



# House of Representatives

General Assembly

**File No. 141**

*January Session, 2007*

Substitute House Bill No. 7252

*House of Representatives, March 26, 2007*

The Committee on Energy and Technology reported through REP. FONTANA, S. of the 87th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE CONNECTICUT SITING COUNCIL.***

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

1 Section 1. Subdivision (1) of subsection (b) of section 16-50v of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (b) (1) Before December thirty-first of each year, the council shall  
5 review the anticipated amount of expenses attributable to energy  
6 facilities for the next fiscal year, excluding expenses under subsection  
7 (c), (d), (e), (g) or (h) of this section at a public meeting, notice of which  
8 shall be given to each person subject to assessment under this  
9 subsection, and at which interested persons shall be heard. After the  
10 meeting, the council shall determine the anticipated amount of such  
11 expenses and submit its determination to the joint standing committee  
12 of the General Assembly having cognizance of appropriations and the  
13 budgets of state agencies. After the committee completes its review,  
14 the council shall apportion and assess the anticipated amount of

15 expenses among those persons having gross revenue from the sale of  
16 electric power at retail in the state in excess of one hundred thousand  
17 dollars during the preceding calendar year, in the proportion which  
18 the gross revenue of each such person bears to the aggregate gross  
19 revenues of all such persons. Each such person shall pay the  
20 assessment in three equal installments on or before July thirty-first,  
21 October thirty-first, and January thirty-first of the fiscal year. During  
22 the fiscal year the council may further apportion and assess the  
23 additional amount of such expenses as could not reasonably have been  
24 anticipated prior to the fiscal year, apportioned in the same manner  
25 after notice and hearing in the same manner. The total of such  
26 assessments for any fiscal year shall not exceed one million five  
27 hundred thousand dollars. No proceeds from any assessment under  
28 this subsection may be used by the council after June 30, 1984, for any  
29 proceedings concerning hazardous waste facilities.

30 Sec. 2. Subdivision (2) of subsection (b) of section 16-50v of the  
31 general statutes is repealed and the following is substituted in lieu  
32 thereof (*Effective from passage and applicable to the assessment period*  
33 *commencing on or after July 1, 2006*):

34 (2) As used in this subdivision, "communications services" means  
35 services involving transmitting or receiving signals in the  
36 electromagnetic spectrum for a public or commercial purpose  
37 pursuant to a Federal Communications Commission license. Before  
38 December thirty-first of each year, the council shall review the  
39 anticipated amount of administrative expenses attributable to facilities  
40 used for providing communications services for the next fiscal year,  
41 excluding expenses under subsection (c), (d), (e), (g) or (h) of this  
42 section, at a public meeting, notice of which shall be given to each  
43 person subject to assessment under this subsection, and at which  
44 interested persons shall be heard. After the meeting, the council shall  
45 determine the anticipated amount of such expenses and submit its  
46 determination to the joint standing committee of the General Assembly  
47 having cognizance of matters relating to appropriations and the  
48 budgets of state agencies. The council shall apportion and assess the

49 anticipated amount of expenses equitably in proportion to the  
50 [frequency of appearance, the degree of regulation required and the]  
51 percentage of the council's [workload] direct costs, among those  
52 persons [which] who (1) provide communications services or have  
53 provided communications services facilities, and (2) have come before  
54 the council in the preceding calendar year. Each such person shall pay  
55 the assessment and submit a return, on a form prescribed by the  
56 council, to the council in four equal installments, on or before July 1,  
57 1994, and July thirty-first of each year thereafter, October 31, 1994, and  
58 October thirty-first of each year thereafter, January 31, 1995, and  
59 January thirty-first of each year thereafter, and April 30, 1995, and  
60 April thirtieth of each year thereafter. The council shall transfer all  
61 payments received pursuant to this section to the Treasurer who shall  
62 credit such payments to the Siting Council Fund. Such payments shall  
63 be considered administrative expenses recovered from  
64 communications services providers.

65 Sec. 3. Section 16-50v of the general statutes is amended by adding  
66 subsection (i) as follows (*Effective from passage*):

67 (NEW) (i) On and after January 1, 2008, with regard to any  
68 assessment or other charge billed by the council pursuant to this  
69 chapter, the council shall charge late fees or penalties at the rate of one  
70 and one-half per cent per month against invoiced amounts not  
71 received by the council within thirty days after the due date shown on  
72 the council's invoice.

73 Sec. 4. Subsection (f) of section 16-50j of the general statutes is  
74 repealed and the following is substituted in lieu thereof (*Effective July*  
75 *1, 2007*):

76 (f) The public members of the council, including the chairman, the  
77 members appointed by the speaker of the House and president pro  
78 tempore of the Senate and the four ad hoc members specified in  
79 subsection (c) of this section, shall be compensated for their attendance  
80 at public hearings, executive sessions, or other council business as may  
81 require their attendance at the rate of [one hundred fifty] two hundred

82 dollars, provided in no case shall the daily compensation exceed [one  
83 hundred fifty] two hundred dollars. [The annual compensation for any  
84 member for attending such hearings shall not exceed twelve thousand  
85 dollars a year.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-50v(b)(1)
Sec. 2	<i>from passage and applicable to the assessment period commencing on or after July 1, 2006</i>	16-50v(b)(2)
Sec. 3	<i>from passage</i>	16-50v
Sec. 4	<i>July 1, 2007</i>	16-50j(f)

**ET**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Siting Council, CT	SCF - Revenue Gain	Potential Minimal	Potential Minimal
Siting Council, CT	SCF - Cost	25,000	25,000

Note: SCF=Siting Council Fund

**Municipal Impact:** None

**Explanation**

This bill could result in a minimal revenue gain as a result of a new late fee (1.5% per month) assessed to industry companies. There is also a cost of approximately \$25,000 to the Siting Council for an increase in the per diem rate for Council members, from \$150 to \$200.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future, subject to the number of late payments made to the Siting Council and subject to the number of events Council members attend annually.

**OLR Bill Analysis**

**sHB 7252**

***AN ACT CONCERNING THE CONNECTICUT SITING COUNCIL.***

**SUMMARY:**

This bill modifies how the Siting Council is funded. By law, one of the council's revenue sources is an annual assessment on companies that sell more than \$100,000 of electricity at retail. The bill increases, from \$1 million to \$1.5 million, the maximum aggregate assessment on such companies.

Under current law, the council also assesses telecommunications companies. The bill expands the types of companies subject to this assessment to include companies that have provided telecommunications services facilities (e.g., firms that build telecommunications towers) that have come before the council in the preceding calendar year. Under current law, the telecommunications assessment is allocated among affected companies based on their frequency of appearances before the council, the degree of regulation required, and the percentage of the council's workload. The bill instead bases these allocations on each company's share of the council's direct costs.

The bill also (1) subjects council assessments or other charges to interest at 1.5% per month if they are unpaid within 30 days after their due date as shown on the council's invoices, (2) increases the per diem paid to council members who are members of the public from \$150 to \$200, and (3) eliminates the \$12,000 annual cap on members' compensation.

EFFECTIVE DATE: July 1 2007 for the provisions affecting the members' compensation, upon passage for the other provisions.

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/08/2007)