



General Assembly

**Substitute Bill No. 6606**

January Session, 2009

\*        HB06606ET        031109        \*

**AN ACT CONCERNING MINOR REVISIONS TO ENERGY STATUTES.**

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

1       Section 1. Subsection (a) of section 12-80a of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective July*  
3       *1, 2009*):

4       (a) Any (1) taxpayer which, prior to January 1, 1990, was subject to  
5       tax under chapter 211 with respect to the rendering of  
6       telecommunications service and which, on or after January 1, 1990, is  
7       subject to tax under chapter 219 for rendering telecommunications  
8       service, and (2) other taxpayer that is subject to tax under chapter 219  
9       for rendering telecommunications service and which has elected in the  
10       manner specified in this section to have personal property taxed as  
11       provided in this section, shall be required to submit to the  
12       Commissioner of Revenue Services and the Secretary of the Office of  
13       Policy and Management, not later than the thirtieth day of November  
14       of each year during which it is subject to tax under chapter 219, a list of  
15       all personal property on a town-by-town basis that is owned by such  
16       taxpayer in this state on the first day of October of such year and that  
17       is used solely and exclusively for rendering telecommunications  
18       service, as defined in said chapter 219, including the location of each  
19       item of such property and the fair market value thereof, recognizing  
20       depreciation of such property to the maximum extent allowed for

21 purposes of the corporation business tax in this state, as certified by  
22 the Commissioner of Revenue Services. Each such taxpayer shall also  
23 submit [said] such list to each municipality in which such taxpayer  
24 owns property, provided the list submitted to a municipality shall  
25 contain only the personal property owned by such taxpayer that is  
26 located in, or allocated pursuant to this subsection to, [said] such  
27 municipality. If the records of a taxpayer subject to the requirements of  
28 this subsection do not contain the data necessary to develop the list as  
29 required without undue cost, the taxpayer may, for purposes of  
30 requirements under this subsection, petition the Commissioner of  
31 Revenue Services for approval of an alternate method of determining  
32 the value of the plant used solely and exclusively to render  
33 telecommunications services, but not including central office or  
34 switching equipment of that taxpayer, located in each town in the  
35 state. If the commissioner finds that the alternative method proposed  
36 results in a reasonable approximation of the value of the property of  
37 the taxpayer located in each town and used solely and exclusively for  
38 rendering telecommunications service, the commissioner shall notify  
39 the taxpayer that the proposed alternate method is acceptable and the  
40 taxpayer shall be permitted to use the alternate method in developing  
41 the list required under this subsection.

42 Sec. 2. Subsection (a) of section 4d-80 of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective from*  
44 *passage*):

45 (a) There is established a Commission for Educational Technology  
46 within the Department of Information Technology for administrative  
47 purposes only. The commission shall consist of: (1) The Chief  
48 Information Officer of the Department of Information Technology, or  
49 the Chief Information Officer's designee, the Commissioners of  
50 Education and Higher Education, or their designees, the State  
51 Librarian, or the State Librarian's designee, the chairperson of the  
52 [Department of] Public [Utility] Utilities Control Authority, or the  
53 chairperson's designee, the chief executive officers of the constituent

54 units of the state system of higher education, or their designees, (2) one  
55 member each representing the Connecticut Conference of Independent  
56 Colleges, the Connecticut Association of Boards of Education, the  
57 Connecticut Association of Public School Superintendents, the  
58 Connecticut Educators Computer Association, and the Connecticut  
59 Library Association, (3) a secondary school teacher designated by the  
60 Connecticut Education Association and an elementary school teacher  
61 designated by the Connecticut Federation of Educational and  
62 Professional Employees, and (4) four members who represent business  
63 and have expertise in information technology, one each appointed by  
64 the Governor, the Lieutenant Governor, the speaker of the House of  
65 Representatives and the president pro tempore of the Senate. The  
66 Lieutenant Governor shall convene the first meeting of the commission  
67 on or before September 1, 2000.

68 Sec. 3. Section 13a-126 of the general statutes is repealed and the  
69 following is substituted in lieu thereof (*Effective from passage*):

70 As used in this section, "public service facility" includes all  
71 privately, publicly or cooperatively owned lines, facilities and systems  
72 for producing, transmitting or distributing communications, cable  
73 television, power, electricity, light, heat, gas, oil, crude products,  
74 water, steam, waste, storm water not connected with highway  
75 drainage and any other similar commodities, including fire and police  
76 signal systems and street lighting systems which directly or indirectly  
77 serve the public. Whenever the commissioner determines that any  
78 public service facility located within, on, along, over or under any land  
79 comprising the right-of-way of a state highway or any other public  
80 highway when necessitated by the construction or reconstruction of a  
81 state highway shall be readjusted or relocated in or removed from such  
82 right-of-way, the commissioner shall issue an appropriate order to the  
83 company, corporation or municipality owning or operating such  
84 facility, and such company, corporation or municipality shall readjust,  
85 relocate or remove the same promptly in accordance with such order;  
86 provided an equitable share of the cost of such readjustment,

87 relocation or removal, including the cost of installing and constructing  
88 a facility of equal capacity in a new location, shall be borne by the  
89 state, except that the state shall not bear any share of the cost of a  
90 project of an electric distribution company, as defined in section 16-1,  
91 to readjust, relocate or remove any facility, as defined in subsection (a)  
92 of section 16-50i, used for transmitting electricity or as an electric  
93 transmission trunkline. The Department of Transportation shall  
94 evaluate the total costs of such a project, including department costs  
95 for construction or reconstruction and electric distribution company  
96 costs for readjusting, relocating or removing such facility, so as to  
97 minimize the overall costs incurred by the state and the electric  
98 distribution company. The electric distribution company may provide  
99 the department with proposed alternatives to the relocation,  
100 readjustment or removal proposed by the department and shall be  
101 responsible for any changes to project costs attributable to adoption of  
102 the company's proposed alternative designs for such project, including  
103 changes to the area of the relocation, readjustment or removal and any  
104 incremental costs incurred by the department to evaluate such  
105 alternatives. If such electric distribution company and the department  
106 cannot agree on a plan for such project, the Commissioner of  
107 Transportation and the chairperson of the [Department of] Public  
108 [Utility] Utilities Control Authority shall, on request of the company,  
109 jointly determine the alternative for the project. Such equitable share,  
110 in the case of or in connection with the construction or reconstruction  
111 of any limited access highway, shall be the entire cost, less the  
112 deductions provided in this section, and, in the case of or in connection  
113 with the construction or reconstruction of any other state highway,  
114 shall be such portion or all of the entire cost, less the deductions  
115 provided in this section, as may be fair and just under all the  
116 circumstances, but shall not be less than fifty per cent of such cost after  
117 the deductions provided in this section. In establishing the equitable  
118 share of the cost to be borne by the state, there shall be deducted from  
119 the cost of the readjusted, relocated or removed facilities a sum based  
120 on a consideration of the value of materials salvaged from existing  
121 installations, the cost of the original installation, the life expectancy of

122 the original facility and the unexpired term of such life use. When any  
123 facility is removed from the right-of-way of a public highway to a  
124 private right-of-way, the state shall not pay for such private right-of-  
125 way, provided, when a municipally-owned facility is thus removed  
126 from a municipally-owned highway, the state shall pay for the private  
127 right-of-way needed by the municipality for such relocation. If the  
128 commissioner and the company, corporation or municipality owning  
129 or operating such facility cannot agree upon the share of the cost to be  
130 borne by the state, either may apply to the superior court for the  
131 judicial district within which such highway is situated, or, if said court  
132 is not in session, to any judge thereof, for a determination of the cost to  
133 be borne by the state, and said court or such judge, after causing notice  
134 of the pendency of such application to be given to the other party, shall  
135 appoint a state referee to make such determination. Such referee,  
136 having given at least ten days' notice to the parties interested of the  
137 time and place of the hearing, shall hear both parties, shall view such  
138 highway, shall take such testimony as such referee deems material and  
139 shall thereupon determine the amount of the cost to be borne by the  
140 state and immediately report to the court. If the report is accepted by  
141 the court, such determination shall, subject to right of appeal as in civil  
142 actions, be conclusive upon both parties.

143 Sec. 4. Subsection (a) of section 16a-41b of the general statutes is  
144 repealed and the following is substituted in lieu thereof (*Effective from*  
145 *passage*):

146 (a) There shall be a Low-Income Energy Advisory Board which shall  
147 consist of the following members: The Secretary of the Office of Policy  
148 and Management or the secretary's designee; the Commissioner of  
149 Social Services or the commissioner's designee; the executive director  
150 of the Commission on Aging; a representative of each electric and gas  
151 public service company designated by each such company; the  
152 chairperson of the [Department of] Public [Utility] Utilities Control  
153 Authority or a commissioner of [the Department of Public Utility  
154 Control] said authority designated by the chairperson; the Consumer

155 Counsel or the counsel's designee; the executive director of Operation  
156 Fuel; the executive director of Infoline; the director of the Connecticut  
157 Local Administrators of Social Services; the executive director of Legal  
158 Assistance Resource Center of Connecticut; the Connecticut president  
159 of AARP; a designee of the Norwich Public Utility; a designee of the  
160 Connecticut Petroleum Dealers Association; and a representative of the  
161 community action agencies administering energy assistance programs  
162 under contract with the Department of Social Services, designated by  
163 the Connecticut Association for Community Action.

164 Sec. 5. Subsection (b) of section 28-1b of the general statutes is  
165 repealed and the following is substituted in lieu thereof (*Effective from*  
166 *passage*):

167 (b) The council shall consist of: (1) The Commissioner of Emergency  
168 Management and Homeland Security; the Secretary of the Office of  
169 Policy and Management; the Commissioner of Public Safety; the  
170 Commissioner of Public Health; the Commissioner of Mental Health  
171 and Addiction Services; the Commissioner of Environmental  
172 Protection; the Commissioner of Public Works; the Commissioner of  
173 Transportation; the Adjutant General of the Military Department; the  
174 chairperson of the [Department of] Public [Utility] Utilities Control  
175 Authority; the Chief Information Officer, as defined in section 4d-1; the  
176 State Fire Administrator; or their designees; and (2) the following  
177 members appointed as follows: Two municipal police chiefs, one  
178 appointed by the speaker of the House of Representatives and one  
179 appointed by the Governor; two municipal fire chiefs, one appointed  
180 by the president pro tempore of the Senate and one appointed by the  
181 Governor; one volunteer fire chief appointed by the minority leader of  
182 the Senate; one representative of the Connecticut Conference of  
183 Municipalities appointed by the majority leader of the Senate; one  
184 representative of the Council of Small Towns appointed by the  
185 minority leader of the House of Representatives; two local or regional  
186 emergency management directors, one appointed by the speaker of the  
187 House of Representatives and one designated, not later than July 1,

188 2007, by the president of the Connecticut Emergency Management  
 189 Association; one local or regional health director appointed by the  
 190 president pro tempore of the Senate; one emergency medical services  
 191 professional appointed by the Governor; one nonprofit hospital  
 192 administrator appointed by the majority leader of the House of  
 193 Representatives; and one manager or coordinator of 9-1-1 public safety  
 194 answering points appointed by the Governor. Each member appointed  
 195 under this subdivision shall serve for a term of three years from July 1,  
 196 2004, or three years from the time of appointment if appointed after  
 197 July 1, 2004, or until a qualified successor has been appointed to  
 198 replace such member. No member appointed under this subdivision  
 199 shall receive any compensation for such member's service on the  
 200 council.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	12-80a(a)
Sec. 2	<i>from passage</i>	4d-80(a)
Sec. 3	<i>from passage</i>	13a-126
Sec. 4	<i>from passage</i>	16a-41b(a)
Sec. 5	<i>from passage</i>	28-1b(b)

**Statement of Legislative Commissioners:**

In Section 4, brackets were added around "The Department of Public Utility Control" and "said authority" was inserted for statutory consistency.

**ET**            *Joint Favorable Subst.-LCO*