76 Sec. 4. Section 7-244k of the 2006 supplement to the general statutes  
77 is repealed and the following is substituted in lieu thereof (*Effective*  
78 *January 1, 2007*):

79 Neither the [Public Utilities Control Authority] Department of  
80 Public Utility Control nor any successor board or commissioner shall  
81 have jurisdiction of any kind over an authority, or the rates fixed or  
82 charges collected by the authority.

83 Sec. 5. Subdivisions (1) and (2) of subsection (a) of section 16-1 of the  
84 2006 supplement to the general statutes are repealed and the following  
85 is substituted in lieu thereof (*Effective January 1, 2007*):

86 (1) ["Authority" means the Public Utilities Control Authority and  
87 "department"] "Department" means the Department of Public Utility  
88 Control;

89 (2) "Commissioner" means a member of [said authority] the  
90 Department of Public Utility Control.

91 Sec. 6. Section 16-1b of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective January 1, 2007*):

93 [There shall be a Department of Public Utility Control. The  
94 department head shall be the chairperson of the Public Utilities  
95 Control Authority.]

96 There is established an Energy and Technology Authority which  
97 shall consist of the Department of Public Utility Control and the  
98 Department of Energy and Technology.

99 Sec. 7. (NEW) (*Effective January 1, 2007*) (a) There is established a  
100 Department of Energy and Technology. The head of the department  
101 shall be the commissioner, who shall be appointed in accordance with  
102 the provisions of sections 4-6 to 4-8, inclusive, of the 2006 supplement  
103 to the general statutes.

104 (b) The Commissioner of Energy and Technology shall develop the  
105 policies of the state with regard to energy and technology, including,  
106 but not limited to: (1) Increasing the state's energy independence by  
107 promoting the use of diverse indigenous and regional energy  
108 resources; (2) encouraging the use of new energy, telecommunications,

109 and water technologies, particularly technologies that support  
110 economic development in the state and promote environmental  
111 sustainability; (3) minimizing costs of utility services to state  
112 consumers while maintaining reliable service; (4) discouraging undue  
113 price volatility of utility service; (5) encouraging competition, when in  
114 the interests of state consumers; and (6) serving as an energy planning  
115 agency.

116 (c) The Commissioner of Energy and Technology shall have all  
117 powers necessary and convenient to faithfully discharge this duty. The  
118 policies of other state agencies, quasi-public agencies and boards, with  
119 regard to energy consumption and development, shall be consistent  
120 with the energy policies developed by the Department of Energy and  
121 Technology.

122 Sec. 8. Section 16-2 of the general statutes is repealed and the  
123 following is substituted in lieu thereof (*Effective January 1, 2007*):

124 (a) There [shall continue to be a Public Utilities Control Authority,  
125 which] is established a Department of Public Utility Control. The head  
126 of the department shall be the chairperson who shall be elected  
127 pursuant to section 16-2, as amended by this act. The department shall  
128 have regulatory authority over public service companies.

129 (b) The Department of Public Utility Control shall consist of five  
130 electors of this state, appointed by the Governor with the advice and  
131 consent of both houses of the General Assembly. Not more than three  
132 members of said [authority] department in office at any one time shall  
133 be members of any one political party. On or before [July 1, 1983]  
134 January 1, 2007, and quadrennially thereafter, the Governor shall  
135 appoint [three] two members to the [authority and on or before July 1,  
136 1985, and quadrennially thereafter, the Governor shall appoint two  
137 members] department. All such members shall serve for a term of four  
138 years. The procedure prescribed by section 4-7, as amended, shall  
139 apply to such appointments, except that the Governor shall submit  
140 each nomination on or before May first, and both houses shall confirm

141 or reject it before adjournment sine die. The commissioners shall be  
142 sworn to the faithful performance of their duties.

143 [(b)] (c) The [authority] Department of Public Utility Control shall  
144 elect a chairperson and vice-chairperson each June for one-year terms  
145 starting on July first of the same year. The vice-chairperson shall  
146 perform the duties of the chairperson in his absence.

147 [(c)] (d) Any matter coming before the [authority] Department of  
148 Public Utility Control may be assigned by the chairperson to a panel of  
149 three commissioners, not more than two of whom shall be members of  
150 the same political party. Except as otherwise provided by statute or  
151 regulation, the panel shall determine whether a public hearing shall be  
152 held on the matter, and may designate one or two of its members to  
153 conduct such hearing or appoint an examiner to ascertain the facts and  
154 report thereon to the panel. The decision of the panel, if unanimous,  
155 shall be the decision of the [authority] department. If the decision of  
156 the panel is not unanimous, the matter shall be referred to the entire  
157 [authority] department for decision.

158 [(d)] (e) The commissioners of the [authority] Department of Public  
159 Utility Control shall serve full time and shall make full public  
160 disclosure of their assets, liabilities and income at the time of their  
161 appointment, and thereafter each member of the [authority]  
162 department shall make such disclosure on or before July thirtieth of  
163 each year of such member's term, and shall file such disclosure with  
164 the office of the Secretary of the State. Each commissioner shall receive  
165 annually a salary equal to that established for management pay plan  
166 salary group seventy-five by the Commissioner of Administrative  
167 Services, except that the chairperson shall receive annually a salary  
168 equal to that established for management pay plan salary group  
169 seventy-seven.

170 [(e)] (f) To insure the highest standard of public utility regulation,  
171 on and after [July 1, 1997] January 1, 2007, at least three of the  
172 commissioners of the [authority] Department of Public Utility Control

173 shall have education or training and three or more years of experience  
174 in one or more of the following fields: Economics, engineering, law,  
175 accounting, finance, utility regulation, public or government  
176 administration, consumer advocacy, business management, and  
177 environmental management. [On and after July 1, 1997, at] At least  
178 three of these fields shall be represented on the authority by individual  
179 commissioners at all times. On and after January 1, 2007, one of the  
180 newly appointed commissioners shall have experience in utility  
181 customer advocacy.

182 [(f)] (g) The chairperson of [the authority] Public Utility Control,  
183 with the consent of two or more other members of the authority, shall  
184 appoint an executive director, who shall be the chief administrative  
185 officer of the [Department of Public Utility Control] department. The  
186 executive director shall be supervised by the chairperson of the  
187 [authority] department, serve for a term of four years and annually  
188 receive a salary equal to that established for management pay plan  
189 salary group seventy-two by the Commissioner of Administrative  
190 Services. The executive director (1) shall conduct comprehensive  
191 planning with respect to the functions of the department; (2) shall  
192 coordinate the activities of the department; (3) shall cause the  
193 administrative organization of the department to be examined with a  
194 view to promoting economy and efficiency; (4) shall, in concurrence  
195 with the chairperson, [of the authority,] organize the department into  
196 such divisions, bureaus or other units as he deems necessary for the  
197 efficient conduct of the business of the department and may from time  
198 to time abolish, transfer or consolidate within the department, any  
199 division, bureau or other units as may be necessary for the efficient  
200 conduct of the business of the department, provided such organization  
201 shall include any division, bureau or other unit which is specifically  
202 required by the general statutes; (5) shall, for any proceeding on a  
203 proposed rate amendment in which staff of the department are to be  
204 made a party pursuant to section 16-19j, as amended by this act,  
205 determine which staff shall appear and participate in the proceedings  
206 and which shall serve the members of the [authority] department; (6)

207 may enter into such contractual agreements, in accordance with  
208 established procedures, as may be necessary for the discharge of his  
209 duties; and (7) may, subject to the provisions of section 4-32, and  
210 unless otherwise provided by law, receive any money, revenue or  
211 services from the federal government, corporations, associations or  
212 individuals, including payments from the sale of printed matter or any  
213 other material or services. The executive director shall require the staff  
214 of the department to have expertise in public utility engineering and  
215 accounting, finance, economics, computers and rate design. Subject to  
216 the provisions of chapter 67 and within available funds in any fiscal  
217 year, the executive director may appoint a secretary, and may employ  
218 such accountants, clerical assistants, engineers, inspectors, experts,  
219 consultants and agents as the department may require.

220 [(g)] (h) No member of the [authority] Department of Public Utility  
221 Control or employee of the department shall, while serving as such,  
222 have any interest, financial or otherwise, direct or indirect, or engage  
223 in any business, employment, transaction or professional activity, or  
224 incur any obligation of any nature, which is in substantial conflict with  
225 the proper discharge of his duties or employment in the public interest  
226 and of his responsibilities as prescribed in the laws of this state, as  
227 defined in section 1-85; provided, no such substantial conflict shall be  
228 deemed to exist solely by virtue of the fact that a member of the  
229 [authority] department or employee of the department, or any  
230 business in which such a person has an interest, receives utility service  
231 from one or more Connecticut utilities under the normal rates and  
232 conditions of service.

233 [(h)] (i) No member of the [authority] Department of Public Utility  
234 Control or employee of the department shall accept other employment  
235 which will either impair his independence of judgment as to his official  
236 duties or employment or require him, or induce him, to disclose  
237 confidential information acquired by him in the course of and by  
238 reason of his official duties.

239 [(i)] (j) No member of the [authority] Department of Public Utility

240 Control or employee of the department shall wilfully and knowingly  
241 disclose, for pecuniary gain, to any other person, confidential  
242 information acquired by him in the course of and by reason of his  
243 official duties or employment or use any such information for the  
244 purpose of pecuniary gain.

245 [(j)] (k) No member of the [authority] Department of Public Utility  
246 Control or employee of the department shall agree to accept, or be in  
247 partnership or association with any person, or a member of a  
248 professional corporation or in membership with any union or  
249 professional association which partnership, association, professional  
250 corporation, union or professional association agrees to accept any  
251 employment, fee or other thing of value, or portion thereof, in  
252 consideration of his appearing, agreeing to appear, or taking any other  
253 action on behalf of another person before the [authority] department,  
254 the Connecticut Siting Council, the Office of Policy and Management,  
255 the Commissioner of Energy and Technology or the Commissioner of  
256 Environmental Protection.

257 [(k)] (l) No commissioner of the [authority] Department of Public  
258 Utility Control shall, for a period of one year following the termination  
259 of his or her service as a commissioner, accept employment: (1) By a  
260 public service company or by any person, firm or corporation engaged  
261 in lobbying activities with regard to governmental regulation of public  
262 service companies; (2) by a certified telecommunications provider or  
263 by any person, firm or corporation engaged in lobbying activities with  
264 regard to governmental regulation of persons, firms or corporations so  
265 certified; or (3) by an electric supplier or by any person, firm or  
266 corporation engaged in lobbying activities with regard to  
267 governmental regulation of electric suppliers. No such commissioner  
268 who is also an attorney shall in any capacity, appear or participate in  
269 any matter, or accept any compensation regarding a matter, before the  
270 [authority] department, for a period of one year following the  
271 termination of his or her service as a commissioner.

272 Sec. 9. Subsections (b) and (c) of section 16-2a of the general statutes

273 are repealed and the following is substituted in lieu thereof (*Effective*  
274 *January 1, 2007*):

275 (b) Except as prohibited by the provisions of section 4-181, the  
276 Office of Consumer Counsel shall have access to the records of the  
277 [Public Utilities Control Authority and] the Department of Public  
278 Utility Control and the Department of Energy and Technology, shall be  
279 entitled to call upon the assistance of the authority's and the  
280 [department's] departments' experts, and shall have the benefit of all  
281 other facilities or information of the authority or [department]  
282 departments in carrying out the duties of the Office of Consumer  
283 Counsel, except for such internal documents, information or data as  
284 are not available to parties to the authority's proceedings. The  
285 [department] Department of Public Utility Control shall provide such  
286 space as necessary within [the] said department's quarters for the  
287 operation of the Office of Consumer Counsel, and the department shall  
288 be empowered to set regulations providing for adequate compensation  
289 for the provision of such office space.

290 (c) The Office of Consumer Counsel shall be under the direction of a  
291 Consumer Counsel, who shall be appointed by the Governor with the  
292 advice and consent of either house of the General Assembly. The  
293 Consumer Counsel shall be an elector of this state and shall have  
294 demonstrated a strong commitment and involvement in efforts to  
295 safeguard the rights of the public. The Consumer Counsel shall serve  
296 for a term of five years unless removed pursuant to section 16-5. The  
297 salary of the Consumer Counsel shall be equal to that established for  
298 management pay plan salary group seventy-one by the Commissioner  
299 of Administrative Services. No Consumer Counsel shall, for a period  
300 of one year following the termination of service as Consumer Counsel,  
301 accept employment by a public service company, a certified  
302 telecommunications provider or an electric supplier. No Consumer  
303 Counsel who is also an attorney shall in any capacity, appear or  
304 participate in any matter, or accept any compensation regarding a  
305 matter, before the [Public Utilities Control Authority] Department of  
306 Public Utility Control and the Department of Energy and Technology,

307 for a period of one year following the termination of service as  
308 Consumer Counsel.

309 Sec. 10. Section 16-4 of the general statutes is repealed and the  
310 following is substituted in lieu thereof (*Effective January 1, 2007*):

311 No officer, employee, attorney or agent of any public service  
312 company, of any certified telecommunications provider or of any  
313 electric supplier shall be a member of the [Public Utilities Control  
314 Authority] Department of Public Utility Control or an employee of the  
315 Department of Public Utility Control or the Department of Energy and  
316 Technology.

317 Sec. 11. Subsection (a) of section 16-19 of the general statutes is  
318 repealed and the following is substituted in lieu thereof (*Effective*  
319 *January 1, 2007*):

320 (a) No public service company may charge rates in excess of those  
321 previously approved by the [authority or the] Department of Public  
322 Utility Control except [that any rate approved by the Public Utilities  
323 Commission or the authority shall be permitted until amended by the  
324 authority or the department,] that rates not approved by the [authority  
325 or the] department may be charged pursuant to subsection (b) of this  
326 section, and that the hearing requirements with respect to adjustment  
327 clauses are as set forth in section 16-19b, as amended. Each public  
328 service company shall file any proposed amendment of its existing  
329 rates with the department in such form and in accordance with such  
330 reasonable regulations as the department may prescribe. Each electric,  
331 electric distribution, gas or telephone company filing a proposed  
332 amendment shall also file with the department an estimate of the  
333 effects of the amendment, for various levels of consumption, on the  
334 household budgets of high and moderate income customers and  
335 customers having household incomes not more than one hundred fifty  
336 per cent of the federal poverty level. Each electric and electric  
337 distribution company shall also file such an estimate for space heating  
338 customers. Each electric distribution company shall also file

339 information about the company's efforts to mitigate price volatility.  
340 Each water company, except a water company that provides water to  
341 its customers less than six consecutive months in a calendar year, filing  
342 a proposed amendment, shall also file with the department a plan for  
343 promoting water conservation by customers in such form and in  
344 accordance with a memorandum of understanding entered into by the  
345 department pursuant to section 4-67e. Each public service company  
346 shall notify each customer who would be affected by the proposed  
347 amendment, by mail, at least one week prior to the public hearing  
348 thereon, that an amendment has been or will be requested. Such notice  
349 shall also indicate (1) the Department of Public Utility Control  
350 telephone number for obtaining information concerning the schedule  
351 for public hearings on the proposed amendment, and (2) whether the  
352 proposed amendment would, in the company's best estimate, increase  
353 any rate or charge by twenty per cent or more, and, if so, describe in  
354 general terms any such rate or charge and the amount of the proposed  
355 increase, provided no such company shall be required to provide more  
356 than one form of the notice to each class of its customers. In the case of  
357 a proposed amendment to the rates of any public service company, the  
358 department shall hold a public hearing thereon, except as permitted  
359 with respect to interim rate amendments by subsection (d) and  
360 subsection (g) of this section, and shall make such investigation of such  
361 proposed amendment of rates as is necessary to determine whether  
362 such rates conform to the principles and guidelines set forth in section  
363 16-19e, as amended by this act, or are unreasonably discriminatory or  
364 more or less than just, reasonable and adequate, or that the service  
365 furnished by such company is inadequate to or in excess of public  
366 necessity and convenience. The department, if in its opinion such  
367 action appears necessary or suitable in the public interest may, and,  
368 upon written petition or complaint of the state, under direction of the  
369 Governor, shall, make the aforesaid investigation of any such  
370 proposed amendment which does not involve an alteration in rates. If  
371 the department finds any proposed amendment of rates to not  
372 conform to the principles and guidelines set forth in section 16-19e, as  
373 amended by this act, or to be unreasonably discriminatory or more or

374 less than just, reasonable and adequate to enable such company to  
375 provide properly for the public convenience, necessity and welfare, or  
376 the service to be inadequate or excessive, it shall determine and  
377 prescribe, as appropriate, an adequate service to be furnished or just  
378 and reasonable maximum rates and charges to be made by such  
379 company. In the case of a proposed amendment filed by an electric,  
380 electric distribution, gas or telephone company, the department shall  
381 also adjust the estimate filed under this subsection of the effects of the  
382 amendment on the household budgets of the company's customers, in  
383 accordance with the rates and charges approved by the department.  
384 The department shall issue a final decision on each rate filing within  
385 one hundred fifty days from the proposed effective date thereof,  
386 provided it may, before the end of such period and upon notifying all  
387 parties and intervenors to the proceedings, extend the period by thirty  
388 days.

389 Sec. 12. Subsection (b) of section 16-19e of the general statutes is  
390 repealed and the following is substituted in lieu thereof (*Effective*  
391 *January 1, 2007*):

392 (b) The Department of Public Utility Control shall promptly  
393 undertake a separate, general investigation of, and shall hold at least  
394 one public hearing on new pricing principles and rate structures for  
395 electric companies and for gas companies to consider, without  
396 limitation, long run incremental cost of marginal cost pricing, peak  
397 load or time of day pricing and proposals for optimizing the utilization  
398 of energy and restraining its wasteful use and encouraging energy  
399 conservation, and any other matter with respect to pricing principles  
400 and rate structures as the department shall deem appropriate. The  
401 department shall determine whether existing or future rate structures  
402 place an undue burden upon those persons of poverty status and shall  
403 make such adjustment in the rate structure as is necessary or desirable  
404 to take account of their indigency. The department shall require the  
405 utilization of such new principles and structures to the extent that the  
406 department determines that their implementation is in the public  
407 interest and necessary or desirable to accomplish the purposes of this

408 provision without being unfair or discriminatory or unduly  
409 burdensome or disruptive to any group or class of customers, and  
410 determines that such principles and structures are capable of yielding  
411 required revenues. In reviewing the rates and rate structures of electric  
412 and gas companies, the department shall take into consideration  
413 appropriate energy policies, including those of the state as expressed  
414 in subsection (c) of this section. The [authority] department shall issue  
415 its initial findings on such investigation by December 1, 1976, and its  
416 final findings and order by June 1, 1977; provided that after such final  
417 findings and order are issued, the department shall at least once every  
418 two years undertake such further investigations as it deems  
419 appropriate with respect to new developments or desirable  
420 modifications in pricing principles and rate structures and, after  
421 holding at least one public hearing thereon, shall issue its findings and  
422 order thereon.

423 Sec. 13. Subsection (a) of section 16-19j of the general statutes is  
424 repealed and the following is substituted in lieu thereof (*Effective*  
425 *January 1, 2007*):

426 (a) The [Public Utilities Control Authority] Department of Public  
427 Utility Control may require a portion of the staff of the department to  
428 be made a party to any proceeding.

429 Sec. 14. Subsection (a) of section 16-19ss of the general statutes is  
430 repealed and the following is substituted in lieu thereof (*Effective*  
431 *January 1, 2007*):

432 (a) The Department of Public Utility Control may, from July 1, 2003,  
433 to January 1, 2008, inclusive, determine, by an affirmative vote of four  
434 commissioners of the [Public Utilities Control Authority] department,  
435 that (1) safe, adequate and reasonably priced electricity is not available  
436 on the wholesale market; (2) additional temporary electric generation  
437 facilities will result in reductions in federally mandated congestion  
438 costs for which the ratepayers of the state are responsible; and (3) the  
439 prices and costs specified in subdivision (2) of this subsection will

440 exceed the cost of investment in temporary electric generation  
441 facilities. Such determination shall be in writing and shall state the  
442 reasons supporting the determination.

443 Sec. 15. Subsection (b) of section 16-50j of the general statutes is  
444 repealed and the following is substituted in lieu thereof (*Effective*  
445 *January 1, 2007*):

446 (b) Except for proceedings under chapter 445, this subsection and  
447 subsection (c) of this section and sections 22a-134cc, 22a-134ff and 22a-  
448 163 to 22a-163u, inclusive, the council shall consist of: (1) The  
449 Commissioner of Environmental Protection, or his designee; (2) the  
450 [chairman, or his designee, of the Public Utilities Control Authority]  
451 Commissioner of Energy and Technology; (3) one designee of the  
452 speaker of the House and one designee of the president pro tempore of  
453 the Senate; and (4) five members of the public, to be appointed by the  
454 Governor, at least two of whom shall be experienced in the field of  
455 ecology, and not more than one of whom shall have affiliation, past or  
456 present, with any utility or governmental utility regulatory agency, or  
457 with any person owning, operating, controlling, or presently  
458 contracting with respect to a facility, a hazardous waste facility as  
459 defined in section 22a-115, a regional low-level radioactive waste  
460 facility as defined in section 22a-163a or ash residue disposal area.

461 Sec. 16. Subsection (a) of section 16a-3 of the general statutes is  
462 repealed and the following is substituted in lieu thereof (*Effective*  
463 *January 1, 2007*):

464 (a) There is established a Connecticut Energy Advisory Board  
465 consisting of nine members, including the Commissioner of  
466 Environmental Protection, [the chairperson of the Public Utilities  
467 Control Authority,] the Commissioner of Transportation, the  
468 Consumer Counsel, the Commissioner of Agriculture, and the  
469 Secretary of the Office of Policy and Management, or their respective  
470 designees. The Governor shall appoint one member, the president pro  
471 tempore of the Senate shall appoint one member, and the speaker of

472 the House of Representatives shall appoint one member, all of whom  
473 shall serve in accordance with section 4-1a. No appointee may be  
474 employed by, or a consultant of, a public service company, as defined  
475 in section 16-1, as amended, or an electric supplier, as defined in  
476 section 16-1, as amended, or an affiliate or subsidiary of such company  
477 or supplier. The Connecticut Energy Advisory Board shall serve as an  
478 advisory group to the Department of Energy and Technology and the  
479 Department of Public Utility Control.

480 Sec. 17. Subsection (f) of section 16a-23t of the 2006 supplement to  
481 the general statutes is repealed and the following is substituted in lieu  
482 thereof (*Effective January 1, 2007*):

483 (f) The [chairperson of the Public Utilities Control Authority]  
484 Commissioner of Energy and Technology, or the [chairperson's]  
485 commissioner's designee, the Commissioner of Social Services, or the  
486 commissioner's designee, the chairperson of the Connecticut Energy  
487 Advisory Board, and the Secretary of the Office of Policy and  
488 Management, or the secretary's designee, shall constitute a Home  
489 Heating Oil Planning Council to address issues involving the supply,  
490 delivery and costs of home heating oil and state policies regarding the  
491 future of the state's home heating oil supply. The Secretary of the  
492 Office of Policy and Management shall convene the first meeting of the  
493 council.

494 Sec. 18. Section 21a-86a of the general statutes is repealed and the  
495 following is substituted in lieu thereof (*Effective January 1, 2007*):

496 (a) On or before October 1, 1990, the Commissioner of Consumer  
497 Protection, in consultation with the Secretary of the Office of Policy  
498 and Management, the chairperson of the [Public Utilities Control  
499 Authority] Department of Energy and Technology, the State Building  
500 Inspector and the Commissioners of Public Health and Environmental  
501 Protection, shall adopt regulations in accordance with the provisions of  
502 chapter 54 establishing minimum efficiency standards for plumbing  
503 fixtures and other water-using devices, as appropriate.

504 (b) The maximum water use allowed in the regulations adopted  
505 under subsection (a) of this section for showerheads, urinals, faucets  
506 and replacement aerators manufactured or sold on or after October 1,  
507 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for  
508 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen  
509 faucets and replacement aerators, 2.5 gallons per minute, except that  
510 lavatories in restrooms of public facilities shall be equipped with outlet  
511 devices which limit the flow rate to a maximum of 0.5 gallons per  
512 minute. The maximum water use allowed in the regulations adopted  
513 under subsection (a) of this section for tank-type toilets, flushometer-  
514 valve toilets, flushometer-tank toilets and electromechanical hydraulic  
515 toilets manufactured or sold on or after January 1, 1992, shall be 1.6  
516 gallons per flush, unless and until equivalent standards for similar  
517 types of toilets are adopted by the American National Standards  
518 Institute, Inc.

519 (c) Notwithstanding the provisions of subsection (b) of this section,  
520 the Commissioner of Consumer Protection, after consultation with the  
521 Secretary of the Office of Policy and Management, the chairperson of  
522 the [Public Utilities Control Authority] Department of Energy and  
523 Technology, the State Building Inspector and the Commissioners of  
524 Public Health and Environmental Protection, may increase the level of  
525 efficiency for plumbing fixtures upon determination that such increase  
526 would promote the conservation of water and energy and be cost-  
527 effective for consumers who purchase and use such fixtures. Any  
528 increased efficiency standard shall be effective one year after its  
529 adoption.

530 (d) The Commissioner of Consumer Protection, in consultation with  
531 the Secretary of the Office of Policy and Management, the chairperson  
532 of the [Public Utilities Control Authority] Department of Energy and  
533 Technology, the State Building Inspector and the Commissioners of  
534 Public Health and Environmental Protection, shall adopt regulations in  
535 accordance with the provisions of chapter 54 necessary to implement  
536 the provisions of sections 21a-86 to 21a-86g, inclusive. Such regulations  
537 shall provide for (1) the sale of plumbing fixtures which do not meet

538 the standards if the commissioner determines that compliance is not  
539 feasible or an unnecessary hardship exists and (2) the sale of plumbing  
540 fixtures, including, but not limited to, antique reproduction plumbing  
541 fixtures, which do not meet the standards, provided such plumbing  
542 fixtures were in stock in a store located in the state before October 1,  
543 1990, if a showerhead, urinal, faucet or replacement aerator or before  
544 January 1, 1992, if a tank-type toilet, flushometer-valve toilet,  
545 flushometer-tank toilet or electromechanical hydraulic toilet.

546 Sec. 19. Subsection (a) of section 21a-86c of the general statutes is  
547 repealed and the following is substituted in lieu thereof (*Effective*  
548 *January 1, 2007*):

549 (a) The Commissioner of Consumer Protection, in consultation with  
550 the Secretary of the Office of Policy and Management, the chairperson  
551 of the [Public Utilities Control Authority] Department of Energy and  
552 Technology, the State Building Inspector and the Commissioners of  
553 Public Health and Environmental Protection, shall establish  
554 procedures for testing the efficiency of plumbing fixtures offered for  
555 retail sale if such procedures are not established in the State Building  
556 Code adopted pursuant to section 29-252.

557 Sec. 20. Subsection (a) of section 22a-66k of the general statutes is  
558 repealed and the following is substituted in lieu thereof (*Effective*  
559 *January 1, 2007*):

560 (a) Each electric distribution company, as defined in section 16-1, as  
561 amended, shall submit a utilities pesticide management plan to the  
562 Commissioner of Environmental Protection for approval with the  
563 concurrence of the [Public Utilities Control] Energy and Technology  
564 Authority. A plan shall be revised at such time as the electric company  
565 filing the plan or the commissioner determines provided such plan  
566 shall be revised not less than once every five years.

567 Sec. 21. Subsection (f) of section 22a-198 of the general statutes is  
568 repealed and the following is substituted in lieu thereof (*Effective*  
569 *January 1, 2007*):

570 (f) The Commissioner of Environmental Protection, in consultation  
571 with the [chairperson of the Public Utilities Control] Energy and  
572 Technology Authority, may suspend the prohibition of subsection (b)  
573 of this section for a Title IV source if it is determined that the  
574 application of the prohibition established under subsection (b) of this  
575 section adversely affects the ability to meet the reliability standards, as  
576 defined by the New England Power Pool or its successor organization,  
577 and the suspension thereof is intended to mitigate such reliability  
578 problems. The Commissioner of Environmental Protection, in  
579 consultation with the [chairperson of the Public Utilities Control]  
580 Energy and Technology Authority, shall specify in writing the reasons  
581 for such suspension and the period of time that such suspension shall  
582 be in effect and shall provide notice of such suspension at the time of  
583 issuance, or the next business day, to the joint standing committees of  
584 the General Assembly having cognizance of matters relating to the  
585 environment and energy and technology. No such waiver shall last  
586 more than thirty days. The commissioner may reissue additional  
587 waivers for such source after said initial waiver has expired. Within  
588 ten days of receipt of the commissioner's notice of suspension, the  
589 committees having cognizance of matters relating to the environment  
590 and energy and technology may hold a joint public hearing and  
591 meeting of the committees to either modify or reject the  
592 commissioner's suspension by a majority vote. If the committees do  
593 not meet, the commissioner's suspension shall be deemed approved.

594 Sec. 22. Subsection (b) of section 22a-354i of the general statutes is  
595 repealed and the following is substituted in lieu thereof (*Effective*  
596 *January 1, 2007*):

597 (b) In adopting such regulations, the commissioner shall consider  
598 the guidelines for aquifer protection areas recommended in the report  
599 prepared pursuant to special act 87-63, as amended, and shall avoid  
600 duplication and inconsistency with other state or federal laws and  
601 regulations affecting aquifers. The regulations shall be developed in  
602 consultation with an advisory committee appointed by the  
603 commissioner. The advisory committee shall include the

604 Commissioners of Public Works and Public Health and the  
605 chairperson of [the Public Utilities Control Authority] Public Utility  
606 Control, or their designees, members of the public, and representatives  
607 of businesses affected by the regulations, agriculture, environmental  
608 groups, municipal officers and water companies.

609 Sec. 23. Section 22a-354w of the general statutes is repealed and the  
610 following is substituted in lieu thereof (*Effective January 1, 2007*):

611 The Commissioner of Environmental Protection, in consultation  
612 with the Commissioner of Public Health and the chairperson of [the  
613 Public Utilities Control Authority] Public Utility Control, shall prepare  
614 guidelines for acquisition of lands surrounding existing or proposed  
615 public water supply well fields. In preparing such guidelines the  
616 commissioner shall consider economic implications for mandating  
617 land acquisition including, but not limited to, the effect on land values  
618 and the ability of small water companies to absorb the cost of  
619 acquisition.

620 Sec. 24. Subsection (d) of section 22a-371 of the general statutes is  
621 repealed and the following is substituted in lieu thereof (*Effective*  
622 *January 1, 2007*):

623 (d) Upon notifying the applicant in accordance with subsection (c)  
624 of this section that the application is complete, the commissioner shall  
625 immediately provide notice of the application and a concise  
626 description of the proposed diversion to the Governor, the Attorney  
627 General, the speaker of the House of Representatives, the president pro  
628 tempore of the Senate, the Secretary of the Office of Policy and  
629 Management, the Commissioners of Public Health and Economic and  
630 Community Development, the chairperson of [the Public Utility  
631 Control Authority] Public Utility Control, chief executive officer and  
632 chairmen of the conservation commission and wetlands agency of the  
633 municipality or municipalities in which the proposed diversion will  
634 take place or have effect, and to any person who has requested notice  
635 of such activities.

636 Sec. 25. Section 25-32b of the general statutes is repealed and the  
637 following is substituted in lieu thereof (*Effective January 1, 2007*):

638 The Commissioner of Public Health, in consultation with the  
639 Commissioner of Environmental Protection and the [Public Utilities  
640 Control Authority] chairperson of Public Utility Control, may declare a  
641 public drinking water supply emergency upon receipt of information  
642 that a public water supply emergency exists or is imminent.  
643 Notwithstanding any other provision of the general statutes or  
644 regulations adopted thereunder, or special act or municipal ordinance,  
645 the Commissioner of Public Health may authorize or order the sale,  
646 supply or taking of any waters, including waters into which sewage is  
647 discharged, or the temporary interconnection of water mains for the  
648 sale or transfer of water among water companies. The [Public Utilities  
649 Control Authority] Department of Public Utility Control shall  
650 determine the terms of the sale of any water sold pursuant to this  
651 section if the water companies that are party to the sale cannot  
652 determine such terms or if one of such water companies is regulated  
653 by the authority. The authorization or order may be implemented  
654 prior to such determination. Any authorization or order shall be for an  
655 initial period of not more than thirty days but may be extended for  
656 additional periods of thirty days up to one hundred fifty days,  
657 consistent with the contingency procedures for a public drinking water  
658 supply emergency in the plan approved pursuant to section 25-32d, as  
659 amended by this act, to the extent the Commissioner of Public Health  
660 deems appropriate. Upon request by the Commissioner of Public  
661 Health, the Commissioner of Environmental Protection, pursuant to  
662 section 22a-378, shall suspend a permit issued pursuant to section 22a-  
663 368 or impose conditions on a permit held pursuant to said section.  
664 The time for such suspension or conditions shall be established in  
665 accordance with subdivision (1) of subsection (a) of section 22a-378. As  
666 used in this section and section 22a-378, "public drinking water supply  
667 emergency" includes the contamination of water, the failure of a water  
668 supply system or the shortage of water.

669 Sec. 26. Section 25-32d of the general statutes is repealed and the

670 following is substituted in lieu thereof (*Effective January 1, 2007*):

671 (a) Each water company, as defined in section 25-32a, and supplying  
672 water to one thousand or more persons or two hundred fifty or more  
673 consumers and any other water company as defined in said section  
674 requested by the Commissioner of Public Health shall submit a water  
675 supply plan to the Commissioner of Public Health for approval with  
676 the concurrence of the Commissioner of Environmental Protection. The  
677 concurrence of the [Public Utilities Control Authority] chairperson of  
678 Public Utility Control shall be required for approval of a plan  
679 submitted by a water company regulated by the [authority]  
680 department. The Commissioner of Public Health shall consider the  
681 comments of the [Public Utilities Control Authority] Department of  
682 Public Utility Control on any plan which may impact any water  
683 company regulated by the [authority] Department of Public Utility  
684 Control. The Commissioner of Public Health shall distribute a copy of  
685 the plan to the Commissioner of Environmental Protection and the  
686 [Public Utilities Control Authority] chairperson of Public Utility  
687 Control. A copy of the plan shall be sent to the Secretary of the Office  
688 of Policy and Management for information and comment. A plan shall  
689 be revised at such time as the water company filing the plan or the  
690 Commissioner of Public Health determines or at intervals of not less  
691 than three years nor more than five years after the date of initial  
692 approval.

693 (b) Any water supply plan submitted pursuant to this section shall  
694 evaluate the water supply needs in the service area of the water  
695 company submitting the plan and propose a strategy to meet such  
696 needs. The plan shall include: (1) A description of existing water  
697 supply systems; (2) an analysis of future water supply demands; (3) an  
698 assessment of alternative water supply sources which may include  
699 sources receiving sewage and sources located on state land; (4)  
700 contingency procedures for public drinking water supply emergencies,  
701 including emergencies concerning the contamination of water, the  
702 failure of a water supply system or the shortage of water; (5) a  
703 recommendation for new water system development; (6) a forecast of

704 any future land sales, an identification which includes the acreage and  
705 location of any land proposed to be sold, sources of public water  
706 supply to be abandoned and any land owned by the company which it  
707 has designated, or plans to designate, as class III land; (7) provisions  
708 for strategic groundwater monitoring; (8) an analysis of the impact of  
709 water conservation practices and a strategy for implementing supply  
710 and demand management measures; and (9) on and after January 1,  
711 2004, an evaluation of source water protection measures for all sources  
712 of the water supply, based on the identification of critical lands to be  
713 protected and incompatible land use activities with the potential to  
714 contaminate a public drinking water source.

715 (c) For security and safety reasons, procedures for sabotage  
716 prevention and response shall be provided separately from the water  
717 supply plan as a confidential document to the Department of Public  
718 Health. Such procedures shall not be subject to disclosure under the  
719 Freedom of Information Act, as defined in section 1-200. Additionally,  
720 procedures for sabotage prevention and response that are established  
721 by municipally-owned water companies shall not be subject to  
722 disclosure under the Freedom of Information Act, as defined in section  
723 1-200.

724 (d) The Commissioner of Public Health, in consultation with the  
725 Commissioner of Environmental Protection and the [Public Utilities  
726 Control Authority] chairperson of Public Utility Control, shall adopt  
727 regulations in accordance with the provisions of chapter 54. Such  
728 regulations shall include a method for calculating safe yield, the  
729 contents of emergency contingency plans and water conservation  
730 plans, the contents of an evaluation of source water protection  
731 measures, a process for approval, modification or rejection of plans  
732 submitted pursuant to this section, a schedule for submission of the  
733 plans and a mechanism for determining the completeness of the plan.  
734 The plan shall be deemed complete if the commissioner does not  
735 request additional information within ninety days after the date on  
736 which the plan was submitted or, in the event that additional  
737 information has been requested, within forty-five days after the

738 submission of such information, except that the commissioner may  
739 request an additional thirty days beyond the time in which the  
740 application is deemed complete to further determine completeness. In  
741 determining whether the water supply plan is complete, the  
742 commissioner may request only information that is specifically  
743 required by regulation. The Department of Environmental Protection  
744 and the Department of Public Utility Control, in the case of any plan  
745 which may impact any water company regulated by that agency, shall  
746 have ninety days upon notice that a plan is deemed complete to  
747 comment on the plan.

748 (e) Any water company, when submitting any plan or revision or  
749 amendment of a plan after July 1, 1998, which involves a forecast of  
750 land sales, abandonment of any water supply source, sale of any lands,  
751 or land reclassification, shall provide notice, return receipt requested,  
752 to the chief elected official of each municipality in which the land or  
753 source is located, the Nature Conservancy, the Trust for Public Land  
754 and the Land Trust Service Bureau and any organization on the list  
755 prepared under subsection (b) of section 16-50c. Such notice shall  
756 specify any proposed abandonment of a source of water supply, any  
757 proposed changes to land sales forecasts or any land to be designated  
758 as class III land in such plan. Such notice shall specify the location and  
759 acreage proposed for sale or reclassification as class III land and  
760 identify sources to be abandoned and shall be provided no later than  
761 the date of submission of such plan or revision. Such notice shall  
762 indicate that public comment on such plan or revision shall be received  
763 by the Commissioners of Public Health and Environmental Protection  
764 not later than sixty days after the date of notice. The Commissioner of  
765 Public Health shall take such comment into consideration in making  
766 any determination or approval under this section.

767 Sec. 27. Section 25-32i of the general statutes is repealed and the  
768 following is substituted in lieu thereof (*Effective January 1, 2007*):

769 There is created a Residential Water-Saving Advisory Board to  
770 advise the Commissioner of Public Health on educational materials or

771 information on water conservation. The board shall consist of eight  
772 members as follows: The Commissioners of Environmental Protection  
773 and Public Health, the Secretary of the Office of Policy and  
774 Management, the chairperson of [the Public Utilities Control  
775 Authority] Public Utility Control, and the Consumer Counsel, or their  
776 respective designees; a representative of a small investor-owned water  
777 company, who shall be appointed by the minority leader of the Senate;  
778 a representative of a large investor-owned water company, who shall  
779 be appointed by the minority leader of the House of Representatives;  
780 and a representative of a municipal or regional water authority, who  
781 shall be jointly appointed by the president pro tempore of the Senate  
782 and the speaker of the House of Representatives. The Governor shall  
783 designate the chairman of the board.

784 Sec. 28. Subsection (a) of section 25-33o of the general statutes is  
785 repealed and the following is substituted in lieu thereof (*Effective*  
786 *January 1, 2007*):

787 (a) The chairperson of [the Public Utility Control Authority] Public  
788 Utility Control, or the chairperson's designee, the Commissioner of  
789 Environmental Protection, or the commissioner's designee, the  
790 Secretary of the Office of Policy and Management, or the secretary's  
791 designee, and the Commissioner of Public Health, or the  
792 commissioner's designee, shall constitute a Water Planning Council to  
793 address issues involving the water companies, water resources and  
794 state policies regarding the future of the state's drinking water supply.  
795 [The chairperson of the Public Utility Control Authority shall convene  
796 the first meeting of the council.]

797 Sec. 29. Subsection (c) of section 28-24 of the 2006 supplement to the  
798 general statutes is repealed and the following is substituted in lieu  
799 thereof (*Effective January 1, 2007*):

800 (c) Within a time period determined by the commissioner to ensure  
801 the availability of funds for the fiscal year beginning July 1, 1997, to the  
802 regional public safety emergency telecommunications centers within

803 the state, and not later than April first of each year thereafter, the  
804 commissioner shall determine the amount of funding needed for the  
805 development and administration of the enhanced emergency 9-1-1  
806 program. The commissioner shall specify the expenses associated with  
807 (1) the purchase, installation and maintenance of new public safety  
808 answering point terminal equipment, (2) the implementation of the  
809 subsidy program, as described in subdivision (2) of subsection (a) of  
810 this section, (3) the implementation of the transition grant program,  
811 described in subdivision (2) of subsection (a) of this section, (4) the  
812 implementation of the regional emergency telecommunications service  
813 credit, as described in subdivision (2) of subsection (a) of this section,  
814 provided, for the fiscal year ending June 30, 2001, and each fiscal year  
815 thereafter, such credit for coordinated medical emergency direction  
816 services as provided in regulations adopted under this section shall be  
817 based upon the factor of thirty cents per capita and shall not be  
818 reduced each year, (5) the training of personnel, as necessary, (6)  
819 recurring expenses and future capital costs associated with the  
820 telecommunications network used to provide emergency 9-1-1 service  
821 and the public safety services data networks, (7) for the fiscal year  
822 ending June 30, 2001, and each fiscal year thereafter, the collection,  
823 maintenance and reporting of emergency medical services data, as  
824 required under subparagraphs (A) and (B) of subdivision (8) of section  
825 19a-177, as amended, provided the amount of expenses specified  
826 under this subdivision shall not exceed two hundred fifty thousand  
827 dollars in any fiscal year, (8) for the fiscal year ending June 30, 2001,  
828 and each fiscal year thereafter, the initial training of emergency  
829 medical dispatch personnel, the provision of an emergency medical  
830 dispatch priority reference card set and emergency medical dispatch  
831 training and continuing education pursuant to subdivisions (3) and (4)  
832 of subsection (g) of section 28-25b, and (9) the administration of the  
833 enhanced emergency 9-1-1 program by the Office of State-Wide  
834 Emergency Telecommunications, as the commissioner determines to  
835 be reasonably necessary. The commissioner shall communicate the  
836 commissioner's findings to the chairperson of [the Public Utilities  
837 Control Authority] Public Utility Control not later than April first of

838 each year.

839 Sec. 30. (NEW) (*Effective January 1, 2007*) (a) The Department of  
840 Energy and Technology shall constitute a successor department with  
841 respect to the duties of the Office of Policy and Management as set  
842 forth in chapters 295, 296, 298 and 298a of the general statutes  
843 regarding energy policy planning in accordance with sections 4-38d  
844 and 4-39 of the general statutes.

845 (b) The functions, powers, duties and personnel of the Division of  
846 Energy in the Office of Policy and Management, shall be transferred to  
847 the Department of Energy and Technology pursuant to the provisions  
848 of sections 4-38d, 4-38e and 4-39 of the general statutes.

849 (c) Any order or regulation of the Office of Policy and Management  
850 that is in force on January 1, 2007, pursuant to the powers and duties  
851 set forth in chapters 295, 296, 298 and 298a of the general statutes  
852 regarding energy policy and planning shall continue in force and effect  
853 as an order or regulation until amended, repealed or superseded  
854 pursuant to law.

855 Sec. 31. (NEW) (*Effective January 1, 2007*) (a) The Commissioner of  
856 Energy and Technology shall: (1) Hold regular public meetings for the  
857 purpose of discussing issues relating to the safety and operation of the  
858 nuclear power generating facilities located in this state and advise the  
859 Governor, the General Assembly and municipalities within a five-mile  
860 radius of any nuclear power generating facility in this state of such  
861 issues; (2) work in conjunction with agencies of the federal, state and  
862 local governments and with any electric company operating a nuclear  
863 power generating facility to ensure the public health and safety; (3)  
864 discuss proposed changes in or problems arising from the operation of  
865 a nuclear power generating facility; (4) communicate with any electric  
866 company operating a nuclear power generating facility about safety or  
867 operational concerns at the facility, which communications may  
868 include, but not be limited to, receipt of written reports and  
869 presentations to the department; and (5) review the current status of

870 facilities with the Nuclear Regulatory Commission.

871 (b) The commissioner may establish a nuclear energy advisory  
872 group to assist and advise the department on performance of the  
873 commissioner's duties under this section.

874 Sec. 32. (NEW) (*Effective January 1, 2007*) (a) The Commissioner of  
875 Energy and Technology shall: (1) Represent the state in regional  
876 energy system planning processes conducted by the regional  
877 independent system operator, as defined in section 16-1 of the 2006  
878 supplement to the general statutes; (2) encourage representatives from  
879 the municipalities that are affected by a proposed project of regional  
880 significance to participate in regional energy system planning  
881 processes conducted by the regional independent system operator; (3)  
882 participate in a forecast proceeding conducted pursuant to subsection  
883 (a) of section 16-50r of the general statutes; and (4) participate in a life-  
884 cycle proceeding conducted pursuant to subsection (b) of section 16-  
885 50r of the general statutes.

886 (b) The Commissioner of Energy and Technology may establish an  
887 advisory group to assist and advise the department on the  
888 performance of the commissioner's duties under this section.

889 Sec. 33. (NEW) (*Effective January 1, 2007*) (a) The Commissioner of  
890 Energy and Technology is authorized to participate in proceedings  
891 before agencies of the federal government and the federal courts on  
892 matters affecting electric distribution companies, as defined in section  
893 16-1 of the 2006 supplement to the general statutes, electric suppliers,  
894 as defined in said section 16-1, gas companies, as defined in said  
895 section 16-1, gas registrants, as defined in said section 16-1, or exempt  
896 wholesale generators, as defined in said section 16-1.

897 (b) For any proceeding before the Federal Energy Regulatory  
898 Commission, the United States Department of Energy or the United  
899 States Nuclear Regulatory Commission, or appeal thereof, the  
900 Attorney General, upon request of the Energy and Technology  
901 Authority, may retain outside legal counsel in accordance with section

902 3-125 of the general statutes to participate in such proceedings on  
903 behalf of the department. All reasonable and proper expenses of such  
904 outside legal counsel shall be borne by the electric distribution  
905 companies, electric suppliers, gas companies, gas registrants, or  
906 exempt wholesale generators that are affected by the decisions of such  
907 proceedings and shall be paid at such times and in such manner as the  
908 Commissioner of Energy and Technology directs, provided such  
909 expenses shall be apportioned in proportion to the revenues of each  
910 affected entity as reported to the Department of Public Utility Control  
911 for purposes of section 16-49 of the general statutes for the most recent  
912 period, and provided further such expenses shall not exceed two  
913 hundred fifty thousand dollars per proceeding, including any appeals  
914 thereof, in any calendar year unless the department finds good cause  
915 for exceeding the limit and the affected entities have an opportunity,  
916 after reasonable notice, to comment on the proposed overage. All such  
917 legal expenses shall be recognized by the Department of Public Utility  
918 Control as proper business expenses of the affected entities for rate-  
919 making purposes, as provided in section 16-19e of the general statutes,  
920 as amended by this act, if applicable.

921 Sec. 34. Section 4-38c of the general statutes is repealed and the  
922 following is substituted in lieu thereof (*Effective January 1, 2007*):

923 There shall be within the executive branch of state government the  
924 following departments: Office of Policy and Management, Department  
925 of Administrative Services, Department of Revenue Services,  
926 Department of Banking, Department of Agriculture, Department of  
927 Children and Families, Department of Consumer Protection,  
928 Department of Correction, Department of Economic and Community  
929 Development, State Board of Education, Department of Emergency  
930 Management and Homeland Security, Department of Energy and  
931 Technology, Department of Environmental Protection, Department of  
932 Public Health, Board of Governors of Higher Education, Insurance  
933 Department, Labor Department, Department of Mental Health and  
934 Addiction Services, Department of Mental Retardation, Department of  
935 Public Safety, Department of Social Services, Department of

936 Transportation, Department of Motor Vehicles, Department of  
937 Veterans' Affairs, Department of Public Works, [and] Department of  
938 Public Utility Control and Energy and Technology Authority.

939 Sec. 35. Subsection (a) of section 4-65a of the general statutes is  
940 repealed and the following is substituted in lieu thereof (*Effective*  
941 *January 1, 2007*):

942 (a) There shall be an Office of Policy and Management which shall  
943 be responsible for all aspects of state staff planning and analysis in the  
944 areas of budgeting, management, planning, [energy] policy  
945 determination and evaluation, intergovernmental policy, criminal and  
946 juvenile justice planning and program evaluation. The department  
947 head shall be the Secretary of the Office of Policy and Management,  
948 who shall be appointed by the Governor in accordance with the  
949 provisions of sections 4-5, as amended by this act, 4-6, 4-7, as amended,  
950 and 4-8, with all the powers and duties therein prescribed. The  
951 Secretary of the Office of Policy and Management shall be the  
952 employer representative (1) in collective bargaining negotiations  
953 concerning changes to the state employees retirement system and  
954 health and welfare benefits, and (2) in all other matters involving  
955 collective bargaining, including negotiation and administration of all  
956 collective bargaining agreements and supplemental understandings  
957 between the state and the state employee unions concerning all  
958 executive branch employees except (A) employees of the Division of  
959 Criminal Justice, and (B) faculty and professional employees of boards  
960 of trustees of constituent units of the state system of higher education.  
961 The secretary may designate a member of the secretary's staff to act as  
962 the employer representative in the secretary's place.

963 Sec. 36. Subdivision (2) of subsection (e) of section 4a-57 of the  
964 general statutes is repealed and the following is substituted in lieu  
965 thereof (*Effective January 1, 2007*):

966 (2) Any purchase of or contract by the department for electric  
967 generation services that are subject to competitive bidding and

968 competitive negotiations shall be conducted in cooperation with the  
969 [Office of Policy and Management] Commissioner of Energy and  
970 Technology pursuant to section 16a-14e, as amended by this act.

971 Sec. 37. Section 8-37jj of the general statutes is repealed and the  
972 following is substituted in lieu thereof (*Effective January 1, 2007*):

973 (a) The Department of Economic and Community Development  
974 may not approve electric resistance as the primary heat source in new,  
975 subsidized housing except where justified by a life-cycle cost analysis  
976 whose methodology has been approved by the [division of the Office  
977 of Policy and Management responsible for energy matters]  
978 Department of Energy and Technology.

979 (b) If the Department of Economic and Community Development or  
980 the Connecticut Housing Finance Authority uses electric resistance  
981 space heating as the primary heating source in any new construction, it  
982 shall construct the unit in such a way as to be eligible for any available  
983 energy conservation incentives provided by the electric company, as  
984 defined in section 16-1, as amended, or the municipal utility furnishing  
985 electric service to such unit.

986 Sec. 38. Subsection (f) of section 13a-110a of the general statutes is  
987 repealed and the following is substituted in lieu thereof (*Effective*  
988 *January 1, 2007*):

989 (f) The provisions of this section shall not apply to the installation or  
990 replacement of luminaires for which the [Secretary of the Office of  
991 Policy and Management] Commissioner of Energy and Technology (1)  
992 conducts a life-cycle cost analysis of one or more luminaires which  
993 meet the requirements set forth in subsection (b) of this section and  
994 one or more luminaires which do not meet such requirements, and (2)  
995 certifies that a luminaire which meets such requirements is not cost  
996 effective and is not the most appropriate alternative based on the life-  
997 cycle cost analysis.

998 Sec. 39. Section 16-6b of the general statutes is repealed and the

999 following is substituted in lieu thereof (*Effective January 1, 2007*):

1000 The Department of Public Utility Control may, in accordance with  
1001 chapter 54, adopt such regulations with respect to rates and charges,  
1002 services, accounting practices, safety and the conduct of operations  
1003 generally of public service companies subject to its jurisdiction as it  
1004 deems reasonable and necessary. The department may, in accordance  
1005 with chapter 54, adopt such regulations with respect to services,  
1006 accounting practices, safety and the conduct of operations generally of  
1007 electric suppliers subject to its jurisdiction as it deems reasonable and  
1008 necessary. After consultation with the [Secretary of the Office of Policy  
1009 and Management] Commissioner of Energy and Technology, the  
1010 department may also adopt regulations establishing standards for  
1011 systems utilizing cogeneration technology and renewable fuel  
1012 resources.

1013 Sec. 40. Subsections (c) and (d) of section 16-19e of the general  
1014 statutes are repealed and the following is substituted in lieu thereof  
1015 (*Effective January 1, 2007*):

1016 (c) The Department of Public Utility Control shall consult at least  
1017 once each year with the Commissioner of Environmental Protection,  
1018 the Connecticut Siting Council and the [Office of Policy and  
1019 Management] Commissioner of Energy and Technology, so as to  
1020 coordinate and integrate its actions, decisions and policies pertaining  
1021 to gas and electric companies, so far as possible, with the actions,  
1022 decisions and policies of said other agencies and instrumentalities in  
1023 order to further the development and optimum use of the state's  
1024 energy resources and conform to the greatest practicable extent with  
1025 the state energy policy as stated in section 16a-35k, taking into account  
1026 prudent management of the natural environment and continued  
1027 promotion of economic development within the state. In the  
1028 performance of its duties, the department shall take into consideration  
1029 the energy policies of the state as expressed in this subsection and in  
1030 any annual reports prepared or filed by such other agencies and  
1031 instrumentalities, and shall defer, as appropriate, to any actions taken

1032 by such other agencies and instrumentalities on matters within their  
1033 respective jurisdictions.

1034 (d) The Commissioner of Environmental Protection, the  
1035 Commissioner of Economic and Community Development, the  
1036 Connecticut Siting Council and the [Office of Policy and Management]  
1037 Commissioner of Energy and Technology shall be made parties to each  
1038 proceeding on a rate amendment proposed by a gas, electric or electric  
1039 distribution company based upon an alleged need for increased  
1040 revenues to finance an expansion of capital equipment and facilities,  
1041 and shall participate in such proceedings to the extent necessary.

1042 Sec. 41. Subdivision (2) of subsection (c) of section 16-32f of the 2006  
1043 supplement to the general statutes is repealed and the following is  
1044 substituted in lieu thereof (*Effective January 1, 2007*):

1045 (2) Programs included in the plan shall be screened through cost-  
1046 effectiveness testing that compares the value and payback period of  
1047 program benefits to program costs to ensure that the programs are  
1048 designed to obtain gas savings whose value is greater than the costs of  
1049 the program. Program cost-effectiveness shall be reviewed annually by  
1050 the department, or otherwise as is practicable. If the department  
1051 determines that a program fails the cost-effectiveness test as part of the  
1052 review process, the program shall either be modified to meet the test  
1053 or shall be terminated. On or before January 1, 2007, and annually  
1054 thereafter, the board shall provide a report, in accordance with the  
1055 provisions of section 11-4a, to the joint standing committees of the  
1056 General Assembly having cognizance of matters relating to energy and  
1057 the environment and to the Commissioner of Energy and Technology,  
1058 that documents expenditures and funding for such programs and  
1059 evaluates the cost-effectiveness of such programs conducted in the  
1060 preceding year, including any increased cost-effectiveness owing to  
1061 offering programs that save more than one fuel resource.

1062 Sec. 42. Subdivision (3) of subsection (a) of section 16-50l of the  
1063 general statutes is repealed and the following is substituted in lieu

1064 thereof (*Effective January 1, 2007*):

1065 (3) Notwithstanding the provisions of this subsection, an entity that  
1066 has submitted a proposal pursuant to the request-for-proposal process  
1067 may initiate a certification proceeding by filing with the council an  
1068 application containing the information required pursuant to this  
1069 section, accompanied by a filing fee of not more than twenty-five  
1070 thousand dollars, which fee shall be established in accordance with  
1071 section 16-50t, and a municipal participation fee of twenty-five  
1072 thousand dollars to be deposited in the account established pursuant  
1073 to section 16-50bb, not later than thirty days after the [Connecticut  
1074 Energy Advisory Board] Commissioner of Energy and Technology  
1075 performs the evaluation process pursuant to subsection (f) of section  
1076 16a-7c, as amended by this act.

1077 Sec. 43. Section 16-243k of the 2006 supplement to the general  
1078 statutes is repealed and the following is substituted in lieu thereof  
1079 (*Effective January 1, 2007*):

1080 Not later than [January] July 1, 2007, and annually thereafter, the  
1081 Department of Public Utility Control shall assess the number and types  
1082 of customer-side and grid-side distributed resources, as defined in  
1083 section 16-1, as amended, projects financed pursuant to the provisions  
1084 of public act 05-1 of the June special session\* and such projects'  
1085 contributions to achieving fuel diversity, transmission support, and  
1086 energy independence in the state. Not later than January 1, [2007] 2008,  
1087 and biennially thereafter, the department shall collect the information  
1088 in such annual assessments and report, in accordance with the  
1089 provisions of section 11-4a, on the effectiveness of the award program  
1090 established in section 16-243i and on its findings to the joint standing  
1091 committee of the General Assembly having cognizance of matters  
1092 relating to energy and to the Commissioner of Energy and Technology.

1093 Sec. 44. Subsection (m) of section 16-243m of the 2006 supplement to  
1094 the general statutes is repealed and the following is substituted in lieu  
1095 thereof (*Effective January 1, 2007*):

1096 (m) An electric distribution company may not submit a proposal  
1097 under this section on or after February 1, 2011. On or before January 1,  
1098 2010, the department shall submit a report, in accordance with section  
1099 11-4a, to the joint standing committee of the General Assembly having  
1100 cognizance of matters relating to energy and to the Department of  
1101 Energy and Technology with a recommendation as to whether the  
1102 period during which such company may submit proposals under this  
1103 section should be extended.

1104 Sec. 45. Subsection (b) of section 16-244d of the general statutes is  
1105 repealed and the following is substituted in lieu thereof (*Effective*  
1106 *January 1, 2007*):

1107 (b) There shall be established a Consumer Education Advisory  
1108 Council which shall advise the outreach program coordinator on the  
1109 development and implementation of the outreach program until the  
1110 termination of the standard offer under section 16-244c, as amended.  
1111 Membership of the advisory council shall be established by the  
1112 Consumer Counsel not later than December 1, 1998, and shall include,  
1113 but not be limited to, representatives of the Department of Public  
1114 Utility Control, the Office of Consumer Counsel, the Office of the  
1115 Attorney General, the [Office of Policy and Management] Department  
1116 of Energy and Technology, the Department of Environmental  
1117 Protection, community and business organizations, consumer groups,  
1118 including, but not limited to, a group that represents hardship  
1119 customers, as defined in section 16-262c, as amended by this act,  
1120 electric distribution companies and electric suppliers. The advisory  
1121 council shall determine the information to be distributed to customers  
1122 as part of the education effort such as customers' rights and obligations  
1123 in a restructured environment, how customers can exercise their right  
1124 to participate in retail access, the types of electric suppliers expected to  
1125 be licensed including the possibility of load aggregation, electric  
1126 generation services options that will be available, the environmental  
1127 characteristics of different types of generation facilities and other  
1128 information determined by the advisory council to be necessary for  
1129 customers. The advisory council shall advise the outreach program

1130 coordinator on the methods of distributing information in accordance  
1131 with subsection (a) of this section and the timing of such distribution.  
1132 The advisory council shall meet on a regular basis and report to the  
1133 outreach program coordinator as it deems appropriate until  
1134 termination of the advisory council's role upon the termination of the  
1135 standard offer under section 16-244c, as amended.

1136 Sec. 46. Subsections (c) and (d) of section 16-245m of the 2006  
1137 supplement to the general statutes are repealed and the following is  
1138 substituted in lieu thereof (*Effective January 1, 2007*):

1139 (c) The Department of Public Utility Control shall appoint and  
1140 convene an Energy Conservation Management Board which shall  
1141 include representatives of: [(1) An] (1) The Department of Energy and  
1142 Technology; (2) an environmental group knowledgeable in energy  
1143 conservation program collaboratives; [(2)] (3) the Office of Consumer  
1144 Counsel; [(3)] (4) the Attorney General; [(4)] (5) the Department of  
1145 Environmental Protection; [(5)] (6) the electric distribution companies  
1146 in whose territories the activities take place for such programs; [(6)] (7)  
1147 a state-wide manufacturing association; [(7)] (8) a chamber of  
1148 commerce; [(8)] (9) a state-wide business association; [(9)] (10) a state-  
1149 wide retail organization; [(10)] (11) a representative of a municipal  
1150 electric energy cooperative created pursuant to chapter 101a; [(11)] (12)  
1151 two representatives selected by the gas companies in this state; and  
1152 [(12)] (13) residential customers. Such members shall serve for a period  
1153 of five years and may be reappointed. Representatives of the gas  
1154 companies shall not vote on matters unrelated to gas conservation.  
1155 Representatives of the electric distribution companies and the  
1156 municipal electric energy cooperative shall not vote on matters  
1157 unrelated to electricity conservation.

1158 (d) (1) The Energy Conservation Management Board shall advise  
1159 and assist the electric distribution companies in the development and  
1160 implementation of a comprehensive plan, which plan shall be  
1161 approved by the Department of Public Utility Control, to implement  
1162 cost-effective energy conservation programs and market

1163 transformation initiatives. The plan shall be consistent with the  
1164 comprehensive energy plan approved by the [Connecticut Energy  
1165 Advisory Board] Commissioner of Energy and Technology pursuant to  
1166 section 16a-7a, as amended by this act, at the time of submission to the  
1167 department. Each program contained in the plan shall be reviewed by  
1168 the electric distribution company and either accepted or rejected by the  
1169 Energy Conservation Management Board prior to submission to the  
1170 department for approval. The Energy Conservation Management  
1171 Board shall, as part of its review, examine opportunities to offer joint  
1172 programs providing similar efficiency measures that save more than  
1173 one fuel resource or otherwise to coordinate programs targeted at  
1174 saving more than one fuel resource. Any costs for joint programs shall  
1175 be allocated equitably among the conservation programs. The Energy  
1176 Conservation Management Board shall give preference to projects that  
1177 maximize the reduction of federally mandated congestion charges.

1178 (2) There shall be a joint committee of the Energy Conservation  
1179 Management Board and the Renewable Energy Investments Advisory  
1180 Committee. The board and the advisory committee shall each appoint  
1181 members to such joint committee. The joint committee shall examine  
1182 opportunities to coordinate the programs and activities funded by the  
1183 Renewable Energy Investment Fund pursuant to section 16-245n, as  
1184 amended by this act, with the programs and activities contained in the  
1185 plan developed under this subsection to reduce the long-term cost,  
1186 environmental impacts and security risks of energy in the state. Such  
1187 joint committee shall hold its first meeting on or before August 1, 2005.

1188 (3) Programs included in the plan developed under subdivision (1)  
1189 of subsection (d) of this section shall be screened through cost-  
1190 effectiveness testing which compares the value and payback period of  
1191 program benefits to program costs to ensure that programs are  
1192 designed to obtain energy savings and system benefits, including  
1193 mitigation of federally mandated congestion charges, whose value is  
1194 greater than the costs of the programs. Cost-effectiveness testing shall  
1195 utilize available information obtained from real-time monitoring  
1196 systems to ensure accurate validation and verification of energy use.

1197 Program cost-effectiveness shall be reviewed annually, or otherwise as  
1198 is practicable. If a program is determined to fail the cost-effectiveness  
1199 test as part of the review process, it shall either be modified to meet the  
1200 test or shall be terminated. On or before March 1, 2005, and on or  
1201 before March first annually thereafter, the board shall provide a report,  
1202 in accordance with the provisions of section 11-4a, to the joint standing  
1203 committees of the General Assembly having cognizance of matters  
1204 relating to energy and the environment and to the Department of  
1205 Energy and Technology (A) that documents expenditures and fund  
1206 balances and evaluates the cost-effectiveness of such programs  
1207 conducted in the preceding year, and (B) that documents the extent to  
1208 and manner in which the programs of such board collaborated and  
1209 cooperated with programs, established under section 7-233y, of  
1210 municipal electric energy cooperatives. To maximize the reduction of  
1211 federally mandated congestion charges, programs in the plan may  
1212 allow for disproportionate allocations between the amount of  
1213 contributions to the Energy Conservation and Load Management  
1214 Funds by a certain rate class and the programs that benefit such a rate  
1215 class. Before conducting such evaluation, the board shall consult with  
1216 the Renewable Energy Investments Advisory Committee. The report  
1217 shall include a description of the activities undertaken during the  
1218 reporting period jointly or in collaboration with the Renewable Energy  
1219 Investment Fund established pursuant to subsection (c) of section 16-  
1220 245n, as amended by this act.

1221 (4) Programs included in the plan developed under subdivision (1)  
1222 of subsection (d) of this section may include, but not be limited to: (A)  
1223 Conservation and load management programs, including programs  
1224 that benefit low-income individuals; (B) research, development and  
1225 commercialization of products or processes which are more energy-  
1226 efficient than those generally available; (C) development of markets for  
1227 such products and processes; (D) support for energy use assessment,  
1228 real-time monitoring systems, engineering studies and services related  
1229 to new construction or major building renovation; (E) the design,  
1230 manufacture, commercialization and purchase of energy-efficient

1231 appliances and heating, air conditioning and lighting devices; (F)  
1232 program planning and evaluation; (G) indoor air quality programs  
1233 relating to energy conservation; (H) joint fuel conservation initiatives  
1234 programs targeted at reducing consumption of more than one fuel  
1235 resource; and (I) public education regarding conservation. Such  
1236 support may be by direct funding, manufacturers' rebates, sale price  
1237 and loan subsidies, leases and promotional and educational activities.  
1238 The plan shall also provide for expenditures by the Energy  
1239 Conservation Management Board for the retention of expert  
1240 consultants and reasonable administrative costs provided such  
1241 consultants shall not be employed by, or have any contractual  
1242 relationship with, an electric distribution company. Such costs shall  
1243 not exceed five per cent of the total revenue collected from the  
1244 assessment.

1245 Sec. 47. Subsection (f) of section 16-245m of the 2006 supplement to  
1246 the general statutes is repealed and the following is substituted in lieu  
1247 thereof (*Effective January 1, 2007*):

1248 (f) No later than December 31, 2006, and no later than December  
1249 thirty-first every five years thereafter, the Energy Conservation  
1250 Management Board shall, after consulting with the Renewable Energy  
1251 Investments Advisory Committee, conduct an evaluation of the  
1252 performance of the programs and activities of the fund and submit a  
1253 report, in accordance with the provisions of section 11-4a, of the  
1254 evaluation to the joint standing committee of the General Assembly  
1255 having cognizance of matters relating to energy and to the Department  
1256 of Energy and Technology.

1257 Sec. 48. Subsection (d) of section 16-245n of the 2006 supplement to  
1258 the general statutes is repealed and the following is substituted in lieu  
1259 thereof (*Effective January 1, 2007*):

1260 (d) The chairperson of the board of directors of Connecticut  
1261 Innovations, Incorporated, shall convene a Renewable Energy  
1262 Investments Advisory Committee to assist Connecticut Innovations,

1263 Incorporated, in matters related to the Renewable Energy Investment  
1264 Fund, including, but not limited to, development of a comprehensive  
1265 plan and expenditure of funds. The advisory committee shall, in such  
1266 plan, give preference to projects that maximize the reduction of  
1267 federally mandated congestion charges. The plan shall be consistent  
1268 with the comprehensive energy plan approved by the [Connecticut  
1269 Energy Advisory Board] Commissioner of Energy and Technology  
1270 pursuant to section 16a-7a, as amended by this act. The advisory  
1271 committee shall include not more than twelve individuals with  
1272 knowledge and experience in matters related to the purpose and  
1273 activities of said fund. The advisory committee shall consist of the  
1274 following members: (1) One person with expertise regarding  
1275 renewable energy resources appointed by the speaker of the House of  
1276 Representatives; (2) one person representing a state or regional  
1277 organization primarily concerned with environmental protection  
1278 appointed by the president pro tempore of the Senate; (3) one person  
1279 with experience in business or commercial investments appointed by  
1280 the majority leader of the House of Representatives; (4) one person  
1281 representing a state or regional organization primarily concerned with  
1282 environmental protection appointed by the majority leader of the  
1283 Senate; (5) one person with experience in business or commercial  
1284 investments appointed by the minority leader of the House of  
1285 Representatives; (6) one person with experience in business or  
1286 commercial investments appointed by the minority leader of the  
1287 Senate; (7) two state officials with experience in matters relating to  
1288 energy policy and one person with expertise regarding renewable  
1289 energy resources appointed by the Governor; and (8) three persons  
1290 with experience in business or commercial investments appointed by  
1291 the board of directors of Connecticut Innovations, Incorporated. The  
1292 advisory committee shall issue annually a report to such chairperson  
1293 reviewing the activities of the fund in detail and shall provide a copy  
1294 of such report, in accordance with the provisions of section 11-4a, to  
1295 the joint standing committee of the General Assembly having  
1296 cognizance of matters relating to energy, the Department of Public  
1297 Utility Control, the Department of Energy and Technology and the

1298 Office of Consumer Counsel. The report shall include a description of  
1299 the programs and activities undertaken during the reporting period  
1300 jointly or in collaboration with the Energy Conservation and Load  
1301 Management Funds established pursuant to section 16-245m, as  
1302 amended by this act.

1303 Sec. 49. Subsection (a) of section 16-261a of the general statutes is  
1304 repealed and the following is substituted in lieu thereof (*Effective*  
1305 *January 1, 2007*):

1306 (a) There is established an interagency task force to study electric  
1307 and magnetic fields. The task force shall determine the appropriate  
1308 role of the state in addressing the potential problems associated with  
1309 electric and magnetic fields and may make recommendations to the  
1310 General Assembly regarding any legislation which it deems  
1311 appropriate. The task force shall consist of (1) the Commissioner of  
1312 Public Health or his designee; (2) the Commissioner of Environmental  
1313 Protection or his designee; (3) the Commissioner of Economic and  
1314 Community Development or his designee; (4) the [Secretary of the  
1315 Office of Policy and Management] Commissioner of Energy and  
1316 Technology or his designee; (5) the chairperson of the Public Utilities  
1317 Control Authority or his designee; and (6) the chairman of the  
1318 Connecticut Siting Council or his designee.

1319 Sec. 50. Subdivision (5) of subsection (b) of section 16-262c of the  
1320 general statutes is repealed and the following is substituted in lieu  
1321 thereof (*Effective January 1, 2007*):

1322 (5) Each gas and electric distribution company shall submit to the  
1323 Department of Public Utility Control annually, on or before July first,  
1324 an implementation plan which shall include information concerning  
1325 amortization agreements, counseling, reinstatement of eligibility, rate  
1326 impacts and any other information deemed relevant by the  
1327 department. The Department of Public Utility Control may, in  
1328 consultation with the [Office of Policy and Management]  
1329 Commissioner of Energy and Technology, approve or modify such

1330 plan within ninety days of receipt of the plan. If the department does  
1331 not take any action on such plan within ninety days of its receipt, the  
1332 plan shall automatically take effect at the end of the ninety-day period,  
1333 provided the department may extend such period for an additional  
1334 thirty days by notifying the company before the end of the ninety-day  
1335 period. Any amount recovered by a company in its rates pursuant to  
1336 this subsection shall not include any amount approved by the  
1337 Department of Public Utility Control as an uncollectible expense. The  
1338 department may deny all or part of the recovery required by this  
1339 subsection if it determines that the company seeking recovery has been  
1340 imprudent, inefficient or acting in violation of statutes or regulations  
1341 regarding amortization agreements.

1342 Sec. 51. Section 16a-2 of the general statutes is repealed and the  
1343 following is substituted in lieu thereof (*Effective January 1, 2007*):

1344 As used in this chapter and sections 16a-45a, as amended by this act,  
1345 16a-46, as amended by this act, 16a-46a, as amended by this act, and  
1346 16a-46b, as amended by this act:

1347 [(a) "Office" means the Office of Policy and Management;

1348 (b) "Board" means the Connecticut Energy Advisory Board;]

1349 [(c)] (1) "Secretary" means the Secretary of the Office of Policy and  
1350 Management;

1351 (2) "Department" means the Department of Energy and Technology;

1352 (3) "Commissioner" means the Commissioner of Energy and  
1353 Technology;

1354 [(d)] (4) "Energy" means work or heat that is, or may be, produced  
1355 from any fuel or source whatsoever;

1356 [(e)] (5) "Energy emergency" means a situation where the health,  
1357 safety or welfare of the citizens of the state is threatened by an actual  
1358 or impending acute shortage in usable energy resources;

1359 [(f)] (6) "Energy resource" means natural gas, petroleum products,  
1360 coal and coal products, wood fuels, geothermal sources, radioactive  
1361 materials and any other resource yielding energy;

1362 [(g)] (7) "Person" means any individual, firm, partnership,  
1363 association, syndicate, company, trust, corporation, limited liability  
1364 company, municipality, agency or political or administrative  
1365 subdivision of the state, or other legal entity of any kind;

1366 [(h)] (8) "Service area" means any geographic area serviced by the  
1367 same energy-producing public service company, as defined in section  
1368 16-1, as amended;

1369 [(i)] (9) "Renewable resource" means solar, wind, water, wood or  
1370 other biomass source of energy and geothermal energy;

1371 [(j)] (10) "Energy-related products" means [(1)] (A) energy systems  
1372 and equipment that utilize renewable resources to provide space  
1373 heating or cooling, water heating, electricity or other useful energy,  
1374 [(2)] (B) insulation materials, and [(3)] (C) equipment designed to  
1375 conserve energy or increase the efficiency of its use, including that  
1376 used for residential, commercial, industrial and transportation  
1377 purposes;

1378 [(k)] (11) "Energy-related services" means [(1)] (A) the design,  
1379 construction, installation, inspection, maintenance, adjustment or  
1380 repair of energy-related products, [(2)] (B) inspection, adjustment,  
1381 maintenance or repair of any conventional energy system, [(3)] (C) the  
1382 performance of energy audits or the provision of energy management  
1383 consulting services, and [(4)] (D) weatherization activities carried out  
1384 under any federal, state or municipal program;

1385 [(l)] (12) "Conventional energy system" means any system for  
1386 supplying space heating or cooling, ventilation or domestic or  
1387 commercial hot water which is not included in [subdivision (1) of  
1388 subsection (j)] subparagraph (A) of subdivision (10) of this section; and

1389 [(m)] (13) "Energy supply" means any energy resource capable of  
1390 being used to perform useful work and any form of energy such as  
1391 electricity produced or derived from energy resources which may be  
1392 so used.

1393 Sec. 52. Section 16a-4 of the general statutes is repealed and the  
1394 following is substituted in lieu thereof (*Effective January 1, 2007*):

1395 The Secretary of the Office of Policy and Management shall employ,  
1396 subject to the provisions of chapter 67, such staff as is required for the  
1397 proper discharge of duties of the office as set forth in [this chapter and]  
1398 sections [4-5,] 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-  
1399 189, subsection (b) of section 8-206, sections 16a-20, as amended by this  
1400 act, 16a-102, as amended by this act, 22a-352 and 22a-353. The secretary  
1401 may adopt, pursuant to chapter 54, such regulations as are necessary  
1402 to carry out the purposes of this chapter.

1403 Sec. 53. Section 16a-4a of the general statutes is repealed and the  
1404 following is substituted in lieu thereof (*Effective January 1, 2007*):

1405 The Office of Policy and Management shall:

1406 (1) Formulate and prepare state-wide or interregional plans for the  
1407 physical, social and economic development of the state. Such plans  
1408 may be prepared jointly or in consultation with other state, interstate,  
1409 federal, regional or local agencies. Such plans may include, but need  
1410 not be limited to, (A) demographic projections, (B) economic  
1411 projections, (C) land use and water considerations, (D) transportation  
1412 requirements, (E) environmental considerations, (F) energy capabilities  
1413 and requirements, (G) public facilities, (H) labor needs and skills, (I)  
1414 educational objectives, (J) housing needs, and (K) health needs;

1415 (2) Receive for review, information and recommendations, plans  
1416 proposed by any state agency acting alone or jointly which has among  
1417 its duties planning responsibilities relating to those considerations set  
1418 forth in subdivision (1) of this section or similar subjects;

1419 (3) Coordinate regional and state planning activities and accomplish  
1420 such planning review activities as may be necessary;

1421 (4) Designate or redesignate logical planning regions within the  
1422 state and promote and assist in the promotion and continuation of  
1423 regional planning agencies under chapter 127;

1424 (5) Provide for technical aid and the administration of financial  
1425 assistance to regional planning agencies established under chapter 127  
1426 or any regional council of elected officials in any region without a  
1427 regional planning agency or any regional council of governments  
1428 organized under sections 4-124i to 4-124p, inclusive, under such terms  
1429 and conditions as may be agreed upon by the secretary;

1430 (6) Accept from any source funds, revenue or other consideration  
1431 available to this state for interstate, state, regional, interregional or area  
1432 planning activities or projects and provide for the administration of  
1433 such funds, revenues or other consideration; and

1434 (7) Make available to the public, for a reasonable fee, all reports,  
1435 testing results and other material developed or procured as a result of  
1436 activities authorized by this section, section 16a-14 and section 16a-14b<sub>2</sub>  
1437 as amended by this act. [; and]

1438 [(8) Provide technical assistance to municipalities that want to  
1439 aggregate electric generation services.]

1440 Sec. 54. Section 16a-5 of the general statutes is repealed and the  
1441 following is substituted in lieu thereof (*Effective January 1, 2007*):

1442 (a) The [Secretary of the Office of Policy and Management]  
1443 Commissioner of Energy and Technology, with the assistance of any  
1444 other state agency, if needed, shall investigate violations of chapter 296  
1445 and, in connection with the performance of his duties under this  
1446 chapter and chapter 296, shall have the power to hold hearings, issue  
1447 subpoenas and summon and examine witnesses under oath and issue  
1448 subpoenas duces tecum for the production of books, records, vouchers,

1449 memoranda, documents, letters, tapes or other recordings or other  
1450 papers or items. If any person refuses to obey a subpoena, the superior  
1451 court for the judicial district of Hartford, or any judge of the court if it  
1452 is not in session, shall, upon application of the [secretary]  
1453 commissioner, have jurisdiction to issue to the person an order  
1454 requiring him to appear before the [secretary] commissioner or to  
1455 produce the books, records, vouchers, memoranda, documents, letters,  
1456 tapes or other recordings or other papers or items requested.

1457 (b) The [secretary] commissioner may, in connection with the  
1458 performance of his duties under any other statute or act, apply to the  
1459 superior court for the judicial district of Hartford, or to a judge of the  
1460 court if the court is not in session, for a subpoena to compel the  
1461 attendance and testimony under oath of witnesses or the production of  
1462 books, records, vouchers, memoranda, documents, letters, tapes or  
1463 other recordings or other papers or items. The court or judge shall,  
1464 before issuing the subpoena, provide adequate opportunity for the  
1465 [secretary] commissioner and the party against whom the subpoena is  
1466 requested to be heard. No such subpoena shall be issued unless the  
1467 court or judge finds that the attendance and testimony of the witness  
1468 or the production of the requested material is reasonably necessary to  
1469 carry out the purposes of such other statute or act and that the  
1470 [secretary] commissioner has made reasonable efforts to secure the  
1471 attendance, testimony and requested material without recourse to  
1472 compulsory process. Such subpoena shall be served by a proper officer  
1473 or indifferent person.

1474 Sec. 55. Section 16a-6 of the general statutes is repealed and the  
1475 following is substituted in lieu thereof (*Effective January 1, 2007*):

1476 Each department, office, board, commission, council or other agency  
1477 of the state and each officer or employee shall cooperate with the  
1478 Secretary of the Office of Policy and Management and shall furnish  
1479 him such information, personnel and assistance as may be necessary or  
1480 appropriate in the discharge of the responsibilities of the secretary and  
1481 the board under this chapter and sections 4-5, as amended by this act,

1482 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, as amended, 8-189, subsection  
1483 (b) of section 8-206, sections [16a-20, 16a-102,] 22a-352 and 22a-353.  
1484 [The Commissioner of Motor Vehicles shall require each person  
1485 applying for a license under section 14-319 to submit in his application  
1486 the information which persons registering under section 16a-22d are  
1487 required to submit. The commissioner shall furnish the secretary with  
1488 this information.]

1489 Sec. 56. (NEW) (*Effective January 1, 2007*) Each department, office,  
1490 board, commission, council or other agency of the state and each  
1491 officer or employee shall cooperate with the Commissioner of Energy  
1492 and Technology and shall furnish the Commissioner of Energy and  
1493 Technology such information, personnel and assistance as may be  
1494 necessary or appropriate in the discharge of the responsibilities of the  
1495 Commissioner of Energy and Technology under chapter 277 of the  
1496 general statutes and sections 16a-20 of the general statutes, as  
1497 amended by this act, and 16a-102 of the general statutes, as amended  
1498 by this act. The Commissioner of Motor Vehicles shall require each  
1499 person applying for a license under section 14-319 of the general  
1500 statutes to submit in his application the information that persons  
1501 registering under section 16a-22d of the general statutes, as amended  
1502 by this act, are required to submit. The Commissioner of Motor  
1503 Vehicles shall furnish the Commissioner of Energy and Technology  
1504 with this information.

1505 Sec. 57. Section 16a-7a of the general statutes is repealed and the  
1506 following is substituted in lieu thereof (*Effective January 1, 2007*):

1507 On or before January 1, [2004] 2007, and annually thereafter, the  
1508 [Connecticut Energy Advisory Board] Commissioner of Energy and  
1509 Technology shall prepare a comprehensive energy plan based on  
1510 existing reports and studies as to the need for new energy resources,  
1511 new energy transmission facilities in the state and new energy  
1512 conservation initiatives in the state. The [board] commissioner shall  
1513 hold regional public hearings on the proposed plan and shall give at  
1514 least thirty days' notice of each hearing by publication on the Internet

1515 [websites] web sites of the agencies participating on the board. Notice  
1516 of such hearing may be published in one or more newspapers having  
1517 general circulation in each municipality as deemed necessary by the  
1518 [board] commissioner. The notice shall state the date, time and place of  
1519 the hearing, the subject matter of the hearing, the statutory authority  
1520 for the plan and the location where a copy of the plan may be  
1521 examined. Any person may comment on the proposed plan. The  
1522 [board] commissioner shall provide a time period of not less than  
1523 forty-five days from the date the notice is published on the Internet  
1524 [websites] web sites of the agencies participating on the board for  
1525 review and comment. The [board] commissioner shall consider fully,  
1526 after all public hearings, all written and oral comments respecting the  
1527 proposed plan and shall mail to each person who commented or  
1528 requested notification, notice of availability of the following  
1529 documents at a designated location: The text of the final plan, a  
1530 summary of the differences between the proposed and final plan and  
1531 the reasons for such differences, and the principal considerations  
1532 raised in opposition to the proposed plan and the reasons for rejecting  
1533 any such considerations. The [chairman of the board] commissioner  
1534 shall sign the final plan and shall submit it to the joint standing  
1535 committees of the General Assembly having cognizance of matters  
1536 relating to energy, the environment and transportation. Such plan shall  
1537 reflect the legislative findings and policy stated in section 16a-35k,  
1538 shall be consistent with the state plan of conservation and  
1539 development adopted under chapter 297 and shall include, but not be  
1540 limited to, (1) an assessment of current energy supplies, demand and  
1541 costs; (2) an identification and evaluation of the factors likely to affect  
1542 future energy supplies, demand and costs; (3) a statement of progress  
1543 made toward long-term goals set in the previous report; (4)  
1544 recommendations for decreasing dependency on fossil fuels by  
1545 promoting energy conservation, solar and other alternative energy  
1546 sources; (5) an assessment of the infrastructure of the state for natural  
1547 gas and electric systems; (6) an evaluation of the impact of regional  
1548 transmission infrastructure planning processes conducted by the  
1549 regional independent system operator, as defined in section 16-1, as

1550 amended, on the state's environment, on energy market design, and on  
1551 economic development in the state; (7) the consideration of alternative  
1552 energy planning mechanisms and targets as an alternative to  
1553 integrated resource planning; (8) a statement of energy policies and  
1554 long-range energy planning objectives and strategies appropriate to  
1555 achieve, among other things, the least-cost mix of energy supply  
1556 sources and measures that reduce demand for energy, giving due  
1557 regard to such factors as ratepayer impacts, security and diversity of  
1558 fuel supplies and energy generating methods, protection of public  
1559 health and safety, adverse or beneficial environmental impacts,  
1560 conservation of energy and energy resources and the ability of the state  
1561 to compete economically; and (9) recommendations for administrative  
1562 and legislative actions to implement such policies, objectives and  
1563 strategies.

1564 Sec. 58. Section 16a-7b of the general statutes is repealed and the  
1565 following is substituted in lieu thereof (*Effective January 1, 2007*):

1566 Not later than December 1, [2004, the Connecticut Energy Advisory  
1567 Board shall develop] 2008, the Commissioner of Energy and  
1568 Technology shall review and update, if necessary, infrastructure  
1569 criteria guidelines for the evaluation process under subsection (f) of  
1570 section 16a-7c, as amended by this act, which guidelines shall be  
1571 consistent with state environmental policy, state economic  
1572 development policy, the state's policy regarding the restructuring of  
1573 the electric industry, as set forth in section 16-244, and the findings in  
1574 the comprehensive energy plan prepared pursuant to section 16a-7a, as  
1575 amended by this act, and shall include, but not be limited to, the  
1576 following: (1) Environmental preference standards; (2) efficiency  
1577 standards, including, but not limited to, efficiency standards for  
1578 transmission, generation and demand-side management; (3)  
1579 generation preference standards; (4) electric capacity, use trends and  
1580 forecasted resource needs; (5) natural gas capacity, use trends and  
1581 forecasted resource needs; and (6) national and regional reliability  
1582 criteria applicable to the regional bulk power grid, as determined in  
1583 consultation with the regional independent system operator, as

1584 defined in section 16-1, as amended. In developing environmental  
1585 preference standards, the [board] commissioner shall consider the  
1586 recommendations and findings of the task force established pursuant  
1587 to section 25-157a and Executive Order Number 26 of Governor John  
1588 G. Rowland.

1589 Sec. 59. Section 16a-7c of the general statutes is repealed and the  
1590 following is substituted in lieu thereof (*Effective January 1, 2007*):

1591 (a) Not later than fifteen days after receiving information pursuant  
1592 to subsection (e) of section 16-50l, as amended by this act, the  
1593 [Connecticut Energy Advisory Board] Commissioner of Energy and  
1594 Technology shall publish such information in one or more newspapers  
1595 or periodicals, as selected by the [board] commissioner.

1596 (b) On or after December 1, 2004, not later than fifteen days after the  
1597 filing of an application pursuant to subdivision (1) of subsection (a) of  
1598 section 16-50i, except for an application for a facility described in  
1599 subdivision (5) or (6) of subsection (a) of section 16-50i, the  
1600 [Connecticut Energy Advisory Board] commissioner shall issue a  
1601 request-for-proposal to seek alternative solutions to the need that will  
1602 be addressed by the proposed facility in such application. Such  
1603 request-for-proposal shall, where relevant, solicit proposals that  
1604 include distributed generation or energy efficiency measures. The  
1605 [board] commissioner shall publish such request-for-proposal in one or  
1606 more newspapers or periodicals, as selected by the [board]  
1607 commissioner.

1608 (c) The [board] commissioner may issue a request-for-proposal for  
1609 solutions to a need for new energy resources, new energy transmission  
1610 facilities in the state, and new energy conservation initiatives in the  
1611 state identified in the annual comprehensive energy report prepared  
1612 under section 16a-7a, as amended by this act, or identified in regional  
1613 energy system planning processes conducted by the regional  
1614 independent system operator, as defined in section 16-1, as amended.  
1615 Such request-for-proposal shall, where relevant, solicit proposals that

1616 include distributed generation or energy efficiency measures. The  
1617 [board] commissioner shall publish such request-for-proposal in one or  
1618 more newspapers or periodicals, as selected by the [board]  
1619 commissioner.

1620 (d) Not later than sixty days after the first date of publication of a  
1621 request-for-proposal, a person or any legal entity may submit a  
1622 proposal by filing with the [board] commissioner information as such  
1623 person or entity may consider relevant to such proposal. The [board]  
1624 commissioner may request further information from the person or  
1625 entity that it deems necessary to evaluate the proposal pursuant to  
1626 subsection (f) of this section.

1627 (e) Upon the submission of a proposal pursuant to a request-for-  
1628 proposal, the person or entity submitting the proposal shall consult  
1629 with the municipality in which the facility may be located and with  
1630 any other municipality that would be required to be served with a  
1631 copy of an application for such proposal under subdivision (1) of  
1632 subsection (b) of section 16-50l, as amended by this act, concerning the  
1633 proposed and alternative sites of the facility. Such consultation with  
1634 the municipality shall include, but not be limited to, good faith efforts  
1635 to meet with the chief elected official of the municipality. At the time  
1636 of the consultation, the person or entity submitting the proposal shall  
1637 provide the chief elected official with any technical reports concerning  
1638 the public need, the site selection process and the environmental  
1639 effects of the proposed facility. The municipality may conduct public  
1640 hearings and meetings as it deems necessary for it to advise the person  
1641 or entity submitting the proposal of its recommendations concerning  
1642 the proposed facility. Within sixty days of the initial consultation, the  
1643 municipality shall issue its recommendations to the person or entity  
1644 submitting the proposal. If a person or entity chooses to file an  
1645 application pursuant to subdivision (3) of subsection (a) of section 16-  
1646 50l, as amended by this act, then such person or entity shall provide to  
1647 the Connecticut Siting Council a summary of the consultations with  
1648 the municipality, including all recommendations issued by the  
1649 municipality. A person or entity that has complied with this subsection

1650 shall be exempt from the provisions of subsection (e) of section 16-50l,  
1651 as amended by this act.

1652 (f) Not later than forty-five days after the deadline for submissions  
1653 in response to a request-for-proposal, the [board] commissioner shall  
1654 issue a report that evaluates each proposal received, including any  
1655 proposal contained in an application to the council that initiated a  
1656 request-for-proposal, based on the materials received pursuant to  
1657 subsection (d) of this section, or information contained in the  
1658 application, as required by section 16-50l, as amended by this act, for  
1659 conformance with the infrastructure criteria guidelines created  
1660 pursuant to section 6a-7b. The [board] commissioner shall forward the  
1661 results of such evaluation process to the Connecticut Siting Council.

1662 Sec. 60. Section 16a-9 of the general statutes is repealed and the  
1663 following is substituted in lieu thereof (*Effective January 1, 2007*):

1664 (a) There shall continue to be an energy emergency plan. Said plan  
1665 may include, but not be limited to, the following: (1) Establishment of  
1666 programs, controls, standards, priorities and quotas for the allocation,  
1667 rationing, conservation, distribution and consumption of available  
1668 energy resources, (2) suspension and modification of existing statutes,  
1669 standards and requirements affecting or affected by the use of energy  
1670 resources, (3) adoption of measures affecting the type and composition  
1671 and production and distribution of energy resources, (4) imposition of  
1672 price restrictions on energy resources, (5) adoption of measures  
1673 affecting the hours and days on which public buildings and  
1674 commercial and industrial establishments may be or are required to  
1675 remain open or closed and (6) establishment and implementation of  
1676 regional programs and agreements for the purpose of coordinating  
1677 energy resource programs and actions of the state with those of the  
1678 federal government and of other states and localities. Said plan shall  
1679 include such levels of energy emergency as the [secretary]  
1680 Commissioner of Energy and Technology shall establish.

1681 (b) The [secretary] commissioner shall prepare or cause to be

1682 prepared such amendments to the energy emergency plan as [he] the  
1683 commissioner may deem necessary. Such amendments shall be  
1684 submitted to the General Assembly no later than fifteen days after the  
1685 convening of any regular session of the General Assembly following  
1686 the preparation of such amendments and shall be referred by the  
1687 speaker of the House of Representatives and the president pro tempore  
1688 of the Senate to the joint standing committee having cognizance of  
1689 matters relating to energy. Said committee shall review such  
1690 amendments and report its recommendations within fifteen days to  
1691 the General Assembly. The General Assembly may by joint resolution  
1692 disapprove or reject any section or sections of such amendments  
1693 within forty-five days after the submittal of such amendments.

1694 Sec. 61. Section 16a-13 of the general statutes is repealed and the  
1695 following is substituted in lieu thereof (*Effective January 1, 2007*):

1696 (a) (1) Any person aggrieved by any order issued under section 16a-  
1697 11 or 16a-12 may file a petition with the [secretary] Commissioner of  
1698 Energy and Technology requesting an exemption. The petition shall be  
1699 in such form as the [secretary] commissioner may prescribe. The  
1700 person filing the petition shall be subject to the penalty for making a  
1701 false statement under section 53a-157b.

1702 (2) The [secretary] commissioner may grant an exemption to any  
1703 person who due to certain circumstances is unable to comply with  
1704 such order without suffering inordinate hardship beyond that  
1705 hardship suffered by persons generally, including, but not limited to,  
1706 circumstances where in the absence of such exemption the petitioner  
1707 would: (A) Be prevented from performing activities essential to the  
1708 pursuit of his regular occupation or profession, (B) suffer adverse  
1709 medical effects or be unable to obtain necessary medical treatment, or  
1710 (C) incur permanent and substantial injury to person or property. The  
1711 [secretary] commissioner may also grant an exemption to any person  
1712 who performs an essential public service and who would be prevented  
1713 from performing such service or would be impaired in his  
1714 performance in the absence of such exemption.

1715 (3) In making a determination pursuant to this subsection, the  
1716 [secretary] commissioner may compare the relevant circumstances of  
1717 the petitioner with (A) other users of the same fuel, users of other  
1718 fuels, or both, or (B) other persons in the same economic sector or  
1719 subsector, persons in other economic sectors or subsectors, or both, as  
1720 determined by the [secretary] commissioner to be most appropriate in  
1721 terms of the specific energy resource availability situation existing or  
1722 forecast at the time such comparison is made.

1723 (b) The [secretary] commissioner may investigate any such petition  
1724 and consider in his decision any relevant factual finding resulting from  
1725 such investigation. The [secretary] commissioner may accept  
1726 submissions from third parties relevant to such petition, provided the  
1727 petitioner is afforded the opportunity to respond to such third party  
1728 submissions. The [secretary] commissioner may also consider any  
1729 other sources of relevant information in deciding the petition before  
1730 him. The [secretary] commissioner may hold an informal hearing, if, in  
1731 his opinion, such hearing is advisable.

1732 (c) If the [secretary] commissioner determines that there is  
1733 insufficient information upon which to base a decision and if upon  
1734 request the required additional information is not furnished, the  
1735 petition may be dismissed without prejudice. The [secretary]  
1736 commissioner shall grant, deny or dismiss without prejudice such  
1737 petition not more than thirty days after receipt of such petition. The  
1738 [secretary] commissioner may make his decision granting an  
1739 exemption conditional upon the petitioner's taking actions specified in  
1740 such decision. Upon the granting, denying or dismissal of such  
1741 petition, the [secretary] commissioner shall notify the petitioner, in  
1742 writing, the reasons for his decision.

1743 (d) The [secretary] commissioner may reconsider and alter any  
1744 decision under this section as he deems necessary to implement such  
1745 plan, or any provision of such plan or any order adopted pursuant to  
1746 section 16a-11 or 16a-12. The [secretary] commissioner may suspend or  
1747 revoke any exemption for any reason including, but not limited to: (1)

1748 Changed circumstances where the grounds for granting an exemption  
1749 to the petitioner have ceased to exist, (2) failure on the part of the  
1750 petitioner to comply with conditions specified in the [secretary's]  
1751 commissioner's decision granting the exemption, or (3) where the  
1752 exemption was issued by mistake or on the basis of misrepresentation  
1753 or false pretenses on the part of the petitioner.

1754 (e) The provisions of sections 4-176e to 4-181a, inclusive, shall not  
1755 apply to any proceeding held pursuant to subsections (a) to (d),  
1756 inclusive, of this section. Any person aggrieved by the decision of the  
1757 [secretary] commissioner may appeal such decision in accordance with  
1758 the provisions of sections 4-183 and 4-184.

1759 (f) The [secretary] commissioner shall adopt regulations, in  
1760 accordance with chapter 54, establishing administrative procedures to  
1761 implement the provisions of this section with respect to petitions for  
1762 exemption.

1763 Sec. 62. Section 16a-13a of the general statutes is repealed and the  
1764 following is substituted in lieu thereof (*Effective January 1, 2007*):

1765 (a) The [secretary] commissioner, in granting or denying an  
1766 exemption under section 16a-13, as amended by this act, may take into  
1767 account past levels of energy consumption or changes therein on the  
1768 part of the person seeking such exemption.

1769 (b) The [secretary] commissioner may adopt regulations, in  
1770 accordance with chapter 54, which establish procedures for  
1771 documenting past levels of energy consumption or changes therein for  
1772 the purposes of an exemption under said section 16a-13.

1773 (c) The [secretary] commissioner may grant an exemption if he  
1774 determines that the person seeking the exemption has fulfilled the  
1775 conditions contained in such regulations. The regulations shall permit  
1776 exemption: (1) In cases where the applicant documents an absolute  
1777 reduction in energy consumption over such periods of time as the  
1778 regulations may establish, which periods may vary for different

1779 categories of persons, and the reduction is the result of physical or  
1780 behavioral changes or adjustments undertaken for energy conservation  
1781 purposes and not from changes or modifications undertaken for other  
1782 purposes, such as alterations in building size, extent or type of  
1783 production capacity or utilization thereof, or changes in the nature or  
1784 number of work force employed, which changes were not undertaken  
1785 for energy conservation purposes; or (2) in cases where the applicant  
1786 documents that his consumption of energy is substantially less than  
1787 that of other persons in like circumstances over such period of time as  
1788 the regulations may establish, which periods may vary for different  
1789 categories of persons, and the level of consumption is due to physical  
1790 or behavioral factors, changes or adjustments, undertaken for energy  
1791 conservation purposes and not from factors, changes or modifications  
1792 not so related.

1793 (d) The regulations may provide that reductions in or levels of  
1794 energy consumption which occur subsequent to the proclamation of an  
1795 energy emergency pursuant to section 16a-11 or section 16a-12 shall  
1796 not constitute the basis for exemption unless the reductions are due  
1797 solely to actions undertaken prior to such proclamation.

1798 Sec. 63. Section 16a-13b of the general statutes is repealed and the  
1799 following is substituted in lieu thereof (*Effective January 1, 2007*):

1800 (a) The [secretary] Commissioner of Energy and Technology shall:  
1801 (1) Be responsible for the conduct and administration of energy  
1802 emergency planning and preparedness activities generally, including  
1803 the coordination of such activities under this title with other state  
1804 emergency planning conducted under any other provisions of the  
1805 general statutes or special acts and with energy emergency planning or  
1806 preparedness activities undertaken by the federal government, other  
1807 states and regional or interstate organizations, and (2) coordinate,  
1808 under the direction of the office of the Governor, the adoption and  
1809 implementation of emergency measures by state departments during  
1810 any energy emergency proclaimed under section 16a-11 or section 16a-  
1811 12, including the coordination of state, federal, regional and interstate

1812 activities.

1813 (b) In exercising the responsibilities under subsection (a) of this  
1814 section, the [secretary] commissioner shall consult with the  
1815 Department of Emergency Management and Homeland Security, the  
1816 Department of Public Safety, the Department of Public Utility Control,  
1817 the Department of Transportation and such other state agencies as the  
1818 [secretary] commissioner deems appropriate. Each state agency shall  
1819 assist the [secretary] commissioner in carrying out the responsibilities  
1820 assigned by sections 16a-9 to 16a-13d, inclusive, as amended by this  
1821 act.

1822 Sec. 64. Section 16a-14a of the general statutes is repealed and the  
1823 following is substituted in lieu thereof (*Effective January 1, 2007*):

1824 (a) The [secretary] Commissioner of Energy and Technology may  
1825 develop a program to provide grants to small businesses located  
1826 within the state which are active in research, development,  
1827 demonstration or commercial activities involving energy-related  
1828 products and services for which funding from federal and other  
1829 nonstate sources is not available. Such assistance shall be designed to  
1830 carry out the purposes of this chapter and chapter 298.

1831 (b) The [secretary] Commissioner of Energy and Technology shall  
1832 adopt regulations, in accordance with chapter 54, in consultation with  
1833 the Commissioner of Economic and Community Development, to  
1834 govern the operation of any such grant program and to define small  
1835 businesses, or specific categories thereof, which are eligible for such  
1836 grants. Priority shall be accorded to the development of small scale  
1837 technology applicable to residential dwellings and municipal facilities.

1838 Sec. 65. Section 16a-14b of the general statutes is repealed and the  
1839 following is substituted in lieu thereof (*Effective January 1, 2007*):

1840 (a) The [secretary] Commissioner of Energy and Technology shall  
1841 develop voluntary testing programs for energy-related products or  
1842 categories of such products. Such testing shall be designed to protect

1843 the interests of consumers by providing reliable information on such  
1844 products, and may include the evaluation of the energy efficiency,  
1845 durability, reliability, health and safety aspects, life-cycle cost or other  
1846 performance qualities of such products.

1847 (b) The [secretary] Commissioner of Energy and Technology, in  
1848 consultation with the Commissioner of Consumer Protection, shall  
1849 adopt regulations, in accordance with chapter 54, establishing  
1850 provisions (1) for standardized procedures for the performance of such  
1851 testing; (2) for categories of energy-related products to be covered by  
1852 such testing procedures; (3) to differentiate between the testing of  
1853 experimental energy-related products and commercial energy-related  
1854 products, to determine the range of models produced by a specific  
1855 manufacturer to which testing results will apply and to ensure that  
1856 products submitted for testing constitute a representative sample of  
1857 those produced within such range by said manufacturer; (4) for a  
1858 standardized format for the compilation of information from such tests  
1859 which shall include all relevant information from each type of test  
1860 performed on a product; (5) for the designation of qualified state or  
1861 state-certified facilities to perform such testing; provided, no person or  
1862 organization which has any pecuniary interest in the manufacture,  
1863 distribution or sale of energy-related products within or without the  
1864 state shall be eligible for such designation; and (6) for a schedule of  
1865 reasonable fees for the performance of such tests or a procedure for  
1866 establishing such a schedule.

1867 Sec. 66. Section 16a-14e of the general statutes is repealed and the  
1868 following is substituted in lieu thereof (*Effective January 1, 2007*):

1869 The [Office of Policy and Management] Commissioner of Energy  
1870 and Technology shall operate a purchasing pool for the purchase of  
1871 electricity for state operations. [Said office] The commissioner shall  
1872 provide the opportunity to participate in such purchasing pool to each  
1873 household that includes an individual who receives means-tested  
1874 assistance administered by the state or federal government. Any such  
1875 household shall receive through such purchasing pool the same

1876 benefits and rate discounts available for state facilities. The [Office of  
1877 Policy and Management] commissioner shall use federal and state  
1878 energy assistance funds to leverage the lowest practicable electric rates  
1879 for households participating in such pool, provided such funds shall  
1880 not be used for administrative purposes. The provisions of section 16-  
1881 245 shall not apply to the [Office of Policy and Management]  
1882 commissioner for purposes of this section.

1883 Sec. 67. Section 16a-16 of the general statutes is repealed and the  
1884 following is substituted in lieu thereof (*Effective January 1, 2007*):

1885 (a) This chapter may be enforced by the [Secretary of the Office of  
1886 Policy and Management] Commissioner of Energy and Technology in  
1887 the superior court for any judicial district in which any person who  
1888 violates any provisions of this chapter resides or maintains a place of  
1889 business by an ex parte temporary injunction issued by said court or a  
1890 judge thereof; provided, if such injunction is issued, such person may  
1891 file a motion to dissolve such injunction and a hearing upon such  
1892 motion shall be held by the superior court not later than three days  
1893 after service of such motion upon the Governor pursuant to an order of  
1894 said court or a judge thereof. If a permanent injunction is granted, such  
1895 person may be assessed damages of not more than ten thousand  
1896 dollars plus court costs.

1897 (b) The provisions of this section are not exclusive, and the remedies  
1898 provided for in this section shall be in addition to any other remedy  
1899 provided for in any other section of the general statutes or available  
1900 under common law.

1901 Sec. 68. Section 16a-20 of the general statutes is repealed and the  
1902 following is substituted in lieu thereof (*Effective January 1, 2007*):

1903 (a) The [Office of Policy and Management] Commissioner of Energy  
1904 and Technology may institute a civil action in the Superior Court, or in  
1905 the United States District Court, where applicable, against any person,  
1906 firm, corporation, business or combination thereof it believes, or has  
1907 reason to believe, has violated sections 16a-17 to 16a-20, inclusive, as

1908 amended by this act, to enjoin said parties from continuing such  
1909 conduct within this state and to seek repayment of damages on behalf  
1910 of those individuals, businesses and industries harmed by said  
1911 activities. In such actions it shall be represented by the Attorney  
1912 General.

1913 (b) Upon the institution of such civil action, the Attorney General  
1914 shall have the right to take the deposition of any witness he believes,  
1915 or has reason to believe, has information relative to the prosecution of  
1916 said action, upon application made to the Superior Court,  
1917 notwithstanding the provisions of other statutes limiting depositions.  
1918 The Attorney General shall also have the right to take such depositions  
1919 in other states and to utilize the laws of said other states relative to the  
1920 taking of depositions where allowed by the laws of those states. The  
1921 state of Connecticut shall allow similar depositions to be taken within  
1922 this state on behalf of any governmental agency of another state or any  
1923 territory or possession of the United States seeking to pursue litigation  
1924 similar to that permitted under sections 16a-17 to 16a-20, inclusive, as  
1925 amended by this act, so long as such other state allows the Attorney  
1926 General to take depositions within its jurisdiction. In so doing, the  
1927 Superior Court shall enforce the orders of the courts of such other state  
1928 relative to the deposition requested and issue subpoenas or subpoenas  
1929 duces tecum, as necessary, as well as enforcing said subpoenas  
1930 through citations of contempt or other available remedies.

1931 (c) In any case where damages referred to in subsection (a) of this  
1932 section shall be proven by a fair preponderance of the evidence, the  
1933 court shall order repayment by any or all defendants of said damages  
1934 to the applicable parties or businesses through the [Office of Policy and  
1935 Management] Department of Energy and Technology.

1936 (d) The court shall also have the right, in its discretion, to assess  
1937 treble damages against said defendants.

1938 (e) Any such civil action shall be privileged in assignment for trial.

1939 Sec. 69. Section 16a-22 of the general statutes is repealed and the

1940 following is substituted in lieu thereof (*Effective January 1, 2007*):

1941 (a) Any person engaged in the business of selling petroleum  
1942 products, as defined in section 16a-22c, as amended by this act, on a  
1943 wholesale basis who has sufficient knowledge of an impending  
1944 shortage in the availability of petroleum products, as defined in section  
1945 16a-22c, as amended by this act, or any officer or manager of a firm or  
1946 corporation engaged in such business who has such knowledge, shall  
1947 cause to be given immediate written notice of any possible inability as  
1948 a result of such shortage to deliver petroleum products, as defined in  
1949 section 16a-22c, as amended by this act, to the [Secretary of the Office  
1950 of Policy and Management] Commissioner of Energy and Technology  
1951 and to each retail oil dealer engaged in the business of supplying  
1952 petroleum products, as defined in section 16a-22c, as amended by this  
1953 act, for residential heating that such person, firm or corporation  
1954 customarily supplies with petroleum products, as defined in section  
1955 16a-22c, as amended by this act, on a wholesale basis. No such person  
1956 engaged in the business of selling petroleum products, as defined in  
1957 section 16a-22c, as amended by this act, on a wholesale basis and no  
1958 such officer or manager shall discriminate, in the percentage of  
1959 supplies delivered, against independent retail oil dealers in favor of  
1960 dealers affiliated with such supplier.

1961 (b) Any person engaged in the business of distributing or selling  
1962 petroleum products, as defined in section 16a-22c, as amended by this  
1963 act, on a wholesale basis who intends to terminate the supply of  
1964 petroleum products, as defined in section 16a-22c, as amended by this  
1965 act, to a retail dealer shall give written notice at least fourteen days in  
1966 advance of such termination to the retail dealer, the municipality or  
1967 municipalities in which the retail dealer distributes and the [Secretary  
1968 of the Office of Policy and Management] Commissioner of Energy and  
1969 Technology concerning such proposed termination of supply.

1970 (c) Any person, firm or corporation who violates the provisions of  
1971 this section shall be fined one thousand dollars for each violation.

1972 Sec. 70. Section 16a-22c of the general statutes is repealed and the  
1973 following is substituted in lieu thereof (*Effective January 1, 2007*):

1974 For the purposes of sections [16a-15 and] 16a-22c to 16a-22g,  
1975 inclusive, as amended by this act:

1976 (1) "Company" means any corporation, partnership, proprietorship  
1977 or any other business, firm or commercial entity;

1978 (2) "Petroleum products" means middle distillate, residual fuel oil,  
1979 liquefied petroleum gas, motor gasoline, aviation gasoline or aviation  
1980 turbine fuel, as defined in regulations which the [secretary]  
1981 commissioner shall adopt in accordance with the provisions of chapter  
1982 54. Notwithstanding any provision of this subdivision to the contrary,  
1983 "petroleum products" shall not include gasoline other than aviation  
1984 gasoline, which is sold at retail in accordance with the provisions of  
1985 chapter 250;

1986 (3) ["Secretary" means the Secretary of the Office of Policy and  
1987 Management, or his] "Commissioner" means the Commissioner of  
1988 Energy and Technology or the commissioner's designee.

1989 Sec. 71. Section 16a-22d of the general statutes is repealed and the  
1990 following is substituted in lieu thereof (*Effective January 1, 2007*):

1991 (a) (1) Any person that is engaged in the wholesale or retail sale, or  
1992 both, of petroleum products in this state or in the wholesale sale of  
1993 petroleum products for consumption in this state and that sells at least  
1994 one million gallons of such products annually or any person that is  
1995 engaged in the operation of a petroleum product storage terminal or  
1996 petroleum product pipeline shall register with the [secretary]  
1997 commissioner not later than September thirtieth of each year or not  
1998 later than thirty days of commencing operations in the state by such  
1999 person, whichever is later.

2000 (2) Any person that is engaged in the wholesale or retail sale, or  
2001 both, of petroleum products in this state or in the wholesale sale of

2002 petroleum products for consumption in this state and that sells at least  
2003 five thousand but less than one million gallons of such products  
2004 annually shall register with the [secretary] commissioner, if so  
2005 requested by the [secretary] commissioner, not more than thirty days  
2006 after such request. The [secretary] commissioner shall not require such  
2007 registration more than once in any twelve-month period.

2008 (3) Such registration shall be on a form prescribed or furnished by  
2009 the [secretary] commissioner and shall require the registrant, subject to  
2010 the penalty for false statement under section 53a-157b, to provide the  
2011 following information: (A) The name, mailing address and telephone  
2012 number of the registrant; (B) the name, mailing address and telephone  
2013 number of any company with which the registrant is affiliated, and  
2014 whether any such affiliated company is engaged in the wholesale or  
2015 retail sale, or both, or the delivery into or storage of petroleum  
2016 products in this state or another state, or both; (C) whether the  
2017 registrant engages in wholesale operations, retail operations, or both,  
2018 or the delivery into or storage of petroleum products and whether the  
2019 registrant engages in sales to residential customers; (D) any other  
2020 names and places of business used by the registrant to conduct  
2021 business; and (E) any further information which the [secretary]  
2022 commissioner may request pursuant to this title.

2023 (b) For the purposes of this section, "affiliated" means the existence  
2024 of one or more of the following relationships between the registrant  
2025 and any other company: (1) The registrant owns or is owned by, in  
2026 whole or in part, another company; (2) the registrant has one or more  
2027 common officers or directors with another company; (3) the registrant  
2028 owns facilities or equipment in common with another company; (4) the  
2029 registrant engages in common operations or joint ventures with  
2030 another company; or (5) the registrant controls the activities of another  
2031 company, or the activities of the registrant are controlled by another  
2032 company.

2033 Sec. 72. Section 16a-22e of the general statutes is repealed and the  
2034 following is substituted in lieu thereof (*Effective January 1, 2007*):

2035 The [secretary] commissioner shall maintain a public listing of  
2036 persons engaging in the wholesale or retail sale of petroleum products  
2037 who have registered in accordance with section 16a-22d, as amended  
2038 by this act. Such public listing shall include the information provided  
2039 in accordance with subdivisions (1) and (3) of subsection (a) of [said]  
2040 section 16a-22d, as amended by this act.

2041 Sec. 73. Section 16a-22h of the general statutes is repealed and the  
2042 following is substituted in lieu thereof (*Effective January 1, 2007*):

2043 (a) (1) Each person, firm or corporation which is required to register  
2044 pursuant to section 16a-22d, as amended by this act, which engages in  
2045 the wholesale or retail sale, or both, of propane in the state and which  
2046 sells at least five hundred thousand gallons of such product annually,  
2047 shall report to the [Secretary of the Office of Policy and Management]  
2048 Commissioner of Energy and Technology upon the request of the  
2049 [secretary] commissioner and on such forms as prescribed by the  
2050 [secretary] commissioner, not later than the fifteenth day of each  
2051 month for which the [secretary] commissioner requests a report. Such  
2052 report shall state the number of gallons held in storage on the last day  
2053 of the previous month, the location of each storage facility in which the  
2054 propane was stored, the number of gallons of propane held for  
2055 shipment out of state and the estimated number of days' supply  
2056 represented by the gallons held in storage.

2057 (2) Any person, firm or corporation who engages in the sale, other  
2058 than at retail, of propane in the state shall report to the [secretary]  
2059 commissioner upon the request of the [secretary] commissioner and on  
2060 such forms as prescribed by the [secretary] commissioner, not later  
2061 than the fifteenth of each month for which the [secretary]  
2062 commissioner requests a report. Such report shall state the number of  
2063 gallons of propane sold, other than at retail, during the previous  
2064 calendar month and the estimated number of gallons to be sold during  
2065 the current month.

2066 (b) (1) Each person, firm or corporation which is required to register

2067 pursuant to section 16a-22d, as amended by this act, which engages in  
2068 the wholesale or retail sale, or both, of number two distillate fuel in the  
2069 state, in excess of five million gallons of such product annually, shall  
2070 report to the [Secretary of the Office of Policy and Management]  
2071 commissioner upon the request of the [secretary] commissioner and on  
2072 such forms as prescribed by the [secretary] commissioner, not later  
2073 than the fifteenth day of each month for which the [secretary]  
2074 commissioner requests a report. Such report shall state the number of  
2075 gallons held in storage on the last day of the previous month, the  
2076 location of each storage facility in which the number two distillate fuel  
2077 was stored, the number of gallons of number two distillate fuel held  
2078 for shipment out of state and the estimated number of days' supply  
2079 represented by the gallons held in storage. In any such report number  
2080 two heating oil and diesel fuel shall be reported separately.

2081 (2) Any person, firm or corporation who engages in the sale, other  
2082 than at retail, of number two distillate fuel in the state shall report to  
2083 the [secretary] commissioner upon the request of the [secretary]  
2084 commissioner and on such forms as prescribed by the [secretary]  
2085 commissioner, not later than the fifteenth of each month for which the  
2086 [secretary] commissioner requests a report. Such report shall state the  
2087 number of gallons of number two distillate fuel sold, other than at  
2088 retail, during the previous calendar month and the estimated number  
2089 of gallons to be sold during the current month. In any such report  
2090 number two heating oil and diesel fuel shall be reported separately.

2091 (c) Any person, firm or corporation who violates subsection (a) or  
2092 (b) of this section shall be fined not more than one hundred dollars for  
2093 the first offense nor more than five hundred dollars for each  
2094 subsequent offense.

2095 (d) The [Secretary of the Office of Policy and Management]  
2096 commissioner may adopt regulations, in accordance with the  
2097 provisions of chapter 54, to establish reporting requirements for other  
2098 petroleum products, as defined in subdivision (2) of section 16a-22c, as  
2099 amended by this act.

2100 Sec. 74. Section 16a-22i of the general statutes is repealed and the  
2101 following is substituted in lieu thereof (*Effective January 1, 2007*):

2102 Notwithstanding any other provision of the general statutes to the  
2103 contrary, whenever the [Secretary of the Office of Policy and  
2104 Management] Commissioner of Energy and Technology finds that  
2105 conditions in the petroleum products market require additional sales,  
2106 inventory or price information for a complete analysis of such market  
2107 the [secretary] commissioner may require any person, firm or  
2108 corporation engaged in the sale or storage of petroleum products in the  
2109 state to provide such information concerning the petroleum products  
2110 market as he directs.

2111 Sec. 75. Section 16a-22j of the general statutes is repealed and the  
2112 following is substituted in lieu thereof (*Effective January 1, 2007*):

2113 Each person, firm or corporation, registered pursuant to section 16a-  
2114 22d, as amended by this act, shall notify the [Secretary of the Office of  
2115 Policy and Management] Commissioner of Energy and Technology, in  
2116 writing, within thirty days of the sale or acquisition of another person,  
2117 firm or corporation registered, pursuant to said section, or of a change  
2118 in the current business practices of such person, firm or corporation.  
2119 As used in this section "current business practices" shall include the  
2120 sale or acquisition of petroleum storage facilities, the withdrawal from  
2121 or entry into a petroleum market or any activity which would alter the  
2122 information provided in the registrants most recent registration.

2123 Sec. 76. Subsection (f) of section 16a-23t of the 2006 supplement to  
2124 the general statutes is repealed and the following is substituted in lieu  
2125 thereof (*Effective January 1, 2007*):

2126 (f) The chairperson of the Public Utilities Control Authority, or the  
2127 chairperson's designee, the Commissioner of Social Services, or the  
2128 commissioner's designee, [the chairperson of the Connecticut Energy  
2129 Advisory Board, and the Secretary of the Office of Policy and  
2130 Management, or the secretary's] and the Commissioner of Energy and  
2131 Technology, or the commissioner's designee, shall constitute a Home

2132 Heating Oil Planning Council to address issues involving the supply,  
2133 delivery and costs of home heating oil and state policies regarding the  
2134 future of the state's home heating oil supply. The [Secretary of the  
2135 Office of Policy and Management] Commissioner of Energy and  
2136 Technology shall convene the first meeting of the council.

2137 Sec. 77. Section 16a-37f of the general statutes is repealed and the  
2138 following is substituted in lieu thereof (*Effective January 1, 2007*):

2139 A budgeted agency, as defined in section 4-69, shall only purchase  
2140 replacement light bulbs which (1) are provided under an electric  
2141 company's customer lighting efficiency program, (2) are equivalent in  
2142 energy efficiency to bulbs provided under such electric company  
2143 lighting efficiency program, as determined by the [Secretary of the  
2144 Office of Policy and Management] Commissioner of Energy and  
2145 Technology, in consultation with the Commissioner of Administrative  
2146 Services, or (3) meet such other life-cycle cost analysis standards as the  
2147 [Secretary of the Office of Policy and Management] Commissioner of  
2148 Energy and Technology, with the concurrence of the Commissioner of  
2149 Administrative Services, may designate.

2150 Sec. 78. Section 16a-37u of the general statutes is repealed and the  
2151 following is substituted in lieu thereof (*Effective January 1, 2007*):

2152 (a) The [Secretary of the Office of Policy and Management]  
2153 Commissioner of Energy and Technology shall be responsible for  
2154 planning and managing energy use in state-owned and leased  
2155 buildings and shall establish a program to maximize the efficiency  
2156 with which energy is utilized in such buildings. The [secretary]  
2157 commissioner shall exercise this authority by (1) preparing and  
2158 implementing annual and long-range plans, with timetables,  
2159 establishing goals for reducing state energy consumption and, based  
2160 on energy audits, specific objectives for state agencies to meet the  
2161 performance standards adopted under section 16a-38, as amended by  
2162 this act; (2) coordinating federal and state energy conservation  
2163 resources and activities, including but not limited to, those required to

2164 be performed by other state agencies under this chapter; and (3)  
2165 monitoring energy use and costs by budgeted state agencies on a  
2166 monthly basis.

2167 (b) Not later than January fifth, annually, the [Secretary of the Office  
2168 of Policy and Management] Commissioner of Energy and Technology  
2169 shall submit a report to the Governor and the joint standing committee  
2170 of the General Assembly having cognizance of matters relating to  
2171 energy planning and activities. The report shall (1) indicate the total  
2172 number of energy audits and technical assistance audits of state-  
2173 owned and leased buildings, (2) summarize the status of the energy  
2174 conservation measures recommended by such audits, (3) summarize  
2175 all energy conservation measures implemented during the preceding  
2176 twelve months in state-owned and leased buildings which have not  
2177 had such audits, (4) analyze the availability and allocation of funds to  
2178 implement the measures recommended under subdivision (2) of this  
2179 subsection, (5) list each budgeted agency, as defined in section 4-69,  
2180 which occupies a state-owned or leased building and has not  
2181 cooperated with the Commissioner of Public Works and the [Secretary  
2182 of the Office of Policy and Management] Commissioner of Energy and  
2183 Technology in conducting energy and technical assistance audits of  
2184 such building and implementing operational and maintenance  
2185 improvements recommended by such audits and any other energy  
2186 conservation measures required for such building by the [secretary]  
2187 Commissioner of Energy and Technology, (6) summarize all life-cycle  
2188 cost analyses prepared under section 16a-38, as amended by this act,  
2189 during the preceding twelve months, and summarize agency  
2190 compliance with the life-cycle cost analyses, and (7) identify any state  
2191 laws, regulations or procedures that impede innovative energy  
2192 conservation and load management projects in state buildings.

2193 (c) The [Secretary of the Office of Policy and Management]  
2194 Commissioner of Energy and Technology, in conjunction with the  
2195 Department of Public Works, shall as soon as practicable and where  
2196 cost-effective connect all state-owned buildings to a district heating  
2197 and cooling system, where such heating and cooling system currently

2198 exists or where one is proposed. The [secretary] Commissioner of  
2199 Energy and Technology, in conjunction with the Department of Public  
2200 Works, shall prepare an annual report with the results of the progress  
2201 in connecting state-owned buildings to such a heating and cooling  
2202 system, the cost of such connection and any projected energy savings  
2203 achieved through any such connection. The [secretary] Commissioner  
2204 of Energy and Technology shall submit the report to the joint standing  
2205 committee of the General Assembly having cognizance of matters  
2206 relating to energy on or before January 1, 1993, and January first  
2207 annually thereafter.

2208 (d) The [Secretary of the Office of Policy and Management]  
2209 Commissioner of Energy and Technology shall require each state  
2210 agency to maximize its use of public service companies' energy  
2211 conservation and load management programs and to provide sites in  
2212 its facilities for demonstration projects of highly energy efficient  
2213 equipment, provided no such demonstration project impairs the  
2214 functioning of the facility.

2215 Sec. 79. Section 16a-37v of the general statutes is repealed and the  
2216 following is substituted in lieu thereof (*Effective January 1, 2007*):

2217 Not later than July 1, 2004, the [Office of Policy and Management]  
2218 Department of Energy and Technology and the Department of Public  
2219 Works shall establish a pilot program under which the state selects an  
2220 existing state facility or complex of facilities to be covered by an energy  
2221 performance contract with a private vendor. The agencies that  
2222 participate in the pilot program shall submit reports on the results of  
2223 the program to the joint standing committees of the General Assembly  
2224 having cognizance of matters relating to appropriations and energy  
2225 and technology in accordance with section 11-4a. Such reports shall be  
2226 submitted not later than three months after the effective date of the  
2227 contract and annually thereafter until the final report is submitted not  
2228 later than three months after the termination of the contract.

2229 Sec. 80. Section 16a-38 of the general statutes is repealed and the

2230 following is substituted in lieu thereof (*Effective January 1, 2007*):

2231 (a) As used in this section, subsection (e) of section 4b-23, as  
2232 amended, sections 16a-38a, as amended by this act, and 16a-38b, as  
2233 amended by this act, unless the context otherwise requires: (1) "Major  
2234 capital project" means the construction or renovation of a major  
2235 facility; (2) "major facility" means any building owned by the state or  
2236 constructed or renovated wholly or partly with state funds, including a  
2237 state-financed housing project, which is used or intended to be used as  
2238 a school or which has ten thousand or more gross square feet, or any  
2239 other building so owned, constructed or renovated which is  
2240 designated a major facility by the Commissioner of Public Works; (3)  
2241 "renovation" means additions, alterations or repairs to a major facility  
2242 which the Commissioner of Public Works finds will have a substantial  
2243 effect upon the energy consumption of the facility; (4) "life-cycle cost"  
2244 means the cost, as determined by the methodology identified in the  
2245 National Institute of Standards and Technology's special publication  
2246 544 and interagency report 80-2040, available as set forth in the Code of  
2247 Federal Regulations, Title 15, Part 230, of a major facility including the  
2248 initial cost of its construction or renovation, the marginal cost of future  
2249 energy capacity, the cost of the energy consumed by the facility over  
2250 its expected useful life or, in the case of a leased facility, over the  
2251 remaining term of the lease, and the cost of operating and maintaining  
2252 the facility as such cost affects energy consumption; (5) "energy  
2253 performance standard" means a rate of energy consumption which is  
2254 the minimum practically achievable, on a life-cycle cost basis, by  
2255 adjusting maintenance or operating procedures, modifying a  
2256 building's equipment or structure and utilizing renewable sources of  
2257 energy; (6) "energy audit" means an evaluation of, recommendations  
2258 for and improvements of the energy consumption characteristics of all  
2259 passive, active and operational energy systems and components by  
2260 demand and type of energy used including the internal energy load  
2261 imposed on a building by its occupants, equipment and components,  
2262 and the external energy load imposed on a building by the climatic  
2263 conditions at its location; (7) "renewable sources of energy" means

2264 energy from direct solar radiation, wind, water, geothermal sources,  
2265 wood and other forms of biomass; (8) "cost effective" means that  
2266 savings exceed cost over a ten-year period; (9) "state agency" means  
2267 any department, board, commission, institution, or other agency of this  
2268 state; and (10) "covered products" means the consumer products set  
2269 forth as covered products in the Energy Policy and Conservation Act,  
2270 42 USC 6292.

2271 (b) (1) Except as provided in subsection (f) of this section, the  
2272 Commissioner of Public Works and the [Secretary of the Office of  
2273 Policy and Management] Commissioner of Energy and Technology  
2274 shall jointly establish and publish standards for life-cycle cost analyses  
2275 required by this section for buildings owned or leased by the state.  
2276 Such life-cycle cost analyses for buildings shall provide, but shall not  
2277 be limited to, information on the estimated initial cost of each energy-  
2278 consuming system being compared and evaluated, annual operating  
2279 and maintenance costs of all energy-consuming systems over the  
2280 useful life of the building, cost of energy, salvage value and the  
2281 estimated replacement cost for each energy-consuming system or  
2282 component expressed in annual terms for the useful life of the  
2283 building.

2284 (2) Except as provided in subsection (f) of this section, the  
2285 Commissioner of Administrative Services and the [Secretary of the  
2286 Office of Policy and Management] Commissioner of Energy and  
2287 Technology may jointly establish and publish standards for life-cycle  
2288 cost analyses required by this section for equipment and appliances  
2289 owned or leased by the state which are not covered products, and for  
2290 such equipment and appliances which are covered products. In  
2291 establishing such standards, the [commissioner and secretary]  
2292 commissioners shall consider the criteria set forth in subsection (j) of  
2293 this section.

2294 (c) No state agency shall obtain preliminary design approval for a  
2295 major capital project unless the Commissioner of Public Works makes  
2296 a written determination that the design is cost effective on a life-cycle

2297 cost basis. To make such a determination, the commissioner (1) shall  
2298 require documentation that the design meets or exceeds the standards  
2299 set forth in the National Bureau of Standards Handbook 135, or  
2300 subsequent corresponding handbook of the United States Department  
2301 of Commerce and the State Building Code, and (2) may require  
2302 additional documentation, including, but not limited to, a life-cycle  
2303 cost analysis that complies with the standards established pursuant to  
2304 subdivision (1) of subsection (b) of this section.

2305 (d) All design proposals for major capital projects shall include at  
2306 least two differing energy systems for space heating, cooling and hot  
2307 water to supplement the passive features designed into the building.  
2308 Such proposals may include computer or other analytical modeling or  
2309 simulation but shall not be construed to require the development of  
2310 architectural or mechanical design plans for each such system. All cost  
2311 evaluations of the competing energy systems shall be based on life-  
2312 cycle costs. A life-cycle cost analysis for each competing energy system  
2313 determined by the Commissioner of Public Works to meet the  
2314 standards of subsection (b) of this section shall be included as part of  
2315 the design proposal for all projects. No major capital project shall be  
2316 approved by the Commissioner of Public Works or by the State  
2317 Properties Review Board pursuant to section 4b-23, as amended, after  
2318 June 30, 1980, unless the proposed project achieves to the maximum  
2319 extent practicable the energy performance standards established in  
2320 accordance with subsection (b) or (g) of this section.

2321 (e) All applications for state funding of major capital projects shall  
2322 be accompanied by a life-cycle cost analysis which the Commissioner  
2323 of Public Works has determined complies with the standards  
2324 established pursuant to subsection (b) of this section. The  
2325 Commissioner of Public Works or the [Secretary of the Office of Policy  
2326 and Management] Commissioner of Energy and Technology may  
2327 require such a life-cycle cost analysis for projects other than major  
2328 capital projects.

2329 (f) The Commissioner of Economic and Community Development

2330 and the [Secretary of the Office of Policy and Management]  
2331 Commissioner of Energy and Technology shall jointly establish and  
2332 publish energy performance standards for buildings constructed as  
2333 part of state-owned and state-financed housing projects and establish  
2334 standards for life-cycle cost analyses for such projects. In establishing  
2335 such standards, the [commissioner and secretary] commissioners shall  
2336 consider (1) the coordination, positioning and solar orientation of the  
2337 project on its situs, (2) the amount of glazing, degree of sun shading  
2338 and direction of exposure, (3) the levels of insulation incorporated into  
2339 the design, (4) the variable occupancy and operating conditions of the  
2340 facility, (5) all architectural features which affect energy consumption,  
2341 and (6) the design and location of all heating, cooling, hot water and  
2342 electrical systems.

2343 (g) Notwithstanding any provision in this section concerning the  
2344 review of life-cycle cost analyses by the Commissioner of Public  
2345 Works, a life-cycle cost analysis of a major capital project prepared for  
2346 the Department of Housing shall be reviewed by the Commissioner of  
2347 Economic and Community Development and the [Secretary of the  
2348 Office of Policy and Management] Commissioner of Energy and  
2349 Technology to determine if such analysis is in compliance with the life-  
2350 cycle cost analyses standards established for such project under  
2351 subsection (f) of this section.

2352 (h) Each state agency preparing a life-cycle cost analysis under this  
2353 section shall submit a summary of the analysis to the [Secretary of the  
2354 Office of Policy and Management] Commissioner of Energy and  
2355 Technology.

2356 (i) Except as provided in subsection (f) of this section, the  
2357 Commissioner of Public Works and the [Secretary of the Office of  
2358 Policy and Management] Commissioner of Energy and Technology  
2359 shall jointly establish and publish energy performance standards for  
2360 existing and new buildings owned or leased by the state. Such  
2361 standards shall require maximum efficiency in energy use in all such  
2362 buildings and maximum practicable use of renewable sources of

2363 energy in all such buildings. In establishing such standards, the  
2364 [commissioner and secretary] commissioners shall consider (1) the  
2365 coordination, positioning and solar orientation of the project on its  
2366 situs, (2) the amount of glazing, degree of sun shading and direction of  
2367 exposure, (3) the levels of insulation incorporated into the design, (4)  
2368 the variable occupancy and operating conditions of the facility, (5) all  
2369 architectural features which affect energy consumption, and (6) the  
2370 design and location of all heating, cooling, hot water and electrical  
2371 systems.

2372 (j) Except as provided in subsection (f) of this section, the  
2373 Commissioner of Administrative Services and the [Secretary of the  
2374 Office of Policy and Management] Commissioner of Energy and  
2375 Technology may jointly establish and publish energy performance  
2376 standards for equipment and appliances owned or leased by the state  
2377 which are not covered products, and for such equipment and  
2378 appliances which are covered products. Any such standards shall  
2379 require maximum energy efficiency for all such equipment and  
2380 appliances and, for equipment and appliances owned or leased by the  
2381 state which are covered products, shall be more stringent than the  
2382 corresponding federal energy conservation standards set forth in the  
2383 Energy Policy and Conservation Act, 42 USC 6295, or federal  
2384 regulations adopted thereunder. In establishing such standards, the  
2385 [commissioner and secretary] commissioners shall consider, without  
2386 limitation, (1) the initial cost of the equipment or appliance, (2) the  
2387 projected useful lifetime of the equipment or appliance, (3) the  
2388 projected cost of the energy that the equipment or appliance will  
2389 consume over its projected useful lifetime, (4) the estimated operating  
2390 costs for maintenance and repair, over the projected useful lifetime of  
2391 the equipment or appliance, and (5) the positive or negative salvage  
2392 value of the equipment or appliance upon disposal at the conclusion of  
2393 its projected useful lifetime.

2394 (k) Any life-cycle cost analysis standards established pursuant to  
2395 subdivision (2) of subsection (b) of this section and any energy  
2396 performance standards established pursuant to subsection (j) of this

2397 section shall be implemented in accordance with the purchasing  
2398 requirements set forth in chapter 58, and any regulations adopted  
2399 thereunder, and the provisions of this section and section 16a-38j, as  
2400 amended by this act.

2401 Sec. 81. Section 16a-38a of the general statutes is repealed and the  
2402 following is substituted in lieu thereof (*Effective January 1, 2007*):

2403 (a) The Commissioner of Public Works, in consultation with the  
2404 Commissioner of Energy and Technology, shall conduct an energy  
2405 audit of all buildings owned by the state to determine the energy  
2406 conservation and energy consumption characteristics of such  
2407 buildings. Such energy audits shall be conducted in cooperation with  
2408 the state department, agency, board or commission occupying such  
2409 building. Such energy audits shall be conducted in accordance with  
2410 guidelines established under the "National Energy Conservation Policy  
2411 Act", Public Law 95-619, 92 Stat. 3206 (1978), as amended from time to  
2412 time, and with the following schedule: (1) Preliminary energy audits of  
2413 all buildings owned or leased by the state shall be completed within  
2414 one year after July 1, 1979. The results from such preliminary audits  
2415 shall be used to set priorities for subsequent audits. (2) Subsequent  
2416 energy audits based on the priorities established in accordance with  
2417 subdivision (1) of this subsection, shall be initiated at a rate of at least  
2418 twenty per cent of total building floor space per year. Each audit  
2419 procedure shall be completed within two years of its initiation.

2420 (b) [(1)] The Commissioner of Public Works shall review and  
2421 evaluate the energy audits completed in accordance with this section  
2422 and shall, within six months, recommend to the [Secretary of the Office  
2423 of Policy and Management] Commissioner of Energy and Technology  
2424 buildings for cost effective retrofit measures to enable such buildings  
2425 to attain the energy performance standards established under  
2426 subdivision (1) of subsection (b) of section 16a-38, as amended by this  
2427 act. [(2) It shall be a goal that beginning not later than July 1, 1982,  
2428 work to retrofit at least twenty per cent of the total floor area of  
2429 existing state-owned buildings for energy conservation shall be

2430 commenced in each fiscal year. Where technically feasible, renewable  
2431 sources of energy shall be used for space heating and cooling, domestic  
2432 hot water and other applications. (3) It shall be a goal that not later  
2433 than June 30, 1991, all state-owned buildings be the subject of such  
2434 energy conservation and renewable energy retrofit measures as will  
2435 enable them to meet the energy performance standards established in  
2436 accordance with subdivision (1) of subsection (b) of section 16a-38.]

2437 (c) The Commissioner of Public Works and the [Secretary of the  
2438 Office of Policy and Management] Commissioner of Energy and  
2439 Technology shall jointly develop and publish guidelines applicable to  
2440 all state agencies for an energy efficiency maintenance program for all  
2441 state-owned buildings. The program shall include, but not be limited  
2442 to, annually inspecting, testing and tuning fossil fuel burning  
2443 equipment utilized for space heating or the production of steam or hot  
2444 water for process uses. All agencies shall cooperate in implementing  
2445 such maintenance program.

2446 Sec. 82. Section 16a-38b of the general statutes is repealed and the  
2447 following is substituted in lieu thereof (*Effective January 1, 2007*):

2448 The Commissioner of Public Works and [the Secretary of the Office  
2449 of Policy and Management] the Commissioner of Energy and  
2450 Technology shall take such actions as may be necessary or appropriate  
2451 to enable all state facilities to meet the energy performance standards  
2452 established in accordance with subdivision (1) of subsection (b) of  
2453 section 16a-38, as amended by this act.

2454 Sec. 83. Section 16a-38i of the general statutes is repealed and the  
2455 following is substituted in lieu thereof (*Effective January 1, 2007*):

2456 (a) The energy performance standards established by the  
2457 Commissioner of Public Works and [the Secretary of the Office of  
2458 Policy and Management] the Commissioner of Energy and Technology  
2459 pursuant to section 16a-38, as amended by this act, shall require that  
2460 the Commissioner of Public Works, in consultation with the [secretary]  
2461 Commissioner of Energy and Technology, establish a process for

2462 calculating annually, from currently available data, the average energy  
2463 use per square foot in state buildings.

2464 (b) In accordance with section 16a-37u, as amended by this act, the  
2465 [secretary] Commissioner of Energy and Technology shall (1)  
2466 implement a system requiring all state agencies to use the process  
2467 established by the Department of Public Works to annually calculate  
2468 energy use, (2) establish one or more thresholds of acceptability for  
2469 energy use in state buildings, and (3) (A) reduce energy use, on a cost-  
2470 effective life-cycle basis and within available fiscal resources as  
2471 determined by the secretary, in those buildings under the care and  
2472 control of the Department of Public Works which do not meet such  
2473 thresholds, and (B) assist other agencies in reducing energy use, on a  
2474 cost-effective life-cycle basis and within available fiscal resources as  
2475 determined by the [secretary] Commissioner of Energy and  
2476 Technology, in those buildings under their care and control which do  
2477 not meet the applicable thresholds.

2478 Sec. 84. Section 16a-38j of the general statutes is repealed and the  
2479 following is substituted in lieu thereof (*Effective January 1, 2007*):

2480 The Department of Public Works, in consultation with the [Secretary  
2481 of the Office of Policy and Management] Commissioner of Energy and  
2482 Technology, shall adopt regulations, in accordance with the provisions  
2483 of chapter 54, establishing criteria to be used by each state agency in  
2484 selecting equipment for use in state buildings. Such criteria shall  
2485 include a life-cycle cost analysis. Such criteria for equipment for which  
2486 energy performance standards have been established pursuant to  
2487 subsection (j) of section 16a-38, as amended by this act, shall include  
2488 such energy performance standards.

2489 Sec. 85. Section 16a-39 of the general statutes is repealed and the  
2490 following is substituted in lieu thereof (*Effective January 1, 2007*):

2491 (a) As used in this section:

2492 (1) "Public building" means any building or portion thereof, other

2493 than an "exempted building", which is open to the public during  
2494 normal business hours, including (A) any building which provides  
2495 facilities or shelter for public assembly, (B) any inn, hotel, motel, sports  
2496 arena, supermarket, transportation terminal, retail store, restaurant, or  
2497 other commercial establishment which provides services or retails  
2498 merchandise, and (C) any building owned or leased by the state of  
2499 Connecticut or any political subdivision thereof, or by another state or  
2500 political subdivision thereof and located in Connecticut, including  
2501 libraries, museums, schools, hospitals, auditoriums, sports arenas and  
2502 university buildings;

2503 (2) "Exempted building" means (A) any building whose peak design  
2504 rate of energy usage for all purposes is less than one watt per square  
2505 foot of floor area for all purposes, (B) any building with neither a  
2506 heating nor cooling system and (C) any building owned or leased in  
2507 whole or in part by the United States; and

2508 [(3) "Commissioner" means the Commissioner of Public Works or  
2509 his designee;

2510 (4) "Secretary" means the Secretary of the Office of Policy and  
2511 Management or his designee; and]

2512 [(5)] (3) "Eligible building" means a building owned by a  
2513 municipality, located within the state and not used for public  
2514 education purposes.

2515 (b) The [commissioner] Commissioner of Public Works, after  
2516 consultation with the [secretary] Commissioner of Energy and  
2517 Technology and with such advisory board as [said secretary] the  
2518 Commissioner of Energy and Technology may appoint, shall adopt, in  
2519 accordance with chapter 54, regulations establishing lighting standards  
2520 for all public buildings. The members of any such advisory board shall  
2521 receive neither compensation nor expenses for the performance of their  
2522 duties.

2523 (c) The lighting standards adopted pursuant to subsection (b) of this

2524 section shall provide for the maximum feasible energy efficiency of  
2525 lighting equipment commensurate with other factors relevant to  
2526 lighting levels and equipment, including, but not limited to, the  
2527 purposes of the lighting, reasonable economic considerations in terms  
2528 both of initial capital costs and of operating costs including nonenergy  
2529 operating costs, reasonable budgetary considerations in terms of the  
2530 feasibility of implementing changes which require a significant capital  
2531 expenditure in a given time period, any constraints imposed on  
2532 lighting equipment by the nature of the activities being carried out in  
2533 the facility involved, considerations involving historic preservation or  
2534 unusual architectural features, the amount of remaining useful lifetime  
2535 which a particular structure would be expected to enjoy and the size of  
2536 the building or portion of the building involved.

2537 (d) The [commissioner] Commissioner of Public Works shall, upon  
2538 the adoption of the regulations required by subsection (b) of this  
2539 section, make random inspections of public buildings to monitor  
2540 compliance with the standards established by such regulations. The  
2541 [commissioner] Commissioner of Public Works may also inspect any  
2542 public buildings against which complaints alleging violation of such  
2543 standards have been received. The operator of a public building or  
2544 portion thereof shall provide access to such inspectors at any  
2545 reasonable time, including all times during which the facility is open to  
2546 the public. If an inspector is denied access to a public building for the  
2547 purposes of making an inspection in accordance with the provisions of  
2548 this section, the [commissioner] Commissioner of Public Works may  
2549 apply to the superior court for the judicial district wherein such  
2550 building is located for injunctive or other equitable relief. If upon  
2551 inspection it is determined that the lighting levels in a public building  
2552 do not conform to such standards, the inspector shall make available to  
2553 the owner or operator of such building, information regarding such  
2554 standards and the economic and energy savings expected to result  
2555 from compliance therewith. The owner or operator of a public building  
2556 may, after having taken appropriate measures to render such building  
2557 in compliance with such standards request a reinspection of such

2558 building by the [commissioner] Commissioner of Public Works. The  
2559 [commissioner] Commissioner of Public Works may, upon such  
2560 request or at his own discretion, conduct such reinspection and  
2561 determine whether or not such building has been brought into  
2562 compliance with such standards.

2563 (e) The [commissioner] Commissioner of Public Works shall  
2564 maintain a listing of all public buildings found to be in compliance  
2565 with the lighting standards adopted pursuant to subsection (c) of this  
2566 section.

2567 (f) The [secretary] Commissioner of Energy and Technology may  
2568 award lighting grants to municipalities for the purpose of improving  
2569 the energy efficiency of lighting equipment in eligible buildings. All  
2570 lighting grants shall be awarded based on an application, submitted by  
2571 a municipality, which sets forth the lighting conservation measures to  
2572 be implemented. Such measures shall meet the standards established  
2573 pursuant to subsection (b) of this section and be consistent with the  
2574 state energy policy, as set forth in section 16a-35k. When evaluating the  
2575 applications submitted pursuant to this section and determining the  
2576 amount of a lighting grant, the [secretary] Commissioner of Energy  
2577 and Technology shall consider the energy savings and the payback  
2578 period for the measures to be implemented and any other information  
2579 which the [secretary] Commissioner of Energy and Technology deems  
2580 relevant. The funds for lighting grants shall be provided from proceeds  
2581 of bonds issued for such purpose. The amount of each grant shall be  
2582 not less than five thousand dollars but not more than fifty thousand  
2583 dollars, provided the [secretary] Commissioner of Energy and  
2584 Technology may award grants of less than five thousand dollars or  
2585 more than fifty thousand dollars if the [secretary] Commissioner of  
2586 Energy and Technology finds good cause to do so. All public service  
2587 company incentive payments contributed to any energy conservation  
2588 project at an eligible building shall be applied to pay the principal cost  
2589 of that project.

2590 Sec. 86. Section 16a-39b of the general statutes is repealed and the

2591 following is substituted in lieu thereof (*Effective January 1, 2007*):

2592 The [Secretary of the Office of Policy and Management]  
2593 Commissioner of Energy and Technology shall convene periodic  
2594 meetings, to be held at least once every twelve months, to discuss  
2595 opportunities for energy savings by the state. Such meetings shall  
2596 consist of the [secretary] commissioner, or the [secretary's]  
2597 commissioner's designee, and representatives from each state agency  
2598 that the [secretary] commissioner determines to be among the ten  
2599 agencies that consumed the greatest amount of energy during the  
2600 previous twelve months.

2601 Sec. 87. Subsection (a) of section 16a-40b of the 2006 supplement to  
2602 the general statutes is repealed and the following is substituted in lieu  
2603 thereof (*Effective January 1, 2007*):

2604 (a) The [commissioner] Commissioner of Economic and Community  
2605 Development, acting on behalf of the state, may, with respect to loans  
2606 for which funds have been authorized by the State Bond Commission  
2607 prior to July 1, 1992, in his discretion make low-cost loans or deferred  
2608 loans to residents of this state for the purchase and installation in  
2609 residential structures of insulation, alternative energy devices, energy  
2610 conservation materials and replacement furnaces and boilers,  
2611 approved in accordance with regulations to be adopted by the  
2612 [Secretary of the Office of Policy and Management] Commissioner of  
2613 Energy and Technology. In the purchase and installation of insulation  
2614 in new residential structures, only that insulation which exceeds the  
2615 requirements of the State Building Code shall be eligible for such loans  
2616 or deferred loans. The [commissioner] Commissioner of Economic and  
2617 Community Development may also make low-cost loans or deferred  
2618 loans to persons in the state residing in dwellings constructed not later  
2619 than December 31, 1979, and for which the primary source of heating  
2620 since such date has been electricity, for the purchase of a secondary  
2621 heating system using a source of heat other than electricity or for the  
2622 conversion of a primary electric heating system to a system using a  
2623 source of heat other than electricity.

2624 Sec. 88. Section 16a-41 of the general statutes is repealed and the  
2625 following is substituted in lieu thereof (*Effective January 1, 2007*):

2626 (a) Any public or private agency or organization administering an  
2627 energy assistance program which is funded or administered, in whole  
2628 or in part, by the state shall take simultaneous applications from  
2629 applicants for all energy assistance programs and energy conservation  
2630 loan, grant, audit or service programs which that agency or  
2631 organization administers and for which an applicant may be eligible  
2632 and shall provide the applicants with written summaries of all such  
2633 programs administered by other agencies and organizations and for  
2634 which an applicant may be eligible. Any public or private agency or  
2635 organization administering an energy conservation loan, grant, audit  
2636 or service program or renewable resources loan, grant or service  
2637 program which is funded or administered, in whole or in part, by the  
2638 state shall provide applicants with written summaries of all other such  
2639 programs in the state for which an applicant may be eligible. The  
2640 Department of Social Services, in consultation with the Department of  
2641 Economic and Community Development and the Department of  
2642 [Public Utility Control] Energy and Technology, shall adopt  
2643 regulations, in accordance with the provisions of chapter 54, to carry  
2644 out the purposes of this subsection. Such regulations shall, without  
2645 limitation, set forth requirements for the form and content of the  
2646 summaries. The Department of Social Services shall be responsible for  
2647 collecting and disseminating information on all such programs in the  
2648 state to agencies and organizations administering the programs.

2649 (b) Any state agency which administers or funds an energy  
2650 assistance program, an energy conservation loan, grant, audit, or  
2651 service program or a renewable resources loan, grant or service  
2652 program shall adopt regulations in accordance with chapter 54 for  
2653 such program in order to protect the due process rights of the  
2654 applicants. The regulations shall include, but not be limited to, the  
2655 following, where applicable: (1) Procedures for applications and their  
2656 disposition, including record-keeping; (2) procedures for the  
2657 immediate provision of appropriate assistance to eligible applicants

2658 who are without or in imminent danger of being without heat, hot  
2659 water or utilities; (3) standards of assistance, including eligibility and  
2660 benefits; (4) procedures for assisting elderly, handicapped, bilingual  
2661 and other persons who are unable to file such applications without  
2662 assistance; (5) procedures for assisting applicants in obtaining other  
2663 forms of assistance; (6) procedures for written notice to applicants of  
2664 the disposition of their applications and the basis for each full or  
2665 partial denial of assistance; and (7) administrative appeal procedures,  
2666 including notice to applicants of the availability of such procedures.

2667 (c) The regulations adopted under subsection (a) or (b) of this  
2668 section shall not require an applicant for assistance to be without fuel  
2669 or utility service before an agency may accept his application or as a  
2670 condition of eligibility.

2671 (d) The Department of [Public Utility Control] Energy and  
2672 Technology shall assure: (1) That any energy assistance program,  
2673 energy conservation loan, grant, audit or service program or  
2674 renewable resources loan, grant or service program concerning  
2675 residential dwellings, funded or administered by a public service  
2676 company or municipal utility, shall include provisions to address the  
2677 needs of persons residing in rental housing and persons of poverty  
2678 status; and (2) that the audit report on any audit conducted on a  
2679 dwelling occupied by persons of poverty status, under a conservation  
2680 audit program funded or administered by a public service company or  
2681 municipal utility, include a section which excerpts from the audit  
2682 report the results of those audit procedures required under  
2683 weatherization or conservation programs available to such persons.

2684 (e) As used in this section, "applicant" means a natural person or a  
2685 household seeking assistance under any program referred to in this  
2686 section.

2687 Sec. 89. Section 16a-45a of the general statutes is repealed and the  
2688 following is substituted in lieu thereof (*Effective January 1, 2007*):

2689 As used in section 16a-46, as amended by this act, "participant"

2690 means: (1) Each electric or gas company, as defined in section 16-1, as  
2691 amended, which has annual sales, other than for resale, in excess of  
2692 seven hundred fifty million kilowatt hours of electricity or ten billion  
2693 cubic feet of natural gas; (2) any company, person or entity fulfilling  
2694 the responsibilities of section 16a-46, as amended by this act, in whole  
2695 or in part, on behalf of one or more such electric or gas companies, as  
2696 determined by the [secretary] Commissioner of Energy and  
2697 Technology; (3) any petroleum product vendor registered under  
2698 section 16a-22d, as amended by this act, whose gross volume of retail  
2699 fuel oil, propane or kerosene delivered in its most recently completed  
2700 year exceeds two million gallons; and (4) any other electric or gas  
2701 company, as defined in section 16-1, as amended, municipal electric  
2702 utility organized under chapter 101, municipal electric energy  
2703 cooperative organized under chapter 101a or electric cooperative  
2704 organized under chapter 597 which is included in a plan under section  
2705 16a-46a, as amended by this act, and subsequently approved by the  
2706 [secretary] commissioner, and which voluntarily participates in the  
2707 program under section 16a-46, as amended by this act.

2708 Sec. 90. Section 16a-46 of the 2006 supplement to the general statutes  
2709 is repealed and the following is substituted in lieu thereof (*Effective*  
2710 *January 1, 2007*):

2711 (a) The [Secretary of the Office of Policy and Management]  
2712 Commissioner of Energy and Technology shall be responsible for the  
2713 development and implementation of a residential energy conservation  
2714 service program in accordance with the provisions of this section,  
2715 sections 16a-46a, as amended by this act, 16a-46b, as amended by this  
2716 act, and 16a-46c, as amended by this act, and applicable federal law.  
2717 Participants in the program shall provide or arrange for low cost  
2718 energy audits. No participant under subdivision (1) or (3) of section  
2719 16a-45a, as amended by this act, may be required to provide such  
2720 services outside its authorized service area or area of normal  
2721 operation. The residential energy conservation service program shall  
2722 terminate on July 1, 2010.

2723 (b) The [secretary] commissioner, in consultation with the  
2724 Department of Public Utility Control, may adopt regulations, in  
2725 accordance with chapter 54, with regard to the conduct and  
2726 administration of such program. [Not later than January first in 1996  
2727 and 1997, each participant shall submit a report to the secretary  
2728 concerning the energy audits the participant provided or arranged for  
2729 pursuant to this section. Not later than February first in 1996 and 1997,  
2730 the secretary shall submit a report to the joint standing committee of  
2731 the General Assembly having cognizance of matters relating to energy  
2732 and technology concerning all energy audits provided or arranged for  
2733 pursuant to this section.]

2734 Sec. 91. Section 16a-46a of the general statutes is repealed and the  
2735 following is substituted in lieu thereof (*Effective January 1, 2007*):

2736 (a) The [Secretary of the Office of Policy and Management]  
2737 Commissioner of Energy and Technology shall prepare and may from  
2738 time to time amend a residential energy conservation service plan  
2739 which implements the program established under section 16a-46, as  
2740 amended, and which complies with applicable federal law. The  
2741 residential energy conservation service plan shall include, but not be  
2742 limited to, a designation of the classes of residential buildings that may  
2743 receive low-cost energy audits during the period covered by the plan.

2744 (b) Prior to implementing any amendments to the residential energy  
2745 conservation service plan, the [secretary] commissioner shall submit  
2746 the plan or amendments to the joint standing committee of the General  
2747 Assembly having cognizance of matters relating to energy planning  
2748 and activities. The committee may approve or disapprove such plan or  
2749 amendments at a meeting held not later than sixty days after receipt of  
2750 the plan or amendments. If the committee takes no action with regard  
2751 to the plan or amendments during such sixty-day period, they shall be  
2752 deemed approved. Upon such approval, the [secretary] commissioner  
2753 shall submit the plans or amendments to the United States Department  
2754 of Energy.

2755 Sec. 92. Section 16a-46b of the general statutes is repealed and the  
2756 following is substituted in lieu thereof (*Effective January 1, 2007*):

2757 The [secretary] Commissioner of Energy and Technology shall (1)  
2758 review and evaluate, on an ongoing basis, the implementation of the  
2759 plan prepared under section 16a-46a, as amended by this act, to insure  
2760 compliance with applicable state statutes and regulations and the  
2761 provisions of such plan; (2) participate in proceedings before the  
2762 Department of Public Utility Control which involve, in whole or in  
2763 part, the implementation of said statutes, regulations or plan; and (3)  
2764 report on the implementation of, and make any recommendations  
2765 concerning, said plan not later than January fifteenth, annually, to the  
2766 Governor, the joint standing committee of the General Assembly  
2767 having cognizance of matters relating to energy planning and activities  
2768 and the Legislative Program Review and Investigations Committee.

2769 Sec. 93. Section 16a-46c of the general statutes is repealed and the  
2770 following is substituted in lieu thereof (*Effective January 1, 2007*):

2771 The Department of Public Utility Control shall exercise its  
2772 regulatory responsibilities as they relate to the residential energy  
2773 conservation service program within any program guidelines  
2774 established by the [Secretary of the Office of Policy and Management]  
2775 Commissioner of Energy and Technology in regulations adopted  
2776 under section 16a-46, as amended by this act, and in the plan  
2777 authorized under section 16a-46a, as amended by this act. The  
2778 [secretary] commissioner shall consult with the department in the  
2779 development of the program. The department, in consultation with the  
2780 [secretary] commissioner, may adopt regulations in accordance with  
2781 chapter 54 concerning the conduct and administration of the program  
2782 as it relates to the department's regulatory responsibilities.

2783 Sec. 94. Section 16a-48 of the general statutes is repealed and the  
2784 following is substituted in lieu thereof (*Effective January 1, 2007*):

2785 (a) As used in this section:

- 2786 (1) "Department" means the Department of Public Utility Control;
- 2787 (2) "Fluorescent lamp ballast" or "ballast" means a device designed  
2788 to operate fluorescent lamps by providing a starting voltage and  
2789 current and limiting the current during normal operation, but does not  
2790 include such devices that have a dimming capability or are intended  
2791 for use in ambient temperatures of zero degrees Fahrenheit or less or  
2792 have a power factor of less than sixty-one hundredths for a single  
2793 F40T12 lamp;
- 2794 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a  
2795 nominal forty-watt lamp, with a forty-eight-inch tube length and one  
2796 and one-half inches in diameter;
- 2797 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a  
2798 nominal seventy-five-watt lamp with a ninety-six-inch tube length and  
2799 one and one-half inches in diameter;
- 2800 (5) "Luminaire" means a complete lighting unit consisting of a  
2801 fluorescent lamp, or lamps, together with parts designed to distribute  
2802 the light, to position and protect such lamps, and to connect such  
2803 lamps to the power supply;
- 2804 (6) "New product" means a product that is sold, offered for sale, or  
2805 installed for the first time and specifically includes floor models and  
2806 demonstration units;
- 2807 [(7) "Secretary" means the Secretary of the Office of Policy and  
2808 Management;]
- 2809 (7) "Commissioner" means the Commissioner of Energy and  
2810 Technology;
- 2811 (8) "State Building Code" means the building code adopted  
2812 pursuant to section 29-252;
- 2813 (9) "Torchiere lighting fixture" means a portable electric lighting  
2814 fixture with a reflector bowl giving light directed upward so as to give

2815 indirect illumination;

2816 (10) "Unit heater" means a self-contained, vented fan-type  
2817 commercial space heater that uses natural gas or propane that is  
2818 designed to be installed without ducts within the heated space. "Unit  
2819 heater" does not include a product regulated by federal standards  
2820 pursuant to 42 USC 6291, as amended from time to time, a product that  
2821 is a direct vent, forced flue heater with a sealed combustion burner, or  
2822 any oil fired heating system;

2823 (11) "Transformer" means a device consisting of two or more coils of  
2824 insulated wire that transfers alternating current by electromagnetic  
2825 induction from one coil to another in order to change the original  
2826 voltage or current value;

2827 (12) "Low-voltage dry-type transformer" means a transformer that:  
2828 (A) Has an input voltage of 600 volts or less; (B) is between 14 kilovolt-  
2829 amperes and 2,501 kilovolt-amperes in size; (C) is air-cooled; and (D)  
2830 does not use oil as a coolant. "Low-voltage dry-type transformer" does  
2831 not include such transformers excluded from the low-voltage dry-type  
2832 distribution transformer definition contained in the California Code of  
2833 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance  
2834 Efficiency Regulations;

2835 (13) "Pass-through cabinet" means a refrigerator or freezer with  
2836 hinged or sliding doors on both the front and rear of the refrigerator or  
2837 freezer;

2838 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination  
2839 thereof, with hinged or sliding doors or lids;

2840 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or  
2841 freezer with hinged or sliding doors that allows wheeled racks of  
2842 product to be rolled into or through the refrigerator or freezer;

2843 (16) "Commercial refrigerators and freezers" means reach-in  
2844 cabinets, pass-through cabinets, roll-in cabinets and roll-through

2845 cabinets that have less than eighty-five feet of capacity. "Commercial  
2846 refrigerators and freezers" does not include walk-in models or  
2847 consumer products regulated under the federal National Appliance  
2848 Energy Conservation Act of 1987;

2849 (17) "Traffic signal module" means a standard eight-inch or twelve-  
2850 inch round traffic signal indicator consisting of a light source, lens and  
2851 all parts necessary for operation and communication of movement  
2852 messages to drivers through red, amber and green colors;

2853 (18) "Illuminated exit sign" means an internally illuminated sign that  
2854 is designed to be permanently fixed in place and used to identify an  
2855 exit by means of a light source that illuminates the sign or letters from  
2856 within where the background of the exit sign is not transparent;

2857 (19) "Packaged air-conditioning equipment" means air-conditioning  
2858 equipment that is built as a package and shipped as a whole to end-  
2859 user sites;

2860 (20) "Large packaged air-conditioning equipment" means air-cooled  
2861 packaged air-conditioning equipment having not less than 240,000  
2862 BTUs per hour of capacity;

2863 (21) "Commercial clothes washer" means a soft mount front-loading  
2864 or soft mount top-loading clothes washer that is designed for use in  
2865 (A) applications where the occupants of more than one household will  
2866 be using it, such as in multifamily housing common areas and coin  
2867 laundries; or (B) other commercial applications, if the clothes container  
2868 compartment is no greater than 3.5 cubic feet for horizontal-axis  
2869 clothes washers, or no greater than 4.0 cubic feet for vertical-axis  
2870 clothes washers;

2871 (22) "Energy efficiency ratio" means a measure of the relative  
2872 efficiency of a heating or cooling appliance that is equal to the unit's  
2873 output in BTUs per hour divided by its consumption of energy,  
2874 measured in watts.

2875 (b) The provisions of this section apply to the testing, certification  
2876 and enforcement of efficiency standards for the following types of new  
2877 products sold, offered for sale or installed in the state: (1) Commercial  
2878 clothes washers; (2) commercial refrigerators and freezers; (3)  
2879 illuminated exit signs; (4) large packaged air-conditioning equipment;  
2880 (5) low voltage dry-type distribution transformers; (6) torchiere  
2881 lighting fixtures; (7) traffic signal modules; (8) unit heaters; and (9) any  
2882 other products as may be designated by the department in accordance  
2883 with subdivision (3) of subsection (d) of this section.

2884 (c) The provisions of this section do not apply to (1) new products  
2885 manufactured in the state and sold outside the state, (2) new products  
2886 manufactured outside the state and sold at wholesale inside the state  
2887 for final retail sale and installation outside the state, (3) products  
2888 installed in mobile manufactured homes at the time of construction, or  
2889 (4) products designed expressly for installation and use in recreational  
2890 vehicles.

2891 (d) (1) Not later than July 1, 2005, the department, in consultation  
2892 with the [secretary] commissioner, shall adopt regulations, in  
2893 accordance with the provisions of chapter 54, to implement the  
2894 provisions of this section and to establish minimum energy efficiency  
2895 standards for the types of new products set forth in subsection (b) of  
2896 this section. The regulations shall provide for the following minimum  
2897 energy efficiency standards: (A) Commercial clothes washers shall  
2898 meet the requirements shown in Table P-3 of section 1605.3 of the  
2899 California Code of Regulations, Title 20: Division 2, Chapter 4, Article  
2900 4; (B) commercial refrigerators and freezers shall meet the August 1,  
2901 2004, requirements shown in Table A-6 of said California regulation;  
2902 (C) illuminated exit signs shall meet the version 2.0 product  
2903 specification of the "Energy Star Program Requirements for Exit Signs"  
2904 developed by the United States Environmental Protection Agency; (D)  
2905 large packaged air-conditioning equipment having not more than  
2906 760,000 BTUs per hour of capacity shall meet a minimum energy  
2907 efficiency ratio of 10.0 for units using both electric heat and air  
2908 conditioning or units solely using electric air conditioning, and 9.8 for

2909 units using both natural gas heat and electric air conditioning; (E) large  
2910 packaged air-conditioning equipment having not less than 761,000  
2911 BTUs per hour of capacity shall meet a minimum energy efficiency  
2912 ratio of 9.7 for units using both electric heat and air conditioning or  
2913 units solely using electric air conditioning, and 9.5 for units using both  
2914 natural gas heat and electric air conditioning; (F) low voltage dry-type  
2915 distribution transformers shall meet or exceed the energy efficiency  
2916 values shown in Table 4-2 of the National Electrical Manufacturers  
2917 Association Standard TP-1-2002; (G) torchiere lighting fixtures shall  
2918 not consume more than 190 watts and shall not be capable of operating  
2919 with lamps that total more than 190 watts; (H) traffic signal modules  
2920 shall meet the product specification of the "Energy Star Program  
2921 Requirements for Traffic Signals" developed by the United States  
2922 Environmental Protection Agency that took effect in February, 2001,  
2923 except where the department, in consultation with the Commissioner  
2924 of Transportation, determines that such specification would  
2925 compromise safe signal operation; (I) unit heaters shall not have pilot  
2926 lights and shall have either power venting or an automatic flue  
2927 damper.

2928 (2) Such efficiency standards, where in conflict with the State  
2929 Building Code, shall take precedence over the standards contained in  
2930 the Building Code. Not later than July 1, 2007, and biennially  
2931 thereafter, the department, in consultation with the [secretary]  
2932 commissioner, shall review and increase the level of such efficiency  
2933 standards by adopting regulations in accordance with the provisions  
2934 of chapter 54 upon a determination that increased efficiency standards  
2935 would serve to promote energy conservation in the state and would be  
2936 cost-effective for consumers who purchase and use such new products,  
2937 provided no such increased efficiency standards shall become effective  
2938 within one year following the adoption of any amended regulations  
2939 providing for such increased efficiency standards.

2940 (3) The department, in consultation with the [secretary]  
2941 commissioner, shall adopt regulations, in accordance with the  
2942 provisions of chapter 54, to designate additional products to be subject

2943 to the provisions of this section and to establish efficiency standards  
2944 for such products upon a determination that such efficiency standards  
2945 (A) would serve to promote energy conservation in the state, (B)  
2946 would be cost-effective for consumers who purchase and use such new  
2947 products, and (C) that multiple products are available which meet  
2948 such standards, provided no such efficiency standards shall become  
2949 effective within one year following their adoption pursuant to this  
2950 subdivision.

2951 (e) On or after July 1, 2006, except for commercial clothes washers,  
2952 for which the date shall be July 1, 2007, commercial refrigerators and  
2953 freezers, for which the date shall be July 1, 2008, and large packaged  
2954 air-conditioning equipment, for which the date shall be July 1, 2009, no  
2955 new product of a type set forth in subsection (b) of this section or  
2956 designated by the department may be sold, offered for sale, or  
2957 installed in the state unless the energy efficiency of the new product  
2958 meets or exceeds the efficiency standards set forth in such regulations  
2959 adopted pursuant to subsection (d) of this section.

2960 (f) The department, in consultation with the [secretary]  
2961 commissioner, shall adopt procedures for testing the energy efficiency  
2962 of the new products set forth in subsection (b) of this section or  
2963 designated by the department if such procedures are not provided for  
2964 in the State Building Code. The department shall use United States  
2965 Department of Energy approved test methods, or in the absence of  
2966 such test methods, other appropriate nationally recognized test  
2967 methods. The manufacturers of such products shall cause samples of  
2968 such products to be tested in accordance with the test procedures  
2969 adopted pursuant to this subsection or those specified in the State  
2970 Building Code.

2971 (g) Manufacturers of new products set forth in subsection (b) of this  
2972 section or designated by the department shall certify to the [secretary]  
2973 commissioner that such products are in compliance with the  
2974 provisions of this section. The department, in consultation with the  
2975 [secretary] commissioner, shall promulgate regulations governing the

2976 certification of such products. The [secretary] commissioner shall  
2977 publish an annual list of such products.

2978 (h) The Attorney General may institute proceedings to enforce the  
2979 provisions of this section. Any person who violates any provision of  
2980 this section shall be subject to a civil penalty of not more than two  
2981 hundred fifty dollars. Each violation of this section shall constitute a  
2982 separate offense, and each day that such violation continues shall  
2983 constitute a separate offense.

2984 Sec. 95. Section 16a-102 of the general statutes is repealed and the  
2985 following is substituted in lieu thereof (*Effective January 1, 2007*):

2986 (a) The [Secretary of the Office of Policy and Management]  
2987 Commissioner of Energy and Technology shall coordinate all atomic  
2988 development activities in the state. Said [secretary or his]  
2989 commissioner or the commissioner's designee shall (1) advise the  
2990 Governor with respect to atomic industrial development within the  
2991 state; (2) act as coordinator of the development and regulatory  
2992 activities of the state relating to the industrial and commercial uses of  
2993 atomic energy; (3) act as deputy of the Governor in matters relating to  
2994 atomic energy, including participation in the activities of any  
2995 committee formed by the New England states to represent their  
2996 interests in such matters and also cooperation with other states and  
2997 with the government of the United States; (4) coordinate the studies,  
2998 recommendations and proposals of the several departments and  
2999 agencies of the state required by section 16a-103 with each other and  
3000 also with the programs and activities of the development commission.  
3001 So far as practicable, he shall coordinate the studies conducted, and the  
3002 recommendations and proposals made, in this state with like activities  
3003 in the New England and other states and with the policies and  
3004 regulations of the Energy Research and Development Administration  
3005 and the Nuclear Regulatory Commission. In carrying out his duties, he  
3006 shall proceed in close cooperation with the development commission.

3007 (b) The several agencies of the state which are directed by section

3008 16a-103 to initiate and pursue continuing studies are directed to keep  
3009 the [Secretary of the Office of Policy and Management] Commissioner  
3010 of Energy and Technology fully and currently informed as to their  
3011 activities relating to atomic energy. No regulation or amendment to a  
3012 regulation applying specifically to an atomic energy matter which any  
3013 such agency may propose to issue shall become effective until thirty  
3014 days after it has been submitted to the [Secretary of the Office of Policy  
3015 and Management] Commissioner of Energy and Technology, unless,  
3016 upon a finding of emergency need, the Governor by order waives all  
3017 or any part of this thirty-day period.

3018 (c) The [Secretary of the Office of Policy and Management or his]  
3019 Commissioner of Energy and Technology or the commissioner's  
3020 designee shall keep the Governor and the several interested agencies  
3021 informed as to private and public activities affecting atomic industrial  
3022 development and shall enlist their cooperation in taking action to  
3023 further such development as is consistent with the health, safety and  
3024 general welfare of this state.

3025 (d) Within amounts appropriated for the purposes of this section,  
3026 the [Secretary of the Office of Policy and Management] Commissioner  
3027 of Energy and Technology may retain on a contractual or other basis  
3028 such assistance as is required to carry out the purposes of this section.

3029 Sec. 96. Section 21a-86a of the general statutes is repealed and the  
3030 following is substituted in lieu thereof (*Effective January 1, 2007*):

3031 (a) On or before October 1, 1990, the Commissioner of Consumer  
3032 Protection, in consultation with the [Secretary of the Office of Policy  
3033 and Management, the chairperson of the Public Utilities Control  
3034 Authority] Commissioner of Energy and Technology, the State  
3035 Building Inspector and the Commissioners of Public Health and  
3036 Environmental Protection, shall adopt regulations, in accordance with  
3037 the provisions of chapter 54, establishing minimum efficiency  
3038 standards for plumbing fixtures and other water-using devices, as  
3039 appropriate.

3040 (b) The maximum water use allowed in the regulations adopted  
3041 under subsection (a) of this section for showerheads, urinals, faucets  
3042 and replacement aerators manufactured or sold on or after October 1,  
3043 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for  
3044 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen  
3045 faucets and replacement aerators, 2.5 gallons per minute, except that  
3046 lavatories in restrooms of public facilities shall be equipped with outlet  
3047 devices which limit the flow rate to a maximum of 0.5 gallons per  
3048 minute. The maximum water use allowed in the regulations adopted  
3049 under subsection (a) of this section for tank-type toilets, flushometer-  
3050 valve toilets, flushometer-tank toilets and electromechanical hydraulic  
3051 toilets manufactured or sold on or after January 1, 1992, shall be 1.6  
3052 gallons per flush, unless and until equivalent standards for similar  
3053 types of toilets are adopted by the American National Standards  
3054 Institute, Inc.

3055 (c) Notwithstanding the provisions of subsection (b) of this section,  
3056 the Commissioner of Consumer Protection, after consultation with the  
3057 [Secretary of the Office of Policy and Management, the chairperson of  
3058 the Public Utilities Control Authority] Commissioner of Energy and  
3059 Technology, the State Building Inspector and the Commissioners of  
3060 Public Health and Environmental Protection, may increase the level of  
3061 efficiency for plumbing fixtures upon determination that such increase  
3062 would promote the conservation of water and energy and be cost-  
3063 effective for consumers who purchase and use such fixtures. Any  
3064 increased efficiency standard shall be effective one year after its  
3065 adoption.

3066 (d) The Commissioner of Consumer Protection, in consultation with  
3067 the [Secretary of the Office of Policy and Management, the chairperson  
3068 of the Public Utilities Control Authority] Commissioner of Energy and  
3069 Technology, the State Building Inspector and the Commissioners of  
3070 Public Health and Environmental Protection, shall adopt regulations in  
3071 accordance with the provisions of chapter 54 necessary to implement  
3072 the provisions of sections 21a-86 to 21a-86g, inclusive. Such regulations  
3073 shall provide for (1) the sale of plumbing fixtures which do not meet

3074 the standards if the commissioner determines that compliance is not  
3075 feasible or an unnecessary hardship exists, and (2) the sale of plumbing  
3076 fixtures, including, but not limited to, antique reproduction plumbing  
3077 fixtures, which do not meet the standards, provided such plumbing  
3078 fixtures were in stock in a store located in the state before October 1,  
3079 1990, if a showerhead, urinal, faucet or replacement aerator or before  
3080 January 1, 1992, if a tank-type toilet, flushometer-valve toilet,  
3081 flushometer-tank toilet or electromechanical hydraulic toilet.

3082 Sec. 97. Section 32-317 of the general statutes is repealed and the  
3083 following is substituted in lieu thereof (*Effective January 1, 2007*):

3084 (a) The [commissioner] Commissioner of Economic and Community  
3085 Development, acting on behalf of the state, may in his discretion make  
3086 loans or deferred loans to residents of this state for the purchase and  
3087 installation in residential structures of insulation, alternative energy  
3088 devices, energy conservation materials and replacement furnaces and  
3089 boilers, approved in accordance with regulations to be adopted by the  
3090 [Secretary of the Office of Policy and Management] Commissioner of  
3091 Energy and Technology. In the purchase and installation of insulation  
3092 in new residential structures, only that insulation which exceeds the  
3093 requirements of the State Building Code shall be eligible for such loans  
3094 or deferred loans. The [commissioner] Commissioner of Economic and  
3095 Community Development may also make loans or deferred loans to  
3096 persons in the state residing in dwellings constructed not later than  
3097 December 31, 1979, and for which the primary source of heating since  
3098 such date has been electric resistance, for (1) the purchase and  
3099 installation of a high-efficiency secondary heating system using a  
3100 source of heat other than electric resistance, (2) the conversion of a  
3101 primary electric heating system to a high-efficiency system using a  
3102 source of heat other than electric resistance, or (3) the purchase and  
3103 installation of a high-efficiency combination heating and cooling  
3104 system. As used in this subsection, "high-efficiency" means having a  
3105 seasonal energy efficiency ratio of 11.0 or higher or a heating season  
3106 performance factor of 7.2 or higher as designated by the American  
3107 Refrigeration Institute in the Directory of Certified Unitary Air

3108 Conditioners, Air Source Heat Pumps and Outdoor Unitary  
3109 Equipment, as from time to time amended, or an equivalent ratio for a  
3110 fossil fuel system.

3111 (b) Except as provided under subsection (c) of this section, any such  
3112 loan or deferred loan shall be available only for a residential structure  
3113 containing not more than four dwelling units, shall be not less than  
3114 four hundred dollars and not more than fifteen thousand dollars per  
3115 structure and shall be made only to an applicant who submits  
3116 evidence, satisfactory to the [commissioner] Commissioner of  
3117 Economic and Community Development, that the adjusted gross  
3118 income of the household member or members who contribute to the  
3119 support of his household was not in excess of one hundred fifty per  
3120 cent of the median area income by household size. Repayment of all  
3121 loans or deferred loans made under this subsection shall be subject to a  
3122 rate of interest to be determined in accordance with subsection (t) of  
3123 section 3-20, as amended, and such terms and conditions as the  
3124 commissioner may establish. The State Bond Commission shall  
3125 establish a range of rates of interest payable on all loans or deferred  
3126 loans under this subsection and shall apply the range to applicants in  
3127 accordance with a formula which reflects their income. Such range  
3128 shall be not less than zero per cent for any applicant in the lowest  
3129 income class and not more than one per cent above the rate of interest  
3130 borne by the general obligation bonds of the state last issued prior to  
3131 the most recent date such range was established for any applicant for  
3132 whom the adjusted gross income of the household member or  
3133 members who contribute to the support of his household was at least  
3134 one hundred fifteen per cent of the median area income by household  
3135 size.

3136 (c) The [commissioner] Commissioner of Economic and Community  
3137 Development shall establish a program under which he shall make  
3138 funds authorized under section 32-318 available for loans or deferred  
3139 loans under subsection (a) of this section for residential structures  
3140 containing more than four dwelling units, or for contracts  
3141 guaranteeing payment of loans provided by private institutions for

3142 such structures for the purposes specified under subsection (a) of this  
3143 section. Any such loan or deferred loan shall be an amount equaling  
3144 not more than two thousand dollars multiplied by the number of  
3145 dwelling units in such structure, provided no such loan shall exceed  
3146 sixty thousand dollars. If the applicant seeks a loan or deferred loan for  
3147 a structure containing more than thirty dwelling units, he shall include  
3148 in his application a commitment to make comparable energy  
3149 improvements of benefit to all dwelling units in the structure in  
3150 addition to the thirty units which are eligible for the loan or deferred  
3151 loan. Applications for contracts of guarantee shall be limited to  
3152 structures containing not more than thirty dwelling units and the  
3153 amount of the guarantee shall be not more than three thousand dollars  
3154 for each dwelling unit benefiting from the loan. There shall not be an  
3155 income eligibility limitation for applicants for such loans, deferred  
3156 loans or guarantees, but the commissioner shall give preference to  
3157 applications for loans, deferred loans or guarantees for such structures  
3158 which are occupied by persons of low or moderate income. Repayment  
3159 of such loans or deferred loans shall be subject to such rates of interest,  
3160 terms and conditions as the commissioner shall establish. The state  
3161 shall have a lien on each property for which a loan, deferred loan or  
3162 guarantee has been made under this section to ensure compliance with  
3163 such terms and conditions.

3164 (d) With respect to all loans or deferred loans under this section, any  
3165 repayments of principal shall be paid to the State Treasurer for deposit  
3166 in the energy conservation revolving loan account. The interest  
3167 applicable to any such loans made shall be paid to the State Treasurer  
3168 for deposit in the General Fund. In the case of a deferred loan,  
3169 payments on interest are due and payable but payments on principal  
3170 may be deferred to a time certain.

3171 (e) The [commissioner] Commissioner of Economic and Community  
3172 Development shall adopt regulations, in accordance with chapter 54,  
3173 (1) concerning qualifications for such loans or deferred loans,  
3174 requirements and limitations as to adjustments of terms and conditions  
3175 of repayment and any additional requirements deemed necessary to

3176 carry out the provisions of this section and to assure that those tax-  
3177 exempt bonds and notes used to fund such loans qualify for exemption  
3178 from federal income taxation, (2) providing for the maximum feasible  
3179 availability of such loans or deferred loans for dwelling units owned or  
3180 occupied by persons of low and moderate income, (3) establishing  
3181 procedures to inform such persons of the availability of such loans or  
3182 deferred loans and to encourage and assist them to apply for such  
3183 loans and (4) providing that (A) the interest payments received from  
3184 the recipients of loans or deferred loans, less the expenses incurred by  
3185 the commissioner in the implementation of the program of loans,  
3186 deferred loans and loan guarantees under this section, and (B) the  
3187 payments received from electric, electric distribution and gas  
3188 companies under subsection (f) of this section shall be applied to  
3189 reimburse the General Fund for interest on the outstanding bonds and  
3190 notes used to fund such loans or deferred loans.

3191 (f) Not later than August first, annually, the [commissioner]  
3192 Commissioner of Economic and Community Development shall  
3193 calculate the difference between (1) the weighted average of the  
3194 percentage rates of interest payable on all subsidized loans or deferred  
3195 loans made from the energy conservation loan program authorized  
3196 under sections 32-315 to 32-318, inclusive, and (2) the average of the  
3197 percentage rates of interest on any bonds and notes issued pursuant to  
3198 section 3-20, as amended, which have been dedicated to the energy  
3199 conservation loan program under sections 32-315 to 32-318, inclusive,  
3200 and used to fund such loans or deferred loans, and multiply such  
3201 difference by the outstanding amount of all such loans or deferred  
3202 loans, or such lesser amount as may be required under Section  
3203 103(b)(2) of the Internal Revenue Code of 1986, or any subsequent  
3204 corresponding internal revenue code of the United States, as from time  
3205 to time amended. The product of such difference and such applicable  
3206 amount shall not exceed six per cent of the sum of the outstanding  
3207 principal amount at the end of each fiscal year of all loans or deferred  
3208 loans made under the energy conservation loan program authorized  
3209 under sections 32-315 to 32-318, inclusive, and the balance remaining

3210 in the energy conservation revolving loan account. Not later than  
3211 September first, annually, the Department of Public Utility Control  
3212 shall allocate such product among each electric, electric distribution  
3213 and gas company having at least seventy-five thousand customers, in  
3214 accordance with a formula taking into account, without limitation, the  
3215 average number of residential customers of each company. Not later  
3216 than October first, annually, each such company shall pay its assessed  
3217 amount to the commissioner. The commissioner shall pay to the State  
3218 Treasurer for deposit in the General Fund all such payments from  
3219 electric, electric distribution and gas companies, and shall adopt  
3220 procedures to assure that such payments are not used for purposes  
3221 other than those specifically provided in this section. The department  
3222 shall include each company's payment as an operating expense of the  
3223 company for the purposes of rate-making under section 16-19, as  
3224 amended by this act.

3225 Sec. 98. Subdivision (5) of subsection (c) of section 16-244c of the  
3226 2006 supplement to the general statutes is repealed and the following  
3227 is substituted in lieu thereof (*Effective July 1, 2006*):

3228 (5) Each bidder for a standard service contract shall submit its bid to  
3229 the electric distribution company and the third-party entity who shall  
3230 jointly review the bids and submit an overview of all bids together  
3231 with a joint recommendation to the department as to the preferred  
3232 bidders. The department may, within ten business days of submission  
3233 of the overview, reject the recommendation regarding preferred  
3234 bidders. In the event that the department rejects the preferred bids, the  
3235 electric distribution company and the third-party entity shall rebid the  
3236 service pursuant to this subdivision. Upon approval of the preferred  
3237 bids by the department, the authority shall transfer the contracts to the  
3238 respective electric distribution company. All bids received by the  
3239 authority during the procurement process shall be available for public  
3240 review six months after department approval.

3241 Sec. 99. Subsection (e) of section 16-244c of the 2006 supplement to  
3242 the general statutes is repealed and the following is substituted in lieu

3243 thereof (*Effective July 1, 2006*):

3244 (e) (1) On and after January 1, 2007, an electric distribution company  
3245 shall serve customers that are not eligible to receive standard service  
3246 pursuant to subsection (c) of this section as the supplier of last resort.  
3247 This subsection shall not apply to customers purchasing power under  
3248 contracts entered into pursuant to section 16-19hh. Any customer  
3249 previously receiving electric generation services from an electric  
3250 supplier shall not be eligible to receive supplier of last resort service  
3251 pursuant to this subsection unless such customer agrees to receive  
3252 supplier of last resort service for a period of not less than one year.

3253 (2) An electric distribution company shall procure electricity to  
3254 provide electric generation services to customers pursuant to this  
3255 subsection. The Department of Public Utility Control shall determine a  
3256 price for such customers that reflects the full cost of providing the  
3257 electricity on a monthly basis to current and potential customers. Each  
3258 electric distribution company shall recover the actual net costs of  
3259 procuring and providing electric generation services pursuant to this  
3260 subsection, provided such company mitigates the costs it incurs for the  
3261 procurement of electric generation services for customers that are no  
3262 longer receiving service pursuant to this subsection.

3263 Sec. 100. (*Effective from passage*) (a) For purposes of this section,  
3264 "eligible generation" means electric generation or electric capacity from  
3265 an electric generating facility that (1) is located in the state, except for  
3266 an electric generating wind facility located in New York, Pennsylvania,  
3267 New Jersey, Maryland, Delaware or the New England states; (2) uses  
3268 energy resources other than coal, oil and nuclear power, except for  
3269 expanded or repowered electric generation or capacity that uses  
3270 nuclear power, and except for a facility that uses integrated  
3271 gasification combined cycle clean-coal technology; and (3) meets  
3272 relevant air and water quality standards of the Department of  
3273 Environmental Protection. The Department of Public Utility Control  
3274 shall not accept a portfolio of bids pursuant to this section that will  
3275 raise the proportion of natural gas used by the state's generation

3276 facilities compared to the proportion used by said facilities during  
3277 2005.

3278 (b) On or before July 1, 2006, the Department of Public Utility  
3279 Control shall conduct a contested case proceeding to develop and issue  
3280 a request for proposals to solicit the development of not less than five  
3281 hundred megawatts of new, expanded or repowered eligible peaking  
3282 generation. An electric distribution company may submit bids for not  
3283 more than half of the megawatts contained in the request for  
3284 proposals. An electric distribution company submitting a bid pursuant  
3285 to this subsection shall (1) include its full projected costs, such that any  
3286 project costs recovered from or defrayed by ratepayers are included in  
3287 the projected costs, and (2) demonstrate to the department that its bid  
3288 is not supported in any form of cross subsidization by affiliated  
3289 entities. Electric distribution companies shall recover not more than the  
3290 full costs identified in the proposals, as approved under this section, in  
3291 its rates pursuant to section 16-19 of the general statutes, as amended  
3292 by this act. Affiliates of the electric distribution company may submit  
3293 proposals consistent with section 16-244h of the general statutes,  
3294 regulations adopted under said section 16-244h and other  
3295 requirements the department may impose. The department may  
3296 request that a person submitting a proposal submit further information  
3297 that the department determines to be in the public interest, which the  
3298 department may use in evaluating the proposal.

3299 (c) On or before September 1, 2006, each electric distribution  
3300 company shall, in consultation with the Connecticut Energy Advisory  
3301 Board and the regional system operator, develop and submit a plan to  
3302 the Department of Public Utility Control that contains the amount of  
3303 new, expanded or repowered peaking, baseload, renewable and  
3304 demand response electric power that the company needs to serve its  
3305 customers in the state. The Department of Public Utility Control shall  
3306 use the information contained in said plans to determine the amount of  
3307 eligible generation to solicit in its request for proposal pursuant to  
3308 subsection (d) of this section.

3309 (d) On or before July 1, 2006, the Department of Public Utility  
3310 Control shall conduct a contested case proceeding to develop and issue  
3311 a request for proposals to solicit the development of not less than five  
3312 hundred megawatts of new, expanded or repowered cost-based  
3313 eligible generation, including peaking, baseload, renewable and  
3314 demand response electric power. An electric distribution company  
3315 may submit bids for not more than one-half of the megawatts  
3316 contained in the request for proposals. An electric distribution  
3317 company submitting a bid pursuant to this subsection shall (1) include  
3318 its full projected costs, such that any project costs recovered from or  
3319 defrayed by ratepayers are included in the projected costs, and (2)  
3320 demonstrate to the department that its bid is not supported in any  
3321 form of cross subsidization by affiliated entities. Electric distribution  
3322 companies shall recover not more than the full costs identified in the  
3323 proposals, as approved under this section, in its rates pursuant to  
3324 section 16-19 of the general statutes, as amended by this act. Affiliates  
3325 of the electric distribution company may submit proposals consistent  
3326 with section 16-244h of the general statutes, regulations adopted under  
3327 said section 16-244h and other requirements the department may  
3328 impose. The department may request that a person submitting a  
3329 proposal submit further information that the department determines to  
3330 be in the public interest, which the department may use in evaluating  
3331 the proposal.

3332 (e) The Department of Public Utility Control shall publish such  
3333 requests for proposals in one or more newspapers or periodicals, as  
3334 selected by the department, and shall post such request for proposals  
3335 on its web site. The department may retain the services of a third-party  
3336 entity with expertise in the area of energy procurement to oversee the  
3337 development of the requests for proposals and to assist the department  
3338 in its approval of proposals pursuant to this section. The reasonable  
3339 and proper expenses for retaining such third-party entity shall be  
3340 recoverable through federally mandated congestion charges, as  
3341 defined in section 16-1 of the 2006 supplement to the general statutes,  
3342 which charges the department shall allocate to electric distribution

3343 companies in proportion to their revenue.

3344 (f) Any person, other than an electric distribution company,  
3345 submitting a proposal pursuant to this section shall include with its  
3346 proposal a draft of a contract that includes the transfer to the electric  
3347 distribution company of all the rights to the installed capacity,  
3348 including, but not limited to, forward reserve capacity, locational  
3349 forward reserve capacity and similar rights associated with such  
3350 proposal. No such draft of a contract shall have a term exceeding  
3351 fifteen years. Such draft contract shall include such provisions as the  
3352 Department of Public Utility Control directs.

3353 (g) The Department of Public Utility Control shall evaluate  
3354 proposals received pursuant to subsection (b) of this section not later  
3355 than October 1, 2006, and evaluate proposals received pursuant to  
3356 subsection (c) of this section not later than January 1, 2007, and may  
3357 approve one or more of such proposals. The department shall evaluate  
3358 the bids based on fuel diversity, price stability and affordability, speed  
3359 of implementation, federally mandated congestion charge mitigation,  
3360 capital cost and environmental sustainability.

3361 (h) An electric distribution company shall negotiate in good faith  
3362 the final terms of the draft contract, and shall apply to the Department  
3363 of Public Utility Control for approval of each such contract. After thirty  
3364 days, either party may request the assistance of the department to  
3365 resolve any outstanding issues. No such contract may become effective  
3366 without approval of the department. The department shall hold a  
3367 hearing that shall be conducted as a contested case, in accordance with  
3368 the provisions of chapter 54 of the general statutes, to approve, reject  
3369 or modify an application for approval of a capacity purchase contract.  
3370 Such a contract shall contain terms that mitigate the long-term risk  
3371 assumed by ratepayers. No contract approved by the department shall  
3372 have a term exceeding fifteen years.

3373 (i) Projects approved pursuant to this subsection are eligible for  
3374 expedited siting pursuant to subsection (a) of section 16-50k of the 2006

3375 supplement to the general statutes. The provisions of section 16a-7c of  
3376 the general statutes shall not apply to projects approved pursuant to  
3377 this section.

3378       Sec. 101. (*Effective July 1, 2006*) Not later than July 1, 2007, if the  
3379 Department of Public Utility Control does not receive and approve  
3380 bids pursuant to the requests for proposal processes, pursuant to  
3381 section 100 of this act, sufficient to reach the two thousand megawatt  
3382 goal set by said section 100, the Department of Energy and Technology  
3383 shall conduct a contested case proceeding, in accordance with chapter  
3384 54 of the general statutes, to determine whether the department should  
3385 (1) develop a plan to serve as the builder of last resort for the shortfall  
3386 of megawatts from said request for proposal process, or (2) request the  
3387 Department of Public Utility Control to issue a request for proposal to  
3388 electric distribution companies to address the shortfall of new,  
3389 expanded or repowered eligible generation, including baseload,  
3390 peaking, renewable and demand response electric power.

3391       Sec. 102. (*Effective January 1, 2007*) The Department of Energy and  
3392 Technology shall conduct a study to develop recommendations on  
3393 how to (1) address the imbalance of energy supply and demand in the  
3394 state through such means as the promotion of generation facilities and  
3395 other supply resources and conservation and other demand-side  
3396 resources; (2) coordinate and integrate the state's energy entities; (3)  
3397 achieve the goals of (A) the Regional Greenhouse Gas Initiative, and  
3398 (B) the state, with regard to the reduction of emissions of greenhouse  
3399 gas, as provided by section 22a-200a of the 2006 supplement to the  
3400 general statutes; and (4) promote indigenous alternative fuel resources.  
3401 The department shall submit a report containing its recommendations,  
3402 including recommendations for legislation, to the joint standing  
3403 committee of the General Assembly having cognizance of matters  
3404 relating to energy and technology not later than January 1, 2007.

3405       Sec. 103. (*Effective July 1, 2006*) The Connecticut Energy Advisory  
3406 Board shall conduct a study on the efficacy, innovativeness and  
3407 customer focus on electric conservation programs. The board shall

3408 hold a public hearing on such matters. In the study, the board shall  
 3409 investigate the options of (1) selecting a state-wide provider of  
 3410 conservation programs through a competition, which shall be open to  
 3411 electric distribution companies, the Connecticut Municipal Electrical  
 3412 Energy Cooperative and other entities; (2) retaining the current  
 3413 delivery system for conservation programs; and (3) having a nonprofit  
 3414 organization provide the conservation programs. The board shall  
 3415 submit a report containing its findings and recommendations,  
 3416 including recommendations for legislation, to the joint standing  
 3417 committee of the General Assembly having cognizance of matters  
 3418 relating to energy and technology not later than January 1, 2007.

3419 Sec. 104. (*Effective January 1, 2007*) The following sum is  
 3420 appropriated to the Department of Energy and Technology for the  
 3421 fiscal year ending June 30, 2008;

T1	DEPARTMENT OF ENERGY	
T2	AND TECHNOLOGY	
T3	Personal Services	688,900
T4	Other Expenses	141,100
T5	Equipment	20,000
T6	AGENCY TOTAL	850,000

3422 Sec. 105. Subdivision (16) of subsection (d) of section 2c-2b and  
 3423 sections 4-67e, 16-11a, 16-261a, 16a-1, 16a-8 and 16a-14 of the general  
 3424 statutes are repealed. (*Effective January 1, 2007*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2007	4-5
Sec. 2	January 1, 2007	4d-90(a)
Sec. 3	January 1, 2007	7-244j
Sec. 4	January 1, 2007	7-244k
Sec. 5	January 1, 2007	16-1(a)(1) and (2)
Sec. 6	January 1, 2007	16-1b

Sec. 7	January 1, 2007	New section
Sec. 8	January 1, 2007	16-2
Sec. 9	January 1, 2007	16-2a(b) and (c)
Sec. 10	January 1, 2007	16-4
Sec. 11	January 1, 2007	16-19(a)
Sec. 12	January 1, 2007	16-19e(b)
Sec. 13	January 1, 2007	16-19j(a)
Sec. 14	January 1, 2007	16-19ss(a)
Sec. 15	January 1, 2007	16-50j(b)
Sec. 16	January 1, 2007	16a-3(a)
Sec. 17	January 1, 2007	16a-23t(f)
Sec. 18	January 1, 2007	21a-86a
Sec. 19	January 1, 2007	21a-86c(a)
Sec. 20	January 1, 2007	22a-66k(a)
Sec. 21	January 1, 2007	22a-198(f)
Sec. 22	January 1, 2007	22a-354i(b)
Sec. 23	January 1, 2007	22a-354w
Sec. 24	January 1, 2007	22a-371(d)
Sec. 25	January 1, 2007	25-32b
Sec. 26	January 1, 2007	25-32d
Sec. 27	January 1, 2007	25-32i
Sec. 28	January 1, 2007	25-33o(a)
Sec. 29	January 1, 2007	28-24(c)
Sec. 30	January 1, 2007	New section
Sec. 31	January 1, 2007	New section
Sec. 32	January 1, 2007	New section
Sec. 33	January 1, 2007	New section
Sec. 34	January 1, 2007	4-38c
Sec. 35	January 1, 2007	4-65a(a)
Sec. 36	January 1, 2007	4a-57(e)(2)
Sec. 37	January 1, 2007	8-37jj
Sec. 38	January 1, 2007	13a-110a(f)
Sec. 39	January 1, 2007	16-6b
Sec. 40	January 1, 2007	16-19e(c) and (d)
Sec. 41	January 1, 2007	16-32f(c)(2)
Sec. 42	January 1, 2007	16-50l(a)(3)
Sec. 43	January 1, 2007	16-243k
Sec. 44	January 1, 2007	16-243m(m)
Sec. 45	January 1, 2007	16-244d(b)
Sec. 46	January 1, 2007	16-245m(c) and (d)

Sec. 47	January 1, 2007	16-245m(f)
Sec. 48	January 1, 2007	16-245n(d)
Sec. 49	January 1, 2007	16-261a(a)
Sec. 50	January 1, 2007	16-262c(b)(5)
Sec. 51	January 1, 2007	16a-2
Sec. 52	January 1, 2007	16a-4
Sec. 53	January 1, 2007	16a-4a
Sec. 54	January 1, 2007	16a-5
Sec. 55	January 1, 2007	16a-6
Sec. 56	January 1, 2007	New section
Sec. 57	January 1, 2007	16a-7a
Sec. 58	January 1, 2007	16a-7b
Sec. 59	January 1, 2007	16a-7c
Sec. 60	January 1, 2007	16a-9
Sec. 61	January 1, 2007	16a-13
Sec. 62	January 1, 2007	16a-13a
Sec. 63	January 1, 2007	16a-13b
Sec. 64	January 1, 2007	16a-14a
Sec. 65	January 1, 2007	16a-14b
Sec. 66	January 1, 2007	16a-14e
Sec. 67	January 1, 2007	16a-16
Sec. 68	January 1, 2007	16a-20
Sec. 69	January 1, 2007	16a-22
Sec. 70	January 1, 2007	16a-22c
Sec. 71	January 1, 2007	16a-22d
Sec. 72	January 1, 2007	16a-22e
Sec. 73	January 1, 2007	16a-22h
Sec. 74	January 1, 2007	16a-22i
Sec. 75	January 1, 2007	16a-22j
Sec. 76	January 1, 2007	16a-23t(f)
Sec. 77	January 1, 2007	16a-37f
Sec. 78	January 1, 2007	16a-37u
Sec. 79	January 1, 2007	16a-37v
Sec. 80	January 1, 2007	16a-38
Sec. 81	January 1, 2007	16a-38a
Sec. 82	January 1, 2007	16a-38b
Sec. 83	January 1, 2007	16a-38i
Sec. 84	January 1, 2007	16a-38j
Sec. 85	January 1, 2007	16a-39
Sec. 86	January 1, 2007	16a-39b

Sec. 87	<i>January 1, 2007</i>	16a-40b(a)
Sec. 88	<i>January 1, 2007</i>	16a-41
Sec. 89	<i>January 1, 2007</i>	16a-45a
Sec. 90	<i>January 1, 2007</i>	16a-46
Sec. 91	<i>January 1, 2007</i>	16a-46a
Sec. 92	<i>January 1, 2007</i>	16a-46b
Sec. 93	<i>January 1, 2007</i>	16a-46c
Sec. 94	<i>January 1, 2007</i>	16a-48
Sec. 95	<i>January 1, 2007</i>	16a-102
Sec. 96	<i>January 1, 2007</i>	21a-86a
Sec. 97	<i>January 1, 2007</i>	32-317
Sec. 98	<i>July 1, 2006</i>	16-244c(c)(5)
Sec. 99	<i>July 1, 2006</i>	16-244c(e)
Sec. 100	<i>from passage</i>	New section
Sec. 101	<i>July 1, 2006</i>	New section
Sec. 102	<i>January 1, 2007</i>	New section
Sec. 103	<i>July 1, 2006</i>	New section
Sec. 104	<i>January 1, 2007</i>	New section
Sec. 105	<i>January 1, 2007</i>	Repealer section