



Senate

General Assembly

File No. 223

January Session, 2007

Substitute Senate Bill No. 1017

Senate, April 2, 2007

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE EMERGENCY PLANS OF OPERATIONS OF SHORELINE COMMUNITIES AND THE DESIGNATION OF LIQUEFIED NATURAL GAS HAZARD AND SECURITY ZONES.

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

1 Section 1. Subsection (a) of section 28-7 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) Each town or city of the state shall establish a local organization
5 for civil preparedness in accordance with the state civil preparedness
6 plan and program, provided any two or more towns or cities may,
7 with the approval of the commissioner, establish a joint organization
8 for civil preparedness. The authority of such local or joint organization
9 for civil preparedness shall not supersede that of any regularly
10 organized police or fire department. No town or city of the state shall
11 be eligible for any state or federal benefits under this chapter until such
12 town or city has submitted to the commissioner an emergency plan of

13 operations approved by the local director of civil preparedness and the
14 local chief executive which is subsequently approved by the
15 commissioner. The emergency plan of operations of every town or city
16 situated on the shoreline of the state shall contain provisions
17 addressing an emergency caused by any existing liquefied natural gas
18 terminal located on the Long Island Sound and every town or city
19 situated on the shoreline of the state shall submit such plan to the joint
20 standing committee of the General Assembly having cognizance of
21 matters relating to public safety, in accordance with the provisions of
22 section 11-4a, and the commissioner to obtain approval. The committee
23 shall hold a public hearing regarding such plan not later than thirty
24 days after receiving the plan. Not later than five days after the hearing,
25 the committee shall (1) hold a roll-call vote to approve or reject the
26 plan, and (2) forward the plan and a record of the committee's vote to
27 the General Assembly.

28 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) The Attorney General, in
29 consultation with the Commissioner of Emergency Management and
30 Homeland Security, shall make written recommendations to the
31 United States Coast Guard regarding the designation of a hazard zone
32 in relation to a liquefied natural gas terminal located or proposed to be
33 located on Long Island Sound that will impact Connecticut waters or
34 land, and shall submit such recommendations to the Governor and the
35 General Assembly in accordance with section 11-4a of the general
36 statutes.

37 (b) The Governor and the joint standing committees of the General
38 Assembly having cognizance of matters relating to the environment
39 and public safety shall approve the designation of a hazard zone in
40 relation to a liquefied natural gas terminal located or proposed to be
41 located on Long Island Sound that will impact Connecticut waters or
42 land prior to such designation by the United States Coast Guard taking
43 effect.

44 (c) The Attorney General shall file, in writing, notice of the United
45 States Coast Guard's designation of such a hazard zone with the clerks

46 of the House of Representatives and the Senate and the office of the
47 Governor.

48 (d) Not later than five days after receiving such notice, the clerks of
49 the House of Representatives and the Senate shall refer the notice to
50 the joint standing committees of the General Assembly having
51 cognizance of matters relating to public safety and the environment.
52 The committees shall hold a joint public hearing regarding such notice
53 not later than thirty days after receiving the notice. Not later than five
54 days after the hearing, the committees shall each (1) hold a roll-call
55 vote to approve or reject the notice, and (2) forward the notice and a
56 record of the committee's vote to the General Assembly.

57 (e) Not later than fifteen days after receiving such notice the General
58 Assembly may approve or reject the notice. The notice shall be
59 approved in whole, by a majority vote of each house. If one house fails
60 to approve, the notice shall be rejected. If the General Assembly fails to
61 vote during such fifteen-day period, the notice shall be deemed
62 rejected. If the notice is submitted when the General Assembly is not in
63 session, the notice shall be deemed rejected if the General Assembly
64 fails to convene to consider the notice by the thirtieth day after it
65 receives the notice from the committee. The clerks of the House of
66 Representatives and the Senate shall notify the United States Coast
67 Guard, in writing, by registered mail of any approval or rejection
68 pursuant to this subsection.

69 (f) The Governor shall approve or reject the notice of the United
70 States Coast Guard's designation of such a hazard zone and shall
71 notify the United States Coast Guard, in writing, by registered mail of
72 such approval or rejection.

73 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) No private security
74 service shall operate on the waters of the state, without receiving prior
75 legislative and executive approval of such operation in accordance
76 with this section.

77 (b) Any private security service shall file, in writing, such service's

78 notice of intent to operate on the waters of this state with the clerks of
79 the House of Representatives and the Senate and the office of the
80 Governor.

81 (c) Not later than five days after receiving such notice, the clerks of
82 the House of Representatives and the Senate shall refer the notice of
83 intent to operate to the joint standing committee of the General
84 Assembly having cognizance of matters relating to public safety. The
85 committee shall hold a public hearing regarding such notice not later
86 than thirty days after receiving the notice. Not later than five days after
87 the hearing, the committee shall (1) hold a roll-call vote to approve or
88 reject the notice, and (2) forward the notice and a record of the
89 committee's vote to the General Assembly.

90 (d) Not later than fifteen days after receiving such notice the
91 General Assembly may approve or reject the notice of intent to
92 operate. The notice shall be approved in whole, by a majority vote of
93 each house. If one house fails to approve, the notice of intent shall be
94 rejected. If the General Assembly fails to vote during such fifteen-day
95 period, the notice shall be deemed rejected. If the notice is submitted
96 when the General Assembly is not in session, the notice shall be
97 deemed rejected if the General Assembly fails to convene to consider
98 the notice by the thirtieth day after it receives the notice from the
99 committee. The clerks of the House of Representatives and the Senate
100 shall notify the security service, in writing, by registered mail of any
101 approval or rejection pursuant to this subsection.

102 (e) The Governor shall approve or reject the notice of intent to
103 operate, and shall notify the security service, in writing, by registered
104 mail of such approval or rejection.

105 (f) For the purposes of this section, "security service" means any
106 person, firm, association or corporation that, for consideration,
107 provides to another person, firm, association or corporation one or
108 more of the following: (1) The prevention or detection of intrusion,
109 entry, larceny, vandalism, abuse, fire or trespass on the property the
110 security service was hired to protect; (2) the prevention, observation or

111 detection of any unauthorized activity on property the security service
112 was hired to protect; (3) the protection of patrons and persons
113 authorized to be on the premises of a person, firm, association or
114 corporation that the security service was hired to protect; or (4) the
115 provision of patrol services.

116 Sec. 4. (NEW) (*Effective July 1, 2007*) (a) The Attorney General, in
117 consultation with the Commissioner of Emergency Management and
118 Homeland Security, shall make written recommendations to the
119 federal government regarding the designation of a security zone in
120 relation to a liquefied natural gas terminal located or proposed to be
121 located on Long Island Sound that will impact Connecticut waters or
122 land, and shall submit such recommendations to the Governor and the
123 General Assembly in accordance with section 11-4a of the general
124 statutes.

125 (b) The Governor and the joint standing committees of the General
126 Assembly having cognizance of matters relating to the environment
127 and public safety shall approve the designation of a security zone in
128 relation to a liquefied natural gas terminal located or proposed to be
129 located on Long Island Sound that will impact Connecticut waters or
130 land prior to such designation by the federal government taking effect.

131 (c) The Attorney General shall file, in writing, notice of the federal
132 government's designation of such a security zone with the clerks of the
133 House of Representatives and the Senate and the office of the
134 Governor.

135 (d) Not later than five days after receiving such notice, the clerks of
136 the House of Representatives and the Senate shall refer the notice to
137 the joint standing committees of the General Assembly having
138 cognizance of matters relating to public safety and the environment.
139 The committees shall hold a joint public hearing regarding such notice
140 not later than thirty days after receiving the notice. Not later than five
141 days after the hearing, the committees shall each (1) hold a roll-call
142 vote to approve or reject the notice, and (2) forward the notice and a
143 record of the committee's vote to the General Assembly.

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 \$
Attorney General	GF - Cost	Minimal	Minimal
Legislative Mgmt.	GF - Cost	0 - 10,000	0 - 10,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 08 \$	FY 09 \$
Municipalities located on the shoreline	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

The bill requires the Office of the Attorney General (OAG) to prepare, with technical assistance from the Commissioner of the Department of Emergency Management and Homeland Security (DEMHS), written recommendations concerning the designations of a hazard zone and security zone around any liquefied natural gas terminal located or proposed to be located on Long Island Sound that will affect Connecticut. The development of these recommendations can be done at minimal cost to the OAG.

The OAG must submit its recommendations to the legislative and executive branches for their approval.

Holding a public hearing and committee meeting during regular session has no fiscal impact. If not in session, a public hearing and a committee meeting will result in minor costs to Legislative Management for legislator mileage reimbursements (currently 48.5 cents per mile). Subsequently, the emergency plans or recommendations must be forwarded for a vote by the full General Assembly. If such a plan or recommendation were voted on by the

General Assembly during regular session, no additional costs would be incurred. However, if this necessitated a special session, additional costs of \$10,000 per session day would result for sessional staff, printing and legislator mileage reimbursements.

The bill requires municipalities located on the shoreline to include in their local emergency plan of operations, provisions for addressing an emergency caused by a liquefied natural gas facility. The additional requirements on municipalities could result in a minimal cost to municipalities associated with hiring specialists and potential overtime to address the additional provision. The bill is not anticipated to result in a fiscal impact to DEMHS.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1017*****AN ACT CONCERNING THE EMERGENCY PLANS OF OPERATIONS OF SHORELINE COMMUNITIES AND THE DESIGNATION OF LIQUEFIED NATURAL GAS HAZARD AND SECURITY ZONES.*****SUMMARY:**

This bill (1) requires the attorney general to recommend that the U.S. Coast Guard designate a hazard zone around any liquefied natural gas (LNG) terminal located or proposed on Long Island Sound that will affect Connecticut (e.g., the proposed Broadwater facility--see BACKGROUND), (2) requires the attorney general to recommend that the federal government designate a security zone around any such facility, and (3) prohibits any security service from operating in state waters without legislative and executive approval. The bill requires legislative and executive approval of the hazard and security zone designations as well.

The bill requires the emergency operations plan of every shoreline town or city contain provisions for addressing any emergency caused by an existing LNG facility on the Sound. It requires the town to submit the plan to the Public Safety and Security Committee and Department of Emergency Management and Homeland Security (DEMHS) commissioner for approval. The committee must hold a hearing on it within 30 days after getting it and, within five days after the hearing, it must approve or reject the plan by roll call vote and forward the plan and vote record to the legislature.

EFFECTIVE DATE: July 1, 2007 for the security and hazard zones; October 1, 2007 for the emergency plans and security service provisions.

HAZARD ZONE

The bill requires the attorney general to recommend to the U.S. Coast Guard that it designate a hazard zone around any LNG terminal located on, or proposed for, Long Island Sound that will affect Connecticut waters or land. The attorney general must make his recommendations in writing and in consultation with the DEMHS commissioner and submit them to the governor and the legislature.

The governor and the Environment and Public Safety committees must approve the designation of a hazard zone before the Coast Guard's designation of such a zone takes effect.

The attorney general must file a written notice of the Coast Guard's designation with the Governor's Office and House and Senate clerks.

Within five days after getting the notice, the clerks must refer it to the Public Safety and Environment committees. Within 30 days after getting it, the committees must hold a joint public hearing on it and, within five days after the hearing, each committee must approve or reject the notice by roll-call vote and forward it and the vote record to the legislature.

The legislature has 15 days after getting the notice to approve or reject the notice. It must be approved, in whole or part, by a majority vote of each chamber. If one chamber fails to approve it or, if the legislature does not act on it during the 15 days, it is considered rejected.

Any notice submitted to the legislature when it is not in session is deemed rejected if the legislature fails to convene and consider it by the 30th day after it gets it. The clerks must inform the Coast Guard in writing when the legislature rejects or approves the notice.

The governor must approve or reject the notice of the Coast Guard's designation of a hazard zone and notify the Coast Guard, in writing, by registered mail.

PRIVATE SECURITY SERVICES

The bill prohibits any private security service from operating on state waters without prior legislative and executive approval. By law, unchanged by the bill, any such service operating anywhere in the state must be licensed by the Department of Public Safety and meet specified criteria.

Under the bill, any private security service wanting to operate on state waters must file a written notice of its intent with the House and Senate clerks and the Governor's Office.

Within five days after getting the notice, the clerks must refer the notice to the Public Safety and Security Committee, which must hold a hearing within 30 days after getting it. The balance of the process mirrors the hazard zone designation approval process.

The bill defines "security service" as any person or entity that for consideration to another person or entity provides any of the following services:

1. patrol services;
2. security for patrons and people authorized to be on property the licensee is hired to protect;
3. services intended to prevent or detect intrusion, entry, larceny, vandalism, abuse, fire, or trespass on property the licensee is hired to protect; or
4. services intended to prevent, observe, or detect unauthorized activity on property the licensee is hired to protect.

SECURITY ZONE DESIGNATION

The bill requires the attorney general, in consultation with the DEMHS commissioner, to make written recommendations to the federal government for designating a security zone around the LNG facility and submit the recommendations to the governor and legislature.

The governor and the Public Safety and Environment committees must approve the designation before it takes effect.

The attorney general must file a written notice of the federal government’s designation with the House and Senate clerks and the Governor’s Office. The approval process mirrors the hazard zone approval process.

BACKGROUND

Liquefied Natural Gas Facility in Long Island Sound

Broadwater Energy has proposed developing a facility in Long Island Sound in New York State waters to regasify LNG shipped from other countries. The facility would be connected by a new pipeline to the existing Iroquois pipeline, and the gas would then be shipped to Long Island, Connecticut, and other markets.

Federal Law

Federal law gives the Federal Energy Regulatory Commission (FERC) exclusive jurisdiction over the siting of LNG terminals, although it retains the rights of states under other federal laws including the Coastal Zone Management Act (CZMA). It designates FERC as the lead agency in obtaining federal authorizations and complying with the National Environmental Policy Act (NEPA).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference
Yea 23 Nay 0 (03/06/2007)

Planning and Development Committee

Joint Favorable
Yea 19 Nay 0 (03/14/2007)