



General Assembly

Substitute Bill No. 6386

January Session, 2011

* HB06386ENV 032311 *

AN ACT ESTABLISHING THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

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

1 Section 1. (NEW) (*Effective July 1, 2011*) (a) There is established a
2 Department of Energy and Environmental Protection, which shall, for
3 the purposes of environmental protection, have the following goal: To
4 conserve, improve and protect the natural resources and environment
5 of the state in such a manner as to encourage the social and economic
6 development of Connecticut while preserving the natural environment
7 and the life forms it supports in a delicate, interrelated and complex
8 balance. For the purposes of energy policy and regulation, the
9 department shall have the following goals: (1) Reducing rates and
10 decreasing costs for Connecticut's ratepayers, (2) ensuring the
11 reliability and safety of our state's energy supply, (3) increasing the
12 state's use of clean energy, and (4) creating jobs and developing the
13 state's energy-related economy. The department head shall be the
14 Commissioner of Energy and Environmental Protection who shall be
15 appointed by the Governor in accordance with the provisions of
16 sections 4-5 to 4-8, inclusive, of the general statutes, as amended by
17 this act, with the powers and duties therein prescribed.

18 (b) The Department of Energy and Environmental Protection shall
19 constitute a successor department to the Department of Environmental

20 Protection and the Department of Public Utility Control in accordance
21 with the provisions of sections 4-38d, 4-38e and 4-39 of the general
22 statutes. The Department of Energy and Environmental Protection
23 shall be divided into the following four bureaus: (1) The Bureau of
24 Environmental Quality, (2) the Bureau of Natural Resources and
25 Outdoor Recreation, (3) the Bureau of Energy, and (4) the Bureau of
26 Public Utility Control.

27 (c) Wherever the words "Commissioner of Environmental
28 Protection" are used or referenced to in the following sections of the
29 general statutes, the words "Commissioner of Energy and
30 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
31 100, 4-5, as amended by this act, 4-168, 4a-57, 4a-67d, 4b-15, 4b-15a, 4b-
32 21, 5-238a, 7-121d, 7-131, 7-131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i,
33 7-131l, 7-131t, 7-131u, 7-136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246,
34 7-246f, 7-247, 7-249a, 7-323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-
35 231d, 10-231g, 10-382, 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-
36 217mm, 12-263m, 12-407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b,
37 13a-142e, 13a-175j, 13b-11a, 13b-31c, 13b-31e, 13b-38x, 13b-51, 13b-56,
38 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-100b,
39 14-164c, 14-164h, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125, 15-
40 127, 15-130, 15-133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-
41 140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144,
42 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-
43 155d, 15-156, 15-174, 16-2, as amended by this act, 16-11a, 16-19e, 16-
44 19g, 16-50c, 16-50d, 16-50j, as amended by this act, 16-245, 16-245n, 16-
45 261a, as amended by this act, 16a-3, as amended by this act, 16a-21a,
46 16a-27, 16a-35h, 16a-38k, as amended by this act, 16a-103, 16a-106, 19a-
47 35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc,
48 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6,
49 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-6i, 22a-6j, 22a-6k, 22a-
50 6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v, 22a-6w, 22a-6y, 22a-
51 6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-8a, 22a-10, 22a-13,
52 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h, 22a-21j, 22a-22, 22a-
53 25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-27r, 22a-27s, 22a-27t,

54 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-38, 22a-42a, 22a-44, 22a-
55 45a, 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54, 22a-54a, 22a-56a, 22a-
56 66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y, 22a-66z, 22a-68, 22a-93,
57 22a-106a, 22a-109, 22a-113m, 22a-113n, 22a-113t, 22a-114, 22a-115, 22a-
58 118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-133l, 22a-133m, 22a-
59 133n, 22a-133u, 22a-133v, 22a-133w, 22a-133y, 22a-133z, 22a-133aa, 22a-
60 133bb, 22a-133ee, 22a-134, 22a-134e, 22a-134f, 22a-134g, 22a-134h, 22a-
61 134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-134p, 22a-134q, 22a-
62 134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150, 22a-151, 22a-
63 153, 22a-154, 22a-155, 22a-156, 22a-158, 22a-160, 22a-162, 22a-170, 22a-
64 171, 22a-173, 22a-174c, 22a-174d, 22a-174e, 22a-174f, 22a-174g, 22a-
65 174h, 22a-174i, 22a-174j, 22a-174k, 22a-174l, as amended by this act,
66 22a-174m, 22a-180, 22a-182a, 22a-183, 22a-186, 22a-188, 22a-188a, 22a-
67 191, 22a-191a, 22a-192, 22a-193, 22a-194a, 22a-194c, 22a-194f, 22a-198,
68 as amend by this act, 22a-199, 22a-200, 22a-200a, 22a-200b, 22a-200c,
69 22a-201a, 22a-201b, 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-208e,
70 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-208q,
71 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-208aa, 22a-208bb, 22a-
72 209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-209h, 22a-209i, 22a-
73 213a, 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220, 22a-220a, 22a-
74 220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-230, 22a-231, 22a-
75 233a, 22a-235, 22a-235a, 22a-237, 22a-238, 22a-239, 22a-240, 22a-240a,
76 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-241h, 22a-241j, 22a-245, 22a-
77 245a, 22a-245b, 22a-245d, 22a-248, 22a-250, 22a-250a, 22a-250b, 22a-
78 250c, 22a-252, 22a-255b, 22a-255c, 22a-255d, 22a-255f, 22a-255h, 22a-
79 256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o, 22a-256q, 22a-256r, 22a-
80 256v, 22a-256y, 22a-256aa, 22a-260, 22a-264, 22a-283, 22a-285a, 22a-
81 285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j, 22a-295, 22a-300, 22a-308,
82 22a-309, 22a-314, 22a-315, 22a-316, 22a-317, 22a-318, 22a-319, 22a-320,
83 22a-321, 22a-322, 22a-324, 22a-326, 22a-328, 22a-336, 22a-337, 22a-339a,
84 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-339g, 22a-339h, 22a-342a,
85 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b, 22a-354c, 22a-354d, 22a-
86 354e, 22a-354f, 22a-354h, 22a-354i, as amend by this act, 22a-354j,
87 22a-354k, 22a-354l, 22a-354m, 22a-354p, 22a-354q, 22a-354t, 22a-354u,
88 22a-354v, 22a-354w, as amend by this act, 22a-354x, 22a-354z, 22a-

89 354aa, 22a-354bb, 22a-354cc, 22a-355, 22a-357, 22a-359, 22a-361, 22a-
90 361a, 22a-363b, 22a-364, 22a-367, 22a-368a, 22a-378a, 22a-381, 22a-401,
91 22a-402, 22a-406, 22a-409, 22a-416, 22a-423, 22a-426, 22a-430b, 22a-430c,
92 22a-434a, 22a-439, 22a-439a, 22a-444, 22a-445, 22a-449, 22a-449d, 22a-
93 449e, 22a-449f, 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-449k, 22a-
94 449l, 22a-449n, 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-452e, 22a-
95 453a, 22a-454c, 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461, 22a-462,
96 22a-463, 22a-471, 22a-472, 22a-474, 22a-475, 22a-482, 22a-485, 22a-497,
97 22a-500, 22a-501, 22a-517, 22a-521, 22a-522, 22a-523, 22a-524, 22a-525,
98 22a-526, 22a-527, 22a-601, 22a-602, 22a-604, 22a-605, 22a-613, 22a-616,
99 22a-626, 22a-627, 22a-629, 22a-630, 22a-634, 22a-637, 22a-638, 22a-902,
100 23-4, 23-5, 23-5b, 23-6, 23-7, 23-8, as amended by this act, 23-8b, 23-9a,
101 23-9b, 23-10, 23-10b, 23-10c, 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-
102 15a, 23-15b, 23-16, 23-16a, 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24,
103 23-24a, 23-25, 23-26b, 23-26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32,
104 23-32a, 23-33, 23-37a, 23-37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f,
105 23-65g, 23-65h, 23-65i, 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-
106 65q, 23-73, 23-75, 23-77, 23-101, 23-102, as amend by this act, 24-2, 25-
107 32b, 25-32d, 25-32i, as amend by this act, 25-33e, 25-33g, 25-33h, 25-
108 33k, 25-33m, 25-33o, as amend by this act, 25-34, 25-68b, 25-68i, 25-
109 68k, 25-68l, 25-68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-80, 25-83a, 25-
110 94, 25-95, 25-97, 25-102a, 25-102d, 25-102e, 25-102f, 25-102m, 25-102t,
111 25-102ii, 25-102qq, 25-102xx, 25-109e, 25-109q, 25-131, 25-139, 25-155,
112 25-157, as amend by this act, 25-178, 25-199, 25-199a, 25-201, 25-231,
113 26-1, 26-3, 26-3a, 26-3b, 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-
114 18, 26-25a, 26-25b, 26-27, 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30,
115 26-31, 26-31a, 26-40a, 26-40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c,
116 26-67e, 26-74, 26-80a, 26-86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-
117 107h, 26-107i, 26-115, 26-119, 26-141a, 26-141b, 26-141c, 26-142a, 26-
118 142b, 26-157c, 26-157d, 26-157e, 26-157f, 26-157h, 26-157i, 26-159a, 26-
119 186a, 26-192j, 26-297, 26-313, 26-314, 26-315, 26-316, 28-1b, 28-31, 29-
120 32b, 32-1e, 32-1o, 32-9cc, 32-9dd, 32-9kk, 32-9ll, 32-11a, 32-23x, 32-242,
121 32-242a, 32-664, 38a-684, 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-
122 66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

123 (d) Wherever the words "Department of Environmental Protection"
124 are used or referred to in the following sections of the general statutes,
125 the words "Department of Energy and Environmental Protection" shall
126 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, as
127 amended by this act, 4-66c, 4-66aa, 4-89, 4a-53, 4b-15, 5-142, 7-131e, 7-
128 151a, 7-151b, 7-252, 8-387, 10-282, 10-291, 10-413, 10a-119e, 12-63e, 12-
129 263m, 13a-142b, 13a-142c, 13a-142d, 13b-38a, 14-386, 15-129, 15-130a,
130 15-140e, 15-140f, 15-140j, 15-154, 15-155, 16-19h, 16-19o, 16-50j, as
131 amended by this act, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-245l,
132 16-245m, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b,
133 22-11f, 22-11g, 22-11h, 22-26cc, 22-81, 22-91e, 22-455, 22a-1d, 22a-2, as
134 amended by this act, 22a-2a, 22a-2c, 22a-5b, 22a-6, 22a-6f, 22a-6g, 22a-
135 6l, 22a-6p, 22a-6r, 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a, 22a-
136 21, 22a-21a, 22a-21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-25,
137 22a-26, 22a-26a, 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-
138 47a, 22a-58, 22a-61, 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, as
139 amended by this act, 22a-122, 22a-123, 22a-126, 22a-132, 22a-133v, 22a-
140 133w, 22a-134i, 22a-135, 22a-170, 22a-174, 22a-174l, as amended by this
141 act, 22a-186, 22a-188a, 22a-196, 22a-198, as amended by this act, 22a-
142 200b, 22a-200c, 22a-200d, 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-
143 233a, 22a-239a, 22a-244, 22a-245a, 22a-247, 22a-248, 22a-250, 22a-255h,
144 22a-256m, 22a-256y, 22a-259, 22a-260, 22a-264, 22a-275, 22a-314, 22a-
145 315, 22a-336, 22a-352, 22a-355, 22a-361, 22a-363b, 22a-416, 22a-426, 22a-
146 446, 22a-449f, 22a-449l, 22a-449n, 22a-454a, 22a-475, 22a-477, 22a-509,
147 22a-521, 22a-601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, as amended by
148 this act, 23-8b, 23-10b, 23-10d, 23-15, 23-15b, 23-19, 23-20, 23-24a, 23-
149 32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-65k, 23-67, 23-68, 23-72, 23-73, 23-
150 101, 23-102, as amended by this act, 23-103, 25-32d, 25-33o, as amended
151 by this act, 25-33p, 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-102f, 25-
152 128, 25-131, 25-157, as amended by this act, 25-157a, 25-157b, 25-157n,
153 25-175, 25-201, 25-203, 25-206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-
154 17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-
155 86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-
156 28, 29-36f, 30-55a, 32-1e, 32-9t, 32-9cc, 32-9dd, 32-9kk, 32-9ll, 32-11a, 32-
157 23d, 32-23x, 32-242, 32-242a, 32-726, 46b-220, 47-46a, 47-64, 52-557b, 53-

158 204, 53-205, 53-206d, 53a-44a, 53a-217e, 54-56g and 54-143.

159 (e) Wherever the words "Department of Public Utility Control" are
160 used or referred to in the following sections of the general statutes, the
161 words "Department of Energy and Environmental Protection" shall be
162 substituted in lieu thereof: 1-84, 1-84b, 2-20a, 2-71p, 4-38c, as amended
163 by this act, 4a-57, 4a-74, 4d-2, 4d-80, 7-223, 7-233t, 7-233ii, 8-387, 12-81q,
164 12-94d, 12-264, 12-265, 12-408b, 12-412, 12-491, 13a-82, 13a-126, 13a-
165 126a, 13b-10a, 13b-37, 13b-43, 13b-44, 13b-387a, 15-96, 16-1, as amended
166 by this act, 16-1b, 16-2, as amended by this act, 16-2a, 16-4, 16-6, 16-6a,
167 16-6b, 16-7, 16-8, as amended by this act, 16-8a, 16-8b, 16-8c, 16-8d, 16-
168 9, 16-9a, 16-10, 16-10a, 16-11, 16-12, 16-13, 16-14, 16-15, 16-16, 16-17, 16-
169 18, 16-18a, 16-19, 16-19a, 16-19b, 16-19d, 16-19e, 16-19f, 16-19h, 16-19k,
170 16-19n, 16-19o, 16-19u, 16-19w, 16-19x, 16-19z, 16-19aa, 16-19bb, 16-
171 19cc, 16-19dd, 16-19ee, 16-19ff, 16-19gg, 16-19jj, 16-19kk, 16-19mm, 16-
172 19nn, 16-19oo, 16-19pp, 16-19qq, 16-19ss, 16-19tt, 16-19uu, 16-19vv, 16-
173 20, 16-21, 16-23, 16-24, 16-25, 16-25a, 16-26, 16-27, 16-28, 16-29, 16-32,
174 16-32a, 16-32b, 16-32c, 16-32e, 16-32f, 16-32g, 16-33, 16-35, 16-41, 16-42,
175 16-43, 16-43a, 16-43d, 16-44, 16-44a, 16-45, 16-46, 16-47, 16-47a, 16-48,
176 16-49, 16-49e, 16-50c, 16-50d, 16-50f, 16-50k, 16-50aa, 16-216, 16-227, 16-
177 231, 16-233, 16-234, 16-235, 16-238, 16-243, 16-243a, 16-243b, 16-243c, 16-
178 243f, 16-243i, 16-243j, 16-243k, 16-243m, 16-243n, 16-243p, 16-243q, 16-
179 243r, 16-243s, 16-243t, 16-243u, 16-243v, 16-243w, 16-244a, 16-244b, 16-
180 244c, 16-244d, 16-244e, 16-244f, 16-244g, 16-244h, 16-244i, 16-244k, 16-
181 244l, 16-245, 16-245a, 16-245b, 16-245c, 16-245d, 16-245e, 16-245g, 16-
182 245l, 16-245m, 16-245n, 16-245o, 16-245p, 16-245q, 16-245s, 16-245t, 16-
183 245u, 16-245v, 16-245w, 16-245x, 16-245y, 16-245z, 16-245aa, 16-246, 16-
184 246e, 16-246g, 16-247c, 16-247j, 16-247l, 16-247m, 16-247o, 16-247p, 16-
185 247q, 16-247t, 16-249, 16-250, 16-250a, 16-250b, 16-256b, 16-256c, 16-
186 256g, 16-256h, 16-256k, 16-258a, 16-258b, 16-258c, 16-259, 16-261, 16-
187 261a, as amended by this act, 16-262a, 16-262c, 16-262d, 16-262i, 16-
188 262j, 16-262k, 16-262l, 16-262m, 16-262n, 16-262o, 16-262q, 16-262r, 16-
189 262s, 16-262v, 16-262w, 16-262x, 16-265, 16-269, 16-271, 16-272, 16-273,
190 16-274, 16-275, 16-276, 16-278, 16-280a, 16-280b, 16-280d, 16-280e, 16-
191 280f, 16-280h, 16-281a, 16-331, 16-331c, 16-331e, 16-331f, 16-331g, 16-

192 331h, 16-331i, 16-331j, 16-331k, 16-331n, 16-331o, 16-331p, 16-331q, 16-
193 331r, 16-331t, 16-331u, 16-331v, 16-331y, 16-331z, 16-331aa, 16-331cc, 16-
194 331dd, 16-331ff, 16-331gg, 16-332, 16-333, 16-333a, 16-333b, 16-333e, 16-
195 333f, 16-333g, 16-333h, 16-333i, 16-333l, 16-333n, 16-333o, 16-333p, 16-
196 347, 16-348, 16-356, 16-357, 16-358, 16-359, 16a-3, as amended by this
197 act, 16a-3a, as amended by this act, 16a-3b, 16a-3c, as amended by this
198 act, 16a-7b, as amended by this act, 16a-7c, as amended by this act, 16a-
199 13b, 16a-37c, 16a-38n, 16a-38o, 16a-40b, 16a-40k, 16a-41, 16a-46, as
200 amended by this act, 16a-46b, 16a-46c, as amended by this act, 16a-47a,
201 16a-47b, 16a-47c, 16a-47d, 16a-47e, 16a-49, 16a-103, 20-298, 20-309, 20-
202 340, 20-340a, 20-341k, 20-341z, 20-357, 20-541, 22a-174j, 22a-174l, as
203 amended by this act, 22a-200c, 22a-256dd, 22a-266, 22a-358, 22a-475,
204 22a-478, 22a-479, 23-8b, 23-65, 25-32d, 25-33a, 25-33e, 25-33g, 25-33h,
205 25-33k, 25-33l, 25-33p, 25-37d, 25-37e, 26-141b, 28-1b, 28-24, as
206 amended by this act, 28-26, 28-27, 28-31, 29-282, 29-415, 32-80a, 32-222,
207 33-219, 33-221, 33-241, 33-951, 42-287, 43-44, 49-4c and 52-259a.

208 (f) Wherever the words "Secretary of the Office of Policy and
209 Management" are used or referred to in the following sections of title
210 16a of the general statutes, the words "Commissioner of Energy and
211 Environmental Protection" shall be substituted in lieu thereof: 16a-3, as
212 amended by this act, 16a-4d, 16a-6, 16a-14, 16a-22, 16a-22c, as amended
213 by this act, 16a-22h, 16a-22i, 16a-22j, 16a-23t, as amended by this act,
214 16a-35c, 16a-35d, 16a-35h, 16a-37c, 16a-37f, 16a-37u, 16a-38, 16a-38a,
215 16a-38b, 16a-38i, 16a-38j, 16a-38k, as amended by this act, 16a-38m,
216 16a-38o, 16a-39b, 16a-40b, 16a-41a, 16a-44b, 16a-46a, 16a-46c, as
217 amended by this act, 16a-46e, 16a-46f, 16a-102 and 16a-106.

218 (g) Wherever the words "Office of Policy and Management" are
219 used or referred to in the following sections of title 16a of the general
220 statutes, the words "Department of Energy and Environmental
221 Protection" shall be substituted in lieu thereof: 16a-2, 16a-3, as
222 amended by this act, 16a-4d, 16a-6, 16a-7b, as amended by this act, 16a-
223 14, 16a-14e, 16a-20, 16a-22, 16a-22c, as amended by this act, 16a-22h,
224 16a-22i, 16a-22j, 16a-23t, as amended by this act, 16a-35c, 16a-35d, 16a-
225 35g, 16a-35h, 16a-37c, 16a-37f, 16a-37u, 16a-37v, 16a-37w, as amended

226 by this act, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, as
227 amended by this act, 16a-38l, 16a-38m, 16a-38n, 16a-38o, 16a-38p, 16a-
228 39b, 16a-40b, 16a-40f, 16a-41a, 16a-44b, 16a-46a, 16a-46c, as amended
229 by this act, 16a-46e, 16a-46f, 16a-46g, 16a-102 and 16a-106.

230 (h) Wherever the word "secretary" is used or referred to in the
231 following sections of title 16a of the general statutes, the word
232 "commissioner" shall be substituted in lieu thereof: 16a-2, 16a-3, as
233 amended by this act, 16a-4d, 16a-6, 16a-9, 16a-11, 16a-12, 16a-13, 16a-
234 13a, 16a-13b, 16a-14, 16a-14a, 16a-14b, 16a-22, 16a-22c, as amended by
235 this act, 16a-22d, 16a-22e, 16a-22f, 16a-22h, 16a-22i, 16a-22j, 16a-23t, as
236 amended by this act, 16a-35c, 16a-35d, 16a-35h, 16a-37c, 16a-37f, 16a-
237 37u, 16a-38, 16a-38a, 16a-38b, 16a-38i, 16a-38j, 16a-38k, as amended by
238 this act, 16a-38m, 16a-38o, 16a-38p, 16a-39b, 16a-40b, 16a-41a, 16a-44b,
239 16a-45a, 16a-46a, 16a-46b, 16a-46c, as amended by this act, 16a-46e,
240 16a-46f, 16a-102, 16a-106 and 16a-111.

241 (i) If the term "Department of Environmental Protection" or
242 "Department of Public Utility Control" is used or referred to in any
243 public or special act of 2011, or in any section of the general statutes
244 which is amended in 2011, it shall be deemed to refer to the
245 Department of Energy and Environmental Protection.

246 (j) If the term "Commissioner of Environmental Protection" is used
247 or referred to in any public or special act of 2011, or in any section of
248 the general statutes which is amended in 2011, it shall be deemed to
249 refer to the Commissioner of Energy and Environmental Protection.

250 Sec. 2. Section 4-5 of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective July 1, 2011*):

252 As used in sections 4-6, 4-7 and 4-8, the term "department head"
253 means Secretary of the Office of Policy and Management,
254 Commissioner of Administrative Services, Commissioner of Revenue
255 Services, Banking Commissioner, Commissioner of Children and
256 Families, Commissioner of Consumer Protection, Commissioner of
257 Correction, Commissioner of Economic and Community Development,

258 State Board of Education, Commissioner of Emergency Management
259 and Homeland Security, Commissioner of Energy and Environmental
260 Protection, Commissioner of Agriculture, Commissioner of Public
261 Health, Insurance Commissioner, Labor Commissioner, Liquor
262 Control Commission, Commissioner of Mental Health and Addiction
263 Services, Commissioner of Public Safety, Commissioner of Social
264 Services, Commissioner of Developmental Services, Commissioner of
265 Motor Vehicles, Commissioner of Transportation, Commissioner of
266 Public Works, Commissioner of Veterans' Affairs, Chief Information
267 Officer, [the chairperson of the Public Utilities Control Authority,] the
268 executive director of the Board of Education and Services for the Blind,
269 the executive director of the Connecticut Commission on Culture and
270 Tourism, and the executive director of the Office of Military Affairs. As
271 used in sections 4-6 and 4-7, "department head" also means the
272 Commissioner of Education.

273 Sec. 3. Section 4-38c of the general statutes is repealed and the
274 following is substituted in lieu thereof (*Effective July 1, 2011*):

275 There shall be within the executive branch of state government the
276 following departments: Office of Policy and Management, Department
277 of Administrative Services, Department of Revenue Services,
278 Department of Banking, Department of Agriculture, Department of
279 Children and Families, Department of Consumer Protection,
280 Department of Correction, Department of Economic and Community
281 Development, State Board of Education, Department of Emergency
282 Management and Homeland Security, Department of Energy and
283 Environmental Protection, Department of Public Health, Board of
284 Governors of Higher Education, Insurance Department, Labor
285 Department, Department of Mental Health and Addiction Services,
286 Department of Developmental Services, Department of Public Safety,
287 Department of Social Services, Department of Transportation,
288 Department of Motor Vehicles, Department of Veterans' Affairs [,] and
289 Department of Public Works. [and Department of Public Utility
290 Control.]

291 Sec. 4. Section 4-67e of the general statutes is repealed and the
292 following is substituted in lieu thereof (*Effective July 1, 2011*):

293 The Secretary of the Office of Policy and Management shall
294 coordinate the activity of the Commissioners of Public Health and
295 Energy and Environmental Protection [and the chairperson of the
296 Public Utilities Control Authority] in the following: (1) The review of
297 the authority of each agency for consistency with the policies
298 established by section 22a-380, (2) the preparation of a memorandum
299 of understanding, not more than six months after October 1, 1991,
300 intended to avoid inconsistency, overlap and redundancy in
301 requirements and authority of each agency in water conservation
302 issues, emergency contingency plans and regulatory authority under
303 chapters 283, 446i, 446j and 474, (3) the review of exercise of regulatory
304 authority over water companies, as defined in section 25-32a, to
305 determine whether inconsistency, overlap or redundancy exist in the
306 statutory requirements or regulatory authority of such agencies under
307 chapters 283, 446i, 446j, and 474, (4) the assessment of the necessity of a
308 memorandum of understanding to avoid such inconsistency, overlap
309 or redundancy, and, if determined to be necessary, the preparation of
310 such a memorandum by July 1, 1995, and (5) the development of
311 recommendations for legislation and amendments to regulations to
312 implement the provisions of a memorandum of understanding
313 prepared pursuant to this section, or for consistency with the policies
314 established by section 22a-380. There shall be a period of public review
315 and comment on a memorandum of understanding prior to final
316 agreement. On or before January 1, 1995, the [secretary] Commissioner
317 of Energy and Environmental Protection shall submit to the joint
318 standing committees of the General Assembly having cognizance of
319 matters relating to public health, energy and public utilities and the
320 environment, written findings, and any recommendations, concerning
321 the review and assessment conducted pursuant to subdivisions (3) and
322 (4) of this section.

323 Sec. 5. Subsections (a) and (b) of section 4b-47 of the general statutes
324 are repealed and the following is substituted in lieu thereof (*Effective*

325 July 1, 2011):

326 (a) Prior to the sale or transfer of state land or any interest in state
327 land by a state agency, department or institution, such agency,
328 department or institution shall provide notice of such sale or transfer
329 to the Council on Environmental Quality, the Secretary of the Office of
330 Policy and Management and the Commissioner of Energy and
331 Environmental Protection on a form approved by the Council on
332 Environmental Quality. Such notice shall be published in the
333 Environmental Monitor and shall provide for a written public
334 comment period of thirty days following publication of such notice,
335 during which the public and state agencies may submit comments to
336 the Secretary of the Office of Policy and Management. Such comments
337 may include, but shall not be limited to, significant natural and
338 recreational resources on such land and recommend means to preserve
339 such natural or recreational resources. The Secretary of the Office of
340 Policy and Management, in consultation with the Commissioner of
341 Energy and Environmental Protection, shall (1) respond to any written
342 comments received during such thirty-day comment period, and (2)
343 publish such written comments along with the Office of Policy and
344 Management's response to such written comments in the
345 Environmental Monitor for a period of not less than fifteen days prior
346 to the sale or transfer of the land.

347 (b) The Commissioner of Energy and Environmental Protection
348 shall develop a policy for reviewing notices received from a state
349 agency, department or institution, as described in subsection (a) of this
350 section, and making a draft recommendation to the Secretary of the
351 Office of Policy and Management as to whether all or a portion of the
352 land or land interest referenced in such notice should be preserved by
353 (1) transferring the land or land interest or granting a conservation
354 easement therein to the Department of Energy and Environmental
355 Protection, (2) imposing restrictions or conditions upon the transfer of
356 the land or land interest, or (3) transferring all or a portion of the land
357 or land interest, or granting a conservation easement interest therein,
358 to an appropriate third party. Any such recommendations shall be

359 accompanied by a report explaining the basis of the recommendations
360 and shall include, where appropriate, a natural resource inventory.
361 Such recommendations and report shall be published in the
362 Environmental Monitor and shall provide for a written public
363 comment period of thirty days following publication of such notice.
364 The Commissioner of Energy and Environmental Protection shall (A)
365 respond to any written comments received during such thirty-day
366 comment period, (B) make a final recommendation to the Secretary of
367 the Office of Policy and Management, and (C) publish such written
368 comments along with the Department of Energy and Environmental
369 Protection's response to such written comments including the
370 department's final recommendation to the [secretary] commissioner in
371 the Environmental Monitor. Following receipt of the final
372 recommendation of the Commissioner of Energy and Environmental
373 Protection, the Secretary of the Office of Policy and Management shall
374 make the final determination as to the ultimate disposition of the land
375 or interest. Such determination shall be published in the
376 Environmental Monitor for a period of not less than fifteen days prior
377 to the sale or transfer of such land or interest.

378 Sec. 6. Subsection (a) of section 4d-90 of the general statutes are
379 repealed and the following is substituted in lieu thereof (*Effective July*
380 *1, 2011*):

381 (a) There is established a Geospatial Information Systems Council
382 consisting of the following members, or their designees: (1) The
383 Secretary of the Office of Policy and Management; (2) the
384 Commissioners of Energy and Environmental Protection, Economic
385 and Community Development, Transportation, Public Safety, Public
386 Health, Public Works, Agriculture, Emergency Management and
387 Homeland Security and Social Services; (3) the Chief Information
388 Officer of the Department of Information Technology; (4) the
389 Chancellor of the Connecticut State University System; (5) the
390 president of The University of Connecticut; (6) [the Executive Director
391 of the Connecticut Siting Council; (7)] one member who is a user of
392 geospatial information systems appointed by the president pro

393 tempore of the Senate representing a municipality with a population of
394 more than sixty thousand; [(8)] (7) one member who is a user of
395 geospatial information systems appointed by the minority leader of the
396 Senate representing a regional planning agency; [(9)] (8) one member
397 who is a user of geospatial information systems appointed by the
398 Governor representing a municipality with a population of less than
399 sixty thousand but more than thirty thousand; [(10)] (9) one member
400 who is a user of geospatial information systems appointed by the
401 speaker of the House of Representatives representing a municipality
402 with a population of less than thirty thousand; [(11)] (10) one member
403 appointed by the minority leader of the House of Representatives who
404 is a user of geospatial information systems; [(12) the chairperson of the
405 Public Utilities Control Authority; (13)] (11) the Adjutant General of
406 the Military Department; and [(14)] (12) any other persons the council
407 deems necessary appointed by the council. The Governor shall select
408 the chairperson from among the members. The chairperson shall
409 administer the affairs of the council. Vacancies shall be filled by
410 appointment by the authority making the appointment. Members shall
411 receive no compensation for their services on said council, but shall be
412 reimbursed for necessary expenses incurred in the performance of
413 their duties. Said council shall hold one meeting each calendar quarter
414 and such additional meetings as may be prescribed by council rules. In
415 addition, special meetings may be called by the chairperson or by any
416 three members upon delivery of forty-eight hours written notice to
417 each member.

418 Sec. 7. Subsection (a) of section 4d-100 of the general statutes is
419 repealed and the following is substituted in lieu thereof (*Effective July*
420 *1, 2011*):

421 (a) There shall be a Broadband Internet Coordinating Council,
422 which shall include representatives from both the private and public
423 sectors. The council shall consist of ten members, two of whom shall be
424 appointed by the Governor, two of whom shall be appointed by the
425 president pro tempore of the Senate, two of whom shall be appointed
426 by the speaker of the House of Representatives, one of whom shall be

427 appointed by the majority leader of the Senate, one of whom shall be
428 appointed by the majority leader of the House of Representatives, one
429 of whom shall be appointed by the minority leader of the Senate and
430 one of whom shall be appointed by the minority leader of the House of
431 Representatives. One of each of the two members appointed by the
432 Governor, the president pro tempore of the Senate and the speaker of
433 the House of Representatives shall have specific expertise in the area of
434 telecommunications. Members of the council shall serve without
435 compensation, except for necessary expenses incurred in the
436 performance of their duties. Members shall serve on the council for
437 terms of two years each and no member shall serve for more than two
438 consecutive terms. The [chairperson of the Public Utilities Control
439 Authority, or the chairperson's designee, and the] Commissioner of
440 Energy and Environmental Protection, or the commissioner's designee
441 and the Secretary of the Office of Policy and Management, or the
442 secretary's designee, shall be ex-officio members of the council without
443 vote and shall attend its meetings. Any member who fails to attend
444 three consecutive meetings or fifty per cent of all meetings during any
445 calendar year shall be deemed to have resigned. The president pro
446 tempore of the Senate and the speaker of the House of Representatives
447 shall jointly choose a chairperson and a vice-chairperson to act in the
448 chairperson's absence.

449 Sec. 8. Section 16-1 of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective July 1, 2011*):

451 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a
452 and 245b shall be construed as follows, unless another meaning is
453 expressed or is clearly apparent from the language or context:

454 (1) "Authority" means the Public Utilities Control Authority and
455 "department" means the Department of [Public Utility Control] Energy
456 and Environmental Protection;

457 (2) "Commissioner" means a member of said authority;

458 (3) "Commissioner of Transportation" means the Commissioner of

459 Transportation appointed under section 13b-3;

460 (4) "Public service company" includes electric, electric distribution,
461 gas, telephone, telegraph, pipeline, sewage, water and community
462 antenna television companies and holders of a certificate of cable
463 franchise authority, owning, leasing, maintaining, operating,
464 managing or controlling plants or parts of plants or equipment, and all
465 express companies having special privileges on railroads within this
466 state, but shall not include telegraph company functions concerning
467 intrastate money order service, towns, cities, boroughs, any municipal
468 corporation or department thereof, whether separately incorporated or
469 not, a private power producer, as defined in section 16-243b, or an
470 exempt wholesale generator, as defined in 15 USC 79z-5a;

471 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,
472 poles, wires and other fixed or stationary construction and equipment,
473 wherever located, used in the conduct of the business of the company;

474 (6) "Railroad company" includes every person owning, leasing,
475 maintaining, operating, managing or controlling any railroad, or any
476 cars or other equipment employed thereon or in connection therewith,
477 for public or general use within this state;

478 (7) "Street railway company" includes every person owning, leasing,
479 maintaining, operating, managing or controlling any street railway, or
480 any cars or other equipment employed thereon or in connection
481 therewith, for public or general use within this state;

482 (8) "Electric company" includes, until an electric company has been
483 unbundled in accordance with the provisions of section 16-244e, every
484 person owning, leasing, maintaining, operating, managing or
485 controlling poles, wires, conduits or other fixtures, along public
486 highways or streets, for the transmission or distribution of electric
487 current for sale for light, heat or power within this state, or, engaged in
488 generating electricity to be so transmitted or distributed for such
489 purpose, but shall not include (A) a private power producer, as
490 defined in section 16-243b, (B) an exempt wholesale generator, as

491 defined in 15 USC 79z-5a, (C) a municipal electric utility established
492 under chapter 101, (D) a municipal electric energy cooperative
493 established under chapter 101a, (E) an electric cooperative established
494 under chapter 597, or (F) any other electric utility owned, leased,
495 maintained, operated, managed or controlled by any unit of local
496 government under any general statute or any public or special act;

497 (9) "Gas company" includes every person owning, leasing,
498 maintaining, operating, managing or controlling mains, pipes or other
499 fixtures, in public highways or streets, for the transmission or
500 distribution of gas for sale for heat or power within this state, or
501 engaged in the manufacture of gas to be so transmitted or distributed
502 for such purpose, but shall not include a person manufacturing gas
503 through the use of a biomass gasification plant provided such person
504 does not own, lease, maintain, operate, manage or control mains, pipes
505 or other fixtures in public highways or streets, a municipal gas utility
506 established under chapter 101 or any other gas utility owned, leased,
507 maintained, operated, managed or controlled by any unit of local
508 government under any general statute or any public or special act;

509 (10) "Water company" includes every person owning, leasing,
510 maintaining, operating, managing or controlling any pond, lake,
511 reservoir, stream, well or distributing plant or system employed for
512 the purpose of supplying water to fifty or more consumers. A water
513 company does not include homeowners, condominium associations
514 providing water only to their members, homeowners associations
515 providing water to customers at least eighty per cent of whom are
516 members of such associations, a municipal waterworks system
517 established under chapter 102, a district, metropolitan district,
518 municipal district or special services district established under chapter
519 105, chapter 105a or any other general statute or any public or special
520 act which is authorized to supply water, or any other waterworks
521 system owned, leased, maintained, operated, managed or controlled
522 by any unit of local government under any general statute or any
523 public or special act;

524 (11) "Consumer" means any private dwelling, boardinghouse,
525 apartment, store, office building, institution, mechanical or
526 manufacturing establishment or other place of business or industry to
527 which water is supplied by a water company;

528 (12) "Sewage company" includes every person owning, leasing,
529 maintaining, operating, managing or controlling, for general use in any
530 town, city or borough, or portion thereof, in this state, sewage disposal
531 facilities which discharge treated effluent into any waterway of this
532 state;

533 (13) "Pipeline company" includes every person owning, leasing,
534 maintaining, operating, managing or controlling mains, pipes or other
535 fixtures through, over, across or under any public land, water,
536 parkways, highways, parks or public grounds for the transportation,
537 transmission or distribution of petroleum products for hire within this
538 state;

539 (14) "Community antenna television company" includes every
540 person owning, leasing, maintaining, operating, managing or
541 controlling a community antenna television system, in, under or over
542 any public street or highway, for the purpose of providing community
543 antenna television service for hire and shall include any municipality
544 which owns or operates one or more plants for the manufacture or
545 distribution of electricity pursuant to section 7-213 or any special act
546 and seeks to obtain or obtains a certificate of public convenience and
547 necessity to construct or operate a community antenna television
548 system pursuant to section 16-331 or a certificate of cable franchise
549 authority pursuant to section 16-331q. "Community antenna television
550 company" does not include a certified competitive video service
551 provider;

552 (15) "Community antenna television service" means (A) the one-way
553 transmission to subscribers of video programming or information that
554 a community antenna television company makes available to all
555 subscribers generally, and subscriber interaction, if any, which is

556 required for the selection of such video programming or information,
557 and (B) noncable communications service. "Community antenna
558 television service" does not include video service provided by a
559 certified competitive video service provider;

560 (16) "Community antenna television system" means a facility,
561 consisting of a set of closed transmission paths and associated signal
562 generation, reception and control equipment that is designed to
563 provide community antenna television service which includes video
564 programming and which is provided in, under or over any public
565 street or highway, for hire, to multiple subscribers within a franchise,
566 but such term does not include (A) a facility that serves only to
567 retransmit the television signals of one or more television broadcast
568 stations; (B) a facility that serves only subscribers in one or more
569 multiple unit dwellings under common ownership, control or
570 management, unless such facility is located in, under or over a public
571 street or highway; (C) a facility of a common carrier which is subject, in
572 whole or in part, to the provisions of Subchapter II of Chapter 5 of the
573 Communications Act of 1934, 47 USC 201 et seq., as amended, except
574 that such facility shall be considered a community antenna television
575 system and the carrier shall be considered a public service company to
576 the extent such facility is used in the transmission of video
577 programming directly to subscribers; or (D) a facility of an electric
578 company which is used solely for operating its electric company
579 systems. "Community antenna television system" does not include a
580 facility used by a certified competitive video service provider to
581 provide video service;

582 (17) "Video programming" means programming provided by, or
583 generally considered comparable to programming provided by, a
584 television broadcast station;

585 (18) "Noncable communications service" means any
586 telecommunications service, as defined in section 16-247a, and which is
587 not included in the definition of "cable service" in the Communications
588 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall

589 be construed to affect service which is both authorized and preempted
590 pursuant to federal law;

591 (19) "Public service motor vehicle" includes all motor vehicles used
592 for the transportation of passengers for hire;

593 (20) "Motor bus" includes any public service motor vehicle operated
594 in whole or in part upon any street or highway, by indiscriminately
595 receiving or discharging passengers, or operated on a regular route or
596 over any portion thereof, or operated between fixed termini, and any
597 public service motor vehicle operated over highways within this state
598 between points outside this state or between points within this state
599 and points outside this state;

600 (21) "Cogeneration technology" means the use for the generation of
601 electricity of exhaust steam, waste steam, heat or resultant energy from
602 an industrial, commercial or manufacturing plant or process, or the use
603 of exhaust steam, waste steam or heat from a thermal power plant for
604 an industrial, commercial or manufacturing plant or process, but shall
605 not include steam or heat developed solely for electrical power
606 generation;

607 (22) "Renewable fuel resources" means energy sources described in
608 subdivisions (26) and (27) of this subsection;

609 (23) "Telephone company" means a telecommunications company
610 that provides one or more noncompetitive or emerging competitive
611 services, as defined in section 16-247a;

612 (24) "Domestic telephone company" includes any telephone
613 company which has been chartered by or organized or constituted
614 within or under the laws of this state;

615 (25) "Telecommunications company" means a person that provides
616 telecommunications service, as defined in section 16-247a, within the
617 state, but shall not mean a person that provides only (A) private
618 telecommunications service, as defined in section 16-247a, (B) the

619 one-way transmission of video programming or other programming
620 services to subscribers, (C) subscriber interaction, if any, which is
621 required for the selection of such video programming or other
622 programming services, (D) the two-way transmission of educational or
623 instructional programming to a public or private elementary or
624 secondary school, or a public or independent institution of higher
625 education, as required by the department pursuant to a community
626 antenna television company franchise agreement, or provided
627 pursuant to a contract with such a school or institution which contract
628 has been filed with the department, or (E) a combination of the services
629 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

630 (26) "Class I renewable energy source" means (A) energy derived
631 from solar power, wind power, a fuel cell, methane gas from landfills,
632 ocean thermal power, wave or tidal power, low emission advanced
633 renewable energy conversion technologies, a run-of-the-river
634 hydropower facility provided such facility has a generating capacity of
635 not more than five megawatts, does not cause an appreciable change in
636 the river flow, and began operation after July 1, 2003, or a sustainable
637 biomass facility with an average emission rate of equal to or less than
638 .075 pounds of nitrogen oxides per million BTU of heat input for the
639 previous calendar quarter, except that energy derived from a
640 sustainable biomass facility with a capacity of less than five hundred
641 kilowatts that began construction before July 1, 2003, may be
642 considered a Class I renewable energy source, or (B) any electrical
643 generation, including distributed generation, generated from a Class I
644 renewable energy source;

645 (27) "Class II renewable energy source" means energy derived from
646 a trash-to-energy facility, a biomass facility that began operation before
647 July 1, 1998, provided the average emission rate for such facility is
648 equal to or less than .2 pounds of nitrogen oxides per million BTU of
649 heat input for the previous calendar quarter, or a run-of-the-river
650 hydropower facility provided such facility has a generating capacity of
651 not more than five megawatts, does not cause an appreciable change in
652 the riverflow, and began operation prior to July 1, 2003;

653 (28) "Electric distribution services" means the owning, leasing,
654 maintaining, operating, managing or controlling of poles, wires,
655 conduits or other fixtures along public highways or streets for the
656 distribution of electricity, or electric distribution-related services;

657 (29) "Electric distribution company" or "distribution company"
658 means any person providing electric transmission or distribution
659 services within the state, including an electric company, subject to
660 subparagraph (F) of this subdivision, but does not include: (A) A
661 private power producer, as defined in section 16-243b; (B) a municipal
662 electric utility established under chapter 101, other than a participating
663 municipal electric utility; (C) a municipal electric energy cooperative
664 established under chapter 101a; (D) an electric cooperative established
665 under chapter 597; (E) any other electric utility owned, leased,
666 maintained, operated, managed or controlled by any unit of local
667 government under any general statute or special act; (F) after an
668 electric company has been unbundled in accordance with the
669 provisions of section 16-244e, a generation entity or affiliate of the
670 former electric company; or (G) an electric supplier;

671 (30) "Electric supplier" means any person, including an electric
672 aggregator or participating municipal electric utility that is licensed by
673 the Department of [Public Utility Control] Energy and Environmental
674 Protection in accordance with section 16-245, that provides electric
675 generation services to end use customers in the state using the
676 transmission or distribution facilities of an electric distribution
677 company, regardless of whether or not such person takes title to such
678 generation services, but does not include: (A) A municipal electric
679 utility established under chapter 101, other than a participating
680 municipal electric utility; (B) a municipal electric energy cooperative
681 established under chapter 101a; (C) an electric cooperative established
682 under chapter 597; (D) any other electric utility owned, leased,
683 maintained, operated, managed or controlled by any unit of local
684 government under any general statute or special act; or (E) an electric
685 distribution company in its provision of electric generation services in
686 accordance with subsection (a) or, prior to January 1, 2004, subsection

687 (c) of section 16-244c;

688 (31) "Electric aggregator" means (A) a person, municipality or
689 regional water authority that gathers together electric customers for
690 the purpose of negotiating the purchase of electric generation services
691 from an electric supplier, or (B) the Connecticut Resources Recovery
692 Authority, if it gathers together electric customers for the purpose of
693 negotiating the purchase of electric generation services from an electric
694 supplier, provided such person, municipality or authority is not
695 engaged in the purchase or resale of electric generation services, and
696 provided further such customers contract for electric generation
697 services directly with an electric supplier, and may include an electric
698 cooperative established pursuant to chapter 597;

699 (32) "Electric generation services" means electric energy, electric
700 capacity or generation-related services;

701 (33) "Electric transmission services" means electric transmission or
702 transmission-related services;

703 (34) "Generation entity or affiliate" means a corporate affiliate or, as
704 provided in subdivision (3) of subsection (a) of section 16-244e, a
705 separate division of an electric company after unbundling has occurred
706 pursuant to section 16-244e, that provides electric generation services;

707 (35) "Participating municipal electric utility" means a municipal
708 electric utility established under chapter 101 or any other electric
709 utility owned, leased, maintained, operated, managed or controlled by
710 any unit of local government under any general statute or any public
711 or special act, that is authorized by the department in accordance with
712 section 16-245c to provide electric generation services to end use
713 customers outside its service area, as defined in section 16-245c;

714 (36) "Person" means an individual, business, firm, corporation,
715 association, joint stock association, trust, partnership or limited
716 liability company;

717 (37) "Regional independent system operator" means the "ISO - New
718 England, Inc.", or its successor organization as approved by the
719 Federal Energy Regulatory Commission;

720 (38) "Certified telecommunications provider" means a person
721 certified by the department to provide intrastate telecommunications
722 services, as defined in section 16-247a, pursuant to sections 16-247f to
723 16-247h, inclusive;

724 (39) "Gas registrant" means a person registered to sell natural gas
725 pursuant to section 16-258a;

726 (40) "Customer-side distributed resources" means (A) the generation
727 of electricity from a unit with a rating of not more than sixty-five
728 megawatts on the premises of a retail end user within the transmission
729 and distribution system including, but not limited to, fuel cells,
730 photovoltaic systems or small wind turbines, or (B) a reduction in the
731 demand for electricity on the premises of a retail end user in the
732 distribution system through methods of conservation and load
733 management, including, but not limited to, peak reduction systems
734 and demand response systems;

735 (41) "Federally mandated congestion charges" means any cost
736 approved by the Federal Energy Regulatory Commission as part of
737 New England Standard Market Design including, but not limited to,
738 locational marginal pricing, locational installed capacity payments, any
739 cost approved by the Department of [Public Utility Control] Energy
740 and Environmental Protection to reduce federally mandated
741 congestion charges in accordance with section 7-233y, this section,
742 sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-243i to 16-243q,
743 inclusive, 16-244c, 16-244e, 16-245m, 16-245n and 16-245z, and section
744 21 of public act 05-1 of the June special session* and reliability must
745 run contracts;

746 (42) "Combined heat and power system" means a system that
747 produces, from a single source, both electric power and thermal energy
748 used in any process that results in an aggregate reduction in electricity

749 use;

750 (43) "Grid-side distributed resources" means the generation of
751 electricity from a unit with a rating of not more than sixty-five
752 megawatts that is connected to the transmission or distribution system,
753 which units may include, but are not limited to, units used primarily to
754 generate electricity to meet peak demand;

755 (44) "Class III source" means the electricity output from combined
756 heat and power systems with an operating efficiency level of no less
757 than fifty per cent that are part of customer-side distributed resources
758 developed at commercial and industrial facilities in this state on or
759 after January 1, 2006, a waste heat recovery system installed on or after
760 April 1, 2007, that produces electrical or thermal energy by capturing
761 preexisting waste heat or pressure from industrial or commercial
762 processes, or the electricity savings created in this state from
763 conservation and load management programs begun on or after
764 January 1, 2006;

765 (45) "Sustainable biomass" means biomass that is cultivated and
766 harvested in a sustainable manner. "Sustainable biomass" does not
767 mean construction and demolition waste, as defined in section 22a-
768 208x, finished biomass products from sawmills, paper mills or stud
769 mills, organic refuse fuel derived separately from municipal solid
770 waste, or biomass from old growth timber stands, except where (A)
771 such biomass is used in a biomass gasification plant that received
772 funding prior to May 1, 2006, from the Renewable Energy Investment
773 Fund established pursuant to section 16-245n, or (B) the energy
774 derived from such biomass is subject to a long-term power purchase
775 contract pursuant to subdivision (2) of subsection (j) of section 16-244c
776 entered into prior to May 1, 2006, (C) such biomass is used in a
777 renewable energy facility that is certified as a Class I renewable energy
778 source by the department until such time as the department certifies
779 that any biomass gasification plant, as defined in subparagraph (A) of
780 this subdivision, is operational and accepting such biomass, in an
781 amount not to exceed one hundred forty thousand tons annually, is

782 used in a renewable energy facility that was certified as a Class I
783 renewable energy source by the department prior to December 31,
784 2007, and uses biomass, including construction and demolition waste
785 as defined in section 22a-208x, from a Connecticut-sited transfer
786 station and volume-reduction facility that generated biomass during
787 calendar year 2007 that was used during calendar year 2007 to
788 generate Class I renewable energy certificates, or (D) in the event there
789 is no facility as described in subparagraph (A) or (C) of this
790 subdivision accepting such biomass, in an amount not to exceed one
791 hundred forty thousand tons annually, is used in one or more other
792 renewable energy facilities certified either as a Class I or Class II
793 renewable energy source by the department, provided such facilities
794 use biomass, including construction and demolition waste as defined
795 in said section 22a-208x, from a Connecticut-sited transfer station and
796 volume-reduction facility that generated biomass during calendar year
797 2007 that was used during calendar year 2007 to generate Class I
798 renewable energy certificates. Notwithstanding the provisions of
799 subparagraphs (C) and (D) of this subdivision, the amount of biomass
800 specified in said subparagraphs shall not apply to a biomass
801 gasification plant, as defined in subparagraph (A) of this subdivision;

802 (46) "Video service" means video programming services provided
803 through wireline facilities, a portion of which are located in the public
804 right-of-way, without regard to delivery technology, including Internet
805 protocol technology. "Video service" does not include any video
806 programming provided by a commercial mobile service provider, as
807 defined in 47 USC 332(d), any video programming provided as part of
808 community antenna television service in a franchise area as of October
809 1, 2007, any video programming provided as part of and via a service
810 that enables users to access content, information, electronic mail or
811 other services over the public Internet;

812 (47) "Certified competitive video service provider" means an entity
813 providing video service pursuant to a certificate of video franchise
814 authority issued by the department in accordance with section 16-331e.
815 "Certified competitive video service provider" does not mean an entity

816 issued a certificate of public convenience and necessity in accordance
817 with section 16-331 or the affiliates, successors and assigns of such
818 entity or an entity issued a certificate of cable franchise authority in
819 accordance with section 16-331p or the affiliates, successors and
820 assignees of such entity;

821 (48) "Certificate of video franchise authority" means an
822 authorization issued by the Department of [Public Utility Control]
823 Energy and Environmental Protection conferring the right to an entity
824 or person to own, lease, maintain, operate, manage or control facilities
825 in, under or over any public highway to offer video service to any
826 subscribers in the state;

827 (49) "Certificate of cable franchise authority" means an authorization
828 issued by the Department of [Public Utility Control] Energy and
829 Environmental Protection pursuant to section 16-331q conferring the
830 right to a community antenna television company to own, lease,
831 maintain, operate, manage or control a community antenna television
832 system in, under or over any public highway to (A) offer community
833 antenna television service in a community antenna television
834 company's designated franchise area, or (B) use the public rights-of-
835 way to offer video service in a designated franchise area. The
836 certificate of cable franchise authority shall be issued as an alternative
837 to a certificate of public convenience and necessity pursuant to section
838 16-331 and shall only be available to a community antenna television
839 company under the terms specified in sections 16-331q to 16-331aa,
840 inclusive;

841 (50) "Thermal energy transportation company" means any person
842 authorized under any provision of the general statutes or special act to
843 furnish heat or air conditioning or both, by means of steam, heated or
844 chilled water or other medium, to lay and maintain mains, pipes or
845 other conduits, and to erect such other fixtures necessary or convenient
846 in and on the streets, highways and public grounds of any
847 municipality to carry steam, heated or chilled water or other medium
848 from such plant to the location to be served and to return the same;

849 [and]

850 (51) "The Connecticut Television Network" means the General
851 Assembly's state-wide twenty-four-hour state public affairs
852 programming service, separate and distinct from community access
853 channels; and

854 (52) "Commissioner of Energy and Environmental Protection"
855 means the Commissioner of Energy and Environmental Protection
856 appointed pursuant to title 4.

857 (b) Notwithstanding any provision of the general statutes, the terms
858 "utility", "public utility" and "public service company" shall be deemed
859 to include a community antenna television company and a holder of a
860 certificate of cable franchise authority, except (1) as otherwise provided
861 in sections 16-8, as amended by this act, 16-27, 16-28 and 16-43, (2) that
862 no provision of the general statutes, including but not limited to, the
863 provisions of sections 16-6b and 16-19, shall subject a community
864 antenna television company to regulation as a common carrier or
865 utility by reason of providing community antenna television service,
866 other than noncable communications service, as provided in
867 Subchapter V-A of Chapter 5 of the Communications Act of 1934, 47
868 USC 521 et seq., as amended, and (3) that no provision of the general
869 statutes, including but not limited to, sections 16-6b and 16-19, shall
870 apply to community antenna television companies to the extent any
871 such provision is preempted pursuant to any other provision of the
872 Communications Act of 1934, 47 USC 151 et seq., as amended, any
873 other federal act or any regulation adopted thereunder.

874 Sec. 9. Section 16-2 of the general statutes is repealed and the
875 following is substituted in lieu thereof (*Effective July 1, 2011*):

876 (a) There shall continue to be a Public Utilities Control Authority
877 within the Department of Energy and Environmental Protection,
878 which shall consist of five electors of this state, appointed by the
879 Governor with the advice and consent of both houses of the General
880 Assembly. Not more than three members of said authority in office at

881 any one time shall be members of any one political party. On or before
882 July 1, 1983, and quadrennially thereafter, the Governor shall appoint
883 three members to the authority and on or before July 1, 1985, and
884 quadrennially thereafter, the Governor shall appoint two members. All
885 such members shall serve for a term of four years. The procedure
886 prescribed by section 4-7 shall apply to such appointments, except that
887 the Governor shall submit each nomination on or before May first, and
888 both houses shall confirm or reject it before adjournment sine die. The
889 commissioners shall be sworn to the faithful performance of their
890 duties.

891 (b) The authority shall elect a chairperson and vice-chairperson each
892 June for one-year terms starting on July first of the same year. The vice-
893 chairperson shall perform the duties of the chairperson in his absence.

894 (c) Any matter coming before the authority may be assigned by the
895 chairperson to a panel of three commissioners, not more than two of
896 whom shall be members of the same political party. Except as
897 otherwise provided by statute or regulation, the panel shall determine
898 whether a public hearing shall be held on the matter, and may
899 designate one or two of its members to conduct such hearing or
900 appoint an examiner to ascertain the facts and report thereon to the
901 panel. The decision of the panel, if unanimous, shall be the decision of
902 the authority. If the decision of the panel is not unanimous, the matter
903 shall be referred to the entire authority for decision.

904 (d) The commissioners of the authority shall serve full time and
905 shall make full public disclosure of their assets, liabilities and income
906 at the time of their appointment, and thereafter each member of the
907 authority shall make such disclosure on or before July thirtieth of each
908 year of such member's term, and shall file such disclosure with the
909 office of the Secretary of the State. Each commissioner shall receive
910 annually a salary equal to that established for management pay plan
911 salary group seventy-five by the Commissioner of Administrative
912 Services, except that the chairperson shall receive annually a salary
913 equal to that established for management pay plan salary group

914 seventy-seven.

915 (e) To insure the highest standard of public utility regulation, on
916 and after October 1, 2007, any newly appointed commissioner of the
917 authority shall have education or training and three or more years of
918 experience in one or more of the following fields: Economics,
919 engineering, law, accounting, finance, utility regulation, public or
920 government administration, consumer advocacy, business
921 management, and environmental management. On and after July 1,
922 1997, at least three of these fields shall be represented on the authority
923 by individual commissioners at all times. Any time a commissioner is
924 newly appointed, at least one of the commissioners shall have
925 experience in utility customer advocacy.

926 [(f) The chairperson of the authority, with the consent of two or
927 more other members of the authority, shall appoint an executive
928 director, who shall be the chief administrative officer of the
929 Department of Public Utility Control. The executive director shall be
930 supervised by the chairperson of the authority, serve for a term of four
931 years and annually receive a salary equal to that established for
932 management pay plan salary group seventy-two by the Commissioner
933 of Administrative Services. The executive director (1) shall conduct
934 comprehensive planning with respect to the functions of the
935 department; (2) shall coordinate the activities of the department; (3)
936 shall cause the administrative organization of the department to be
937 examined with a view to promoting economy and efficiency; (4) shall,
938 in concurrence with the chairperson of the authority, organize the
939 department into such divisions, bureaus or other units as he deems
940 necessary for the efficient conduct of the business of the department
941 and may from time to time abolish, transfer or consolidate within the
942 department, any division, bureau or other units as may be necessary
943 for the efficient conduct of the business of the department, provided
944 such organization shall include any division, bureau or other unit
945 which is specifically required by the general statutes; (5) shall, for any
946 proceeding on a proposed rate amendment in which staff of the
947 department are to be made a party pursuant to section 16-19j,

948 determine which staff shall appear and participate in the proceedings
949 and which shall serve the members of the authority; (6) may enter into
950 such contractual agreements, in accordance with established
951 procedures, as may be necessary for the discharge of his duties; and (7)
952 may, subject to the provisions of section 4-32, and unless otherwise
953 provided by law, receive any money, revenue or services from the
954 federal government, corporations, associations or individuals,
955 including payments from the sale of printed matter or any other
956 material or services. The executive director shall require the staff of the
957 department to have expertise in public utility engineering and
958 accounting, finance, economics, computers and rate design. Subject to
959 the provisions of chapter 67 and within available funds in any fiscal
960 year, the executive director may appoint a secretary, and may employ
961 such accountants, clerical assistants, engineers, inspectors, experts,
962 consultants and agents as the department may require.]

963 [(g)] (f) No member of the authority or employee of the department
964 shall, while serving as such, have any interest, financial or otherwise,
965 direct or indirect, or engage in any business, employment, transaction
966 or professional activity, or incur any obligation of any nature, which is
967 in substantial conflict with the proper discharge of his duties or
968 employment in the public interest and of his responsibilities as
969 prescribed in the laws of this state, as defined in section 1-85; provided,
970 no such substantial conflict shall be deemed to exist solely by virtue of
971 the fact that a member of the authority or employee of the department,
972 or any business in which such a person has an interest, receives utility
973 service from one or more Connecticut utilities under the normal rates
974 and conditions of service.

975 [(h)] (g) No member of the authority or employee of the department
976 shall accept other employment which will either impair his
977 independence of judgment as to his official duties or employment or
978 require him, or induce him, to disclose confidential information
979 acquired by him in the course of and by reason of his official duties.

980 [(i)] (h) No member of the authority or employee of the department

981 shall wilfully and knowingly disclose, for pecuniary gain, to any other
982 person, confidential information acquired by him in the course of and
983 by reason of his official duties or employment or use any such
984 information for the purpose of pecuniary gain.

985 [(j)] (i) No member of the authority or employee of the department
986 shall agree to accept, or be in partnership or association with any
987 person, or a member of a professional corporation or in membership
988 with any union or professional association which partnership,
989 association, professional corporation, union or professional association
990 agrees to accept any employment, fee or other thing of value, or
991 portion thereof, in consideration of his appearing, agreeing to appear,
992 or taking any other action on behalf of another person before the
993 authority, the Connecticut Siting Council, the Office of Policy and
994 Management or the Commissioner of Environmental Protection.

995 [(k)] (j) No commissioner of the authority shall, for a period of one
996 year following the termination of his or her service as a commissioner,
997 accept employment: (1) By a public service company or by any person,
998 firm or corporation engaged in lobbying activities with regard to
999 governmental regulation of public service companies; (2) by a certified
1000 telecommunications provider or by any person, firm or corporation
1001 engaged in lobbying activities with regard to governmental regulation
1002 of persons, firms or corporations so certified; or (3) by an electric
1003 supplier or by any person, firm or corporation engaged in lobbying
1004 activities with regard to governmental regulation of electric suppliers.
1005 No such commissioner who is also an attorney shall in any capacity,
1006 appear or participate in any matter, or accept any compensation
1007 regarding a matter, before the authority, for a period of one year
1008 following the termination of his or her service as a commissioner.

1009 Sec. 10. Section 16-2c of the general statutes is repealed and the
1010 following is substituted in lieu thereof (*Effective July 1, 2011*):

1011 There is established a Division of Adjudication within the
1012 Department of [Public Utility Control] Energy and Environmental

1013 Protection. The staff of the division shall include but not be limited to,
1014 hearing examiners appointed pursuant to subsection (c) of section 16-2,
1015 as amended by this act. The responsibilities of the division shall
1016 include, but not be limited to, hearing matters assigned under said
1017 subsection and advising the [chairperson of the Public Utilities Control
1018 Authority] Commissioner of Energy and Environmental Protection
1019 concerning legal issues.

1020 Sec. 11. Subsections (a) and (b) of section 16-8 of the general statutes
1021 are repealed and the following is substituted in lieu thereof (*Effective*
1022 *July 1, 2011*):

1023 (a) The Department of [Public Utility Control] Energy and
1024 Environmental Protection may, in its discretion, delegate its powers, in
1025 specific cases, to one or more of its commissioners or to a hearing
1026 examiner to ascertain the facts and report thereon to the department.
1027 The department, or any commissioner thereof, in the performance of
1028 its duties or in connection with any hearing, or at the request of any
1029 person, corporation, company, town, borough or association, may
1030 summon and examine, under oath, such witnesses, and may direct the
1031 production of, and examine or cause to be produced and examined,
1032 such books, records, vouchers, memoranda, documents, letters,
1033 contracts or other papers in relation to the affairs of any public service
1034 company as it may find advisable, and shall have the same powers in
1035 reference thereto as are vested in magistrates taking depositions. If any
1036 witness objects to testifying or to producing any book or paper on the
1037 ground that such testimony, book or paper may tend to incriminate
1038 him, and the department directs such witness to testify or to produce
1039 such book or paper, and he complies, or if he is compelled so to do by
1040 order of court, he shall not be prosecuted for any matter concerning
1041 which he has so testified. The fees of witnesses summoned by the
1042 department to appear before it under the provisions of this section,
1043 and the fees for summoning witnesses shall be the same as in the
1044 Superior Court. All such fees, together with any other expenses
1045 authorized by statute, the method of payment of which is not
1046 otherwise provided, shall, when taxed by the department, be paid by

1047 the state, through the business office of the department, in the same
1048 manner as court expenses. The department may designate in specific
1049 cases a hearing examiner who may be a member of its technical staff or
1050 a member of the Connecticut Bar engaged for that purpose under a
1051 contract approved by the Secretary of the Office of Policy and
1052 Management to hold a hearing and make report thereon to the
1053 department. A hearing examiner so designated shall have the same
1054 powers as the department, or any commissioner thereof, to conduct a
1055 hearing, except that only a commissioner of the department shall have
1056 the power to grant immunity from prosecution to any witness who
1057 objects to testifying or to producing any book or paper on the ground
1058 that such testimony, book or paper may tend to incriminate him.

1059 (b) (1) [In the performance of its duties the Department of Public
1060 Utility Control may establish management audit teams as a regular
1061 and continuing component of its staff. The management audit teams
1062 shall be composed of personnel with a professional background in
1063 accounting, engineering or any other training as the department may
1064 deem necessary to assure a competent and thorough review and
1065 audit.] The department may, within available appropriations, employ
1066 professional personnel to perform management audits. The
1067 department shall promptly establish such procedures as it deems
1068 necessary or desirable to provide for management audits to be
1069 performed on a regular or irregular schedule on all or any portion of
1070 the operating procedures and any other internal workings of any
1071 public service company, including the relationship between any public
1072 service company and a related holding company or subsidiary,
1073 consistent with the provisions of section 16-8c, provided no such audit
1074 shall be performed on a community antenna television company,
1075 except with regard to any noncable communications services which
1076 the company may provide, or when (A) such an audit is necessary for
1077 the department to perform its regulatory functions under the
1078 Communications Act of 1934, 47 USC 151, et seq., as amended from
1079 time to time, other federal law or state law, (B) the cost of such an audit
1080 is warranted by a reasonably foreseeable financial, safety or service

1081 benefit to subscribers of the company which is the subject of such an
1082 audit, and (C) such an audit is restricted to examination of the
1083 operating procedures that affect operations within the state.

1084 (2) In any case where the department determines that an audit is
1085 necessary or desirable, it may (A) order the audit to be performed by
1086 one of its management audit teams, (B) require the affected company
1087 to perform the audit utilizing the company's own internal
1088 management audit staff as supervised by designated members of the
1089 department's staff or (C) require that the audit be performed under the
1090 supervision of designated members of the department's staff by an
1091 independent management consulting firm selected by the department,
1092 in consultation with the affected company. If the affected company has
1093 more than seventy-five thousand customers, such independent
1094 management consulting firm shall be of nationally-recognized stature.
1095 All reasonable and proper expenses of the audits, including, but not
1096 limited to, the costs associated with the audit firm's testimony at a
1097 public hearing or other proceeding, shall be borne by the affected
1098 companies and shall be paid by such companies at such times and in
1099 such manner as the department directs.

1100 (3) For purposes of this section, a complete audit shall consist of (A)
1101 a diagnostic review of all functions of the audited company, which
1102 shall include, but not be limited to, documentation of the operations of
1103 the company, assessment of the company's system of internal controls,
1104 and identification of any areas of the company which may require
1105 subsequent audits, and (B) the performance of subsequent focused
1106 audits identified in the diagnostic review and determined necessary by
1107 the department. All audits performed pursuant to this section shall be
1108 performed in accordance with generally accepted management audit
1109 standards. The department shall adopt regulations in accordance with
1110 the provisions of chapter 54 setting forth such generally accepted
1111 management audit standards. Each audit of a community antenna
1112 television company shall be consistent with the provisions of the
1113 Communications Act of 1934, 47 USC 151, et seq., as amended from
1114 time to time, and of any other applicable federal law. The department

1115 shall certify whether a portion of an audit conforms to the provisions
1116 of this section and constitutes a portion of a complete audit.

1117 (4) A complete audit of each portion of each gas, electric or electric
1118 distribution company having more than seventy-five thousand
1119 customers shall begin no less frequently than every six years, so that a
1120 complete audit of such a company's operations shall be performed
1121 every six years. Such an audit of each such company having more than
1122 seventy-five thousand customers shall be updated as required by the
1123 department.

1124 (5) The results of an audit performed pursuant to this section shall
1125 be filed with the department and shall be open to public inspection.
1126 Upon completion and review of the audit, if the person or firm
1127 performing or supervising the audit determines that any of the
1128 operating procedures or any other internal workings of the affected
1129 public service company are inefficient, improvident, unreasonable,
1130 negligent or in abuse of discretion, the department may, after notice
1131 and opportunity for a hearing, order the affected public service
1132 company to adopt such new or altered practices and procedures as the
1133 department shall find necessary to promote efficient and adequate
1134 service to meet the public convenience and necessity. The department
1135 shall annually submit a report of audits performed pursuant to this
1136 section to the joint standing committee of the General Assembly
1137 having cognizance of matters relating to public utilities which report
1138 shall include the status of audits begun but not yet completed and a
1139 summary of the results of audits completed.

1140 (6) All reasonable and proper costs and expenses, as determined by
1141 the department, of complying with any order of the department
1142 pursuant to this subsection shall be recognized by the department for
1143 all purposes as proper business expenses of the affected company.

1144 (7) After notice and hearing, the department may modify the scope
1145 and schedule of a management audit of a telephone company which is
1146 subject to an alternative form of regulation so that such audit is

1147 consistent with that alternative form of regulation.

1148 Sec. 12. Section 16-50j of the general statutes is repealed and the
1149 following is substituted in lieu thereof (*Effective July 1, 2011*):

1150 (a) There is established a "Connecticut Siting Council", hereinafter
1151 referred to as the "council", which shall be within the Department of
1152 [Public Utility Control] Energy and Environmental Protection.

1153 (b) Except for proceedings under chapter 445, this subsection and
1154 subsection (c) of this section, the council shall consist of: (1) The
1155 Commissioner of Energy and Environmental Protection, or his
1156 designee; (2) [the chairman, or his designee, of the Public Utilities
1157 Control Authority; (3)] one designee of the speaker of the House and
1158 one designee of the president pro tempore of the Senate; and [(4)] (3)
1159 five members of the public, to be appointed by the Governor, at least
1160 two of whom shall be experienced in the field of ecology, and not more
1161 than one of whom shall have affiliation, past or present, with any
1162 utility or governmental utility regulatory agency, or with any person
1163 owning, operating, controlling, or presently contracting with respect to
1164 a facility, a hazardous waste facility, as defined in section 22a-115, or
1165 an ash residue disposal area.

1166 (c) For proceedings under chapter 445, subsection (b) of this section
1167 and this subsection, the council shall consist of (1) the Commissioners
1168 of Public Health and Public Safety or their designated representatives;
1169 (2) the designees of the speaker of the House of Representatives and
1170 the president pro tempore of the Senate as provided in subsection (b)
1171 of this section; (3) the five members of the public as provided in
1172 subsection (b) of this section; and (4) four ad hoc members, three of
1173 whom shall be electors from the municipality in which the proposed
1174 facility is to be located and one of whom shall be an elector from a
1175 neighboring municipality likely to be most affected by the proposed
1176 facility. The municipality most affected by the proposed facility shall
1177 be determined by the permanent members of the council. If any one of
1178 the five members of the public or of the designees of the speaker of the

1179 House of Representatives or the president pro tempore of the Senate
1180 resides (A) in the municipality in which a hazardous waste facility is
1181 proposed to be located for a proceeding concerning a hazardous waste
1182 facility or in which a low-level radioactive waste facility is proposed to
1183 be located for a proceeding concerning a low-level radioactive waste
1184 facility, or (B) in the neighboring municipality likely to be most
1185 affected by the proposed facility, the appointing authority shall
1186 appoint a substitute member for the proceedings on such proposal. If
1187 any appointee is unable to perform his duties on the council due to
1188 illness, or has a substantial financial or employment interest which is
1189 in conflict with the proper discharge of his duties under this chapter,
1190 the appointing authority shall appoint a substitute member for
1191 proceedings on such proposal. An appointee shall report any
1192 substantial financial or employment interest which might conflict with
1193 the proper discharge of his duties under this chapter to the appointing
1194 authority who shall determine if such conflict exists. If any state
1195 agency is the applicant, an appointee shall not be deemed to have a
1196 substantial employment conflict of interest because of employment
1197 with the state unless such appointee is directly employed by the state
1198 agency making the application. Ad hoc members shall be appointed by
1199 the chief elected official of the municipality they represent and shall
1200 continue their membership until the council issues a letter of
1201 completion of the development and management plan to the applicant.

1202 (d) For proceedings under sections 22a-285d to 22a-285h, inclusive,
1203 the council shall consist of (1) the Commissioners of Public Health and
1204 Public Safety or their designated representatives; (2) the designees of
1205 the speaker of the House of Representatives and the president pro
1206 tempore of the Senate as provided in subsection (b) of this section, and
1207 (3) five members of the public as provided in subsection (b) of this
1208 section. If any one of the five members of the public or of the designees
1209 of the speaker of the House of Representatives or the president pro
1210 tempore of the Senate resides in the municipality in which an ash
1211 residue disposal area is proposed to be located the appointing
1212 authority shall appoint a substitute member for the proceedings on

1213 such proposal. If any appointee is unable to perform his duties on the
1214 council due to illness, or has a substantial financial or employment
1215 interest which is in conflict with the proper discharge of his duties
1216 under sections 22a-285d to 22a-285h, inclusive, the appointing
1217 authority shall appoint a substitute member for proceedings on such
1218 proposal. An appointee shall report any substantial financial or
1219 employment interest which might conflict with the proper discharge of
1220 his duties under said sections to the appointing authority who shall
1221 determine if such conflict exists. If any state agency is the applicant, an
1222 appointee shall not be deemed to have a substantial employment
1223 conflict of interest because of employment with the state unless such
1224 appointee is directly employed by the state agency making the
1225 application.

1226 (e) The chairman of the council shall be appointed by the Governor
1227 from among the five public members appointed by him, with the
1228 advice and consent of the House or Senate, and shall serve as chairman
1229 at the pleasure of the Governor.

1230 (f) The public members of the council, including the chairman, the
1231 members appointed by the speaker of the House and president pro
1232 tempore of the Senate and the four ad hoc members specified in
1233 subsection (c) of this section, shall be compensated for their attendance
1234 at public hearings, executive sessions, or other council business as may
1235 require their attendance at the rate of two hundred dollars, provided in
1236 no case shall the daily compensation exceed two hundred dollars.

1237 (g) The council shall, in addition to its other duties prescribed in this
1238 chapter, adopt, amend, or rescind suitable regulations to carry out the
1239 provisions of this chapter and the policies and practices of the council
1240 in connection therewith, and appoint and prescribe the duties of such
1241 staff as may be necessary to carry out the provisions of this chapter.
1242 The chairman of the council, with the consent of five or more other
1243 members of the council, may appoint an executive director, who shall
1244 be the chief administrative officer of the Connecticut Siting Council.
1245 The executive director shall be exempt from classified service.

1246 (h) Prior to commencing any hearing pursuant to section 16-50m,
1247 the council shall consult with and solicit written comments from the
1248 Department of Energy and Environmental Protection, the Department
1249 of Public Health, the Council on Environmental Quality, the
1250 Department of Agriculture, [the Department of Public Utility Control,]
1251 the Office of Policy and Management, the Department of Economic
1252 and Community Development and the Department of Transportation.
1253 In addition, the Department of Energy and Environmental Protection
1254 shall have the continuing responsibility to investigate and report to the
1255 council on all applications which prior to October 1, 1973, were within
1256 the jurisdiction of said Department of Environmental Protection with
1257 respect to the granting of a permit. Copies of such comments shall be
1258 made available to all parties prior to the commencement of the
1259 hearing. Subsequent to the commencement of the hearing, said
1260 departments and council may file additional written comments with
1261 the council within such period of time as the council designates. All
1262 such written comments shall be made part of the record provided by
1263 section 16-50o. Said departments and council shall not enter any
1264 contract or agreement with any party to the proceedings or hearings
1265 described in this section or section 16-50p, that requires said
1266 departments or council to withhold or retract comments, refrain from
1267 participating in or withdraw from said proceedings or hearings.

1268 Sec. 13. Section 16-261a of the general statutes is repealed and the
1269 following is substituted in lieu thereof (*Effective July 1, 2011*):

1270 (a) There is established an interagency task force to study electric
1271 and magnetic fields. The task force shall determine the appropriate
1272 role of the state in addressing the potential problems associated with
1273 electric and magnetic fields and may make recommendations to the
1274 General Assembly regarding any legislation which it deems
1275 appropriate. The task force shall consist of (1) the Commissioner of
1276 Public Health or his designee; (2) the Commissioner of Energy and
1277 Environmental Protection or his designee; (3) the Commissioner of
1278 Economic and Community Development or his designee; (4) the
1279 Secretary of the Office of Policy and Management or his designee; and

1280 (5) [the chairperson of the Public Utilities Control Authority or his
1281 designee; and (6)] the chairman of the Connecticut Siting Council or
1282 his designee.

1283 (b) The Commissioner of Energy and Environmental Protection, in
1284 consultation with the Department of Public Health, [and the
1285 Department of Public Utility Control,] shall assess all electric public
1286 service companies, as defined in section 16-1, as amended by this act,
1287 for a total of one hundred fifty thousand dollars for the fiscal year
1288 ending June 30, 1992. The commissioner, in consultation with the task
1289 force, shall develop an equitable method of assessing the companies
1290 for their reasonable pro rata share of the assessment. The moneys
1291 assessed by the commissioner shall be deposited with the Treasurer
1292 and shall only be expended by the interagency electric and magnetic
1293 fields task force for the purpose of (1) contracting for the services of
1294 electric and magnetic fields experts to assist the task force in
1295 determining the need for and the development of recommendations to
1296 the public concerning prudent methods of avoiding exposure to
1297 electric and magnetic fields, and (2) reviewing and compiling the
1298 existing scientific literature concerning electric and magnetic fields to
1299 identify any significant adverse effects caused by exposure to electric
1300 and magnetic fields and to determine whether there are gaps in the
1301 existing scientific literature that could be filled by original scientific
1302 research completed in Connecticut. The task force shall submit reports
1303 of its findings and recommendations to the joint standing committees
1304 on energy and technology, public health and the environment on or
1305 before February 1, 1998.

1306 Sec. 14. Section 16a-3 of the general statutes is repealed and the
1307 following is substituted in lieu thereof (*Effective July 1, 2011*):

1308 (a) There is established a Connecticut Energy Advisory Board
1309 consisting of fifteen members, including the Commissioner of Energy
1310 and Environmental Protection, [the chairperson of the Public Utilities
1311 Control Authority,] the Commissioner of Transportation [, the
1312 Consumer Counsel,] and the Commissioner of Agriculture, [and the

1313 Secretary of the Office of Policy and Management,] or their respective
1314 designees. The Governor shall appoint a representative of an
1315 environmental organization knowledgeable in energy efficiency
1316 programs, a representative of a consumer advocacy organization and a
1317 representative of a state-wide business association. The president pro
1318 tempore of the Senate shall appoint a representative of a chamber of
1319 commerce, a representative of a state-wide manufacturing association
1320 and a member of the public considered to be an expert in electricity,
1321 generation, procurement or conservation programs. The speaker of the
1322 House of Representatives shall appoint a representative of low-income
1323 ratepayers, a representative of state residents, in general, with
1324 expertise in energy issues and a member of the public considered to be
1325 an expert in electricity, generation, procurement or conservation
1326 programs. All appointed members shall serve in accordance with
1327 section 4-1a. No appointee may be employed by, or a consultant of, a
1328 public service company, as defined in section 16-1, as amended by this
1329 act, or an electric supplier, as defined in section 16-1, as amended by
1330 this act, or an affiliate or subsidiary of such company or supplier.

1331 (b) The board shall (1) represent the state in regional energy system
1332 planning processes conducted by the regional independent system
1333 operator, as defined in section 16-1, as amended by this act; (2)
1334 encourage representatives from the municipalities that are affected by
1335 a proposed project of regional significance to participate in regional
1336 energy system planning processes conducted by the regional
1337 independent system operator; (3) participate in a forecast proceeding
1338 conducted pursuant to subsection (a) of section 16-50r; (4) participate
1339 in a life-cycle proceeding conducted pursuant to subsection (b) of
1340 section 16-50r; and (5) review the procurement plan submitted by the
1341 electric distribution companies pursuant to section 16a-3a, as amended
1342 by this act.

1343 (c) The board shall elect a chairman and a vice-chairman from
1344 among its members and shall adopt such rules of procedure as are
1345 necessary to carry out its functions.

1346 (d) The board shall convene its first meeting not later than
1347 September 1, 2003. A quorum of the board shall consist of two-thirds
1348 of the members currently serving on the board.

1349 (e) The board shall employ such staff as is required for the proper
1350 discharge of its duties. The board may also retain any third-party
1351 consultants it deems necessary to accomplish the goals set forth in
1352 subsection (b) of this section. The board shall annually submit to the
1353 Department of [Public Utility Control] Energy and Environmental
1354 Protection a proposal regarding the level of funding required for the
1355 discharge of its duties, which proposal shall be approved by the
1356 department either as submitted or as modified by the department.

1357 (f) The Connecticut Energy Advisory Board shall be within the
1358 [Office of Policy and Management] Department of Energy and
1359 Environmental Protection for administrative purposes only.

1360 Sec. 15. Subsections (e) and (f) of section 16a-3a of the general
1361 statutes are repealed and the following is substituted in lieu thereof
1362 (*Effective July 1, 2011*):

1363 (e) The board, in consultation with the regional independent system
1364 operator, shall review and [approve or review, modify and approve]
1365 recommend approval or review and recommend modification and
1366 approval to the Commissioner of Energy and Environmental
1367 Protection of the proposed procurement plan as submitted not later
1368 than one hundred twenty days after receipt. For calendar years 2009
1369 and thereafter, the board shall conduct such review not later than sixty
1370 days after receipt. For the purpose of reviewing the plan, the
1371 Commissioners of Transportation and Agriculture, [and the
1372 chairperson of the Public Utilities Control Authority,] or their
1373 respective designees, shall not participate as members of the board.
1374 The electric distribution companies shall provide any additional
1375 information requested by the board that is relevant to the
1376 consideration of the procurement plan. In the course of conducting
1377 such review, the board shall conduct a public hearing, may retain the

1378 services of a third-party entity with experience in the area of energy
1379 procurement and may consult with the regional independent system
1380 operator. The board shall submit the reviewed procurement plan,
1381 together with a statement of any unresolved issues, to the Department
1382 of [Public Utility Control] Energy and Environmental Protection. The
1383 department shall consider the procurement plan in an uncontested
1384 proceeding and shall conduct a hearing and provide an opportunity
1385 for interested parties to submit comments regarding the procurement
1386 plan. Not later than one hundred twenty days after submission of the
1387 procurement plan, the department shall approve, or modify and
1388 approve, the procurement plan.

1389 (f) On or before September 30, [2009] 2011, and every two years
1390 thereafter, the Department of [Public Utility Control] Energy and
1391 Environmental Protection shall report to the joint standing committees
1392 of the General Assembly having cognizance of matters relating to
1393 energy and the environment regarding goals established and progress
1394 toward implementation of the procurement plan established pursuant
1395 to this section, as well as any recommendations for the process.

1396 Sec. 16. Section 16a-3c of the general statutes is repealed and the
1397 following is substituted in lieu thereof (*Effective July 1, 2011*):

1398 (a) On and after July 1, [2009] 2011, if the Department of [Public
1399 Utility Control] Energy and Environmental Protection does not receive
1400 and approve proposals pursuant to the requests for proposals
1401 processes, pursuant to section 16a-3b, sufficient to reach the goal set by
1402 the plan approved pursuant to section 16a-3a, as amended by this act,
1403 the department may order an electric distribution company to submit
1404 for the department's review in a contested case proceeding, in
1405 accordance with chapter 54, a proposal to build and operate an electric
1406 generation facility in the state. An electric distribution company shall
1407 be eligible to recover its prudently incurred costs consistent with the
1408 principles set forth in section 16-19e for any generation project
1409 approved pursuant to this section.

1410 (b) On or before January 1, 2008, the department shall initiate a
1411 contested case proceeding to determine the costs and benefits of the
1412 state serving as the builder of last resort for the shortfall of megawatts
1413 from said request for proposal process.

1414 Sec. 17. Section 16a-4 of the general statutes is repealed and the
1415 following is substituted in lieu thereof (*Effective July 1, 2011*):

1416 The Secretary of the Office of Policy and Management shall employ,
1417 subject to the provisions of chapter 67, such staff as is required for the
1418 proper discharge of duties of the office as set forth in this chapter and
1419 sections 4-5, as amended by this act, 4-124l, [4-124p,] 8-3b, 8-32a, 8-33a,
1420 8-35a, 8-189, subsection (b) of section 8-206, sections 16a-20, 16a-102,
1421 22a-352 and 22a-353. The secretary may adopt, pursuant to chapter 54,
1422 such regulations as are necessary to carry out the purposes of this
1423 chapter.

1424 Sec. 18. Subsection (b) of section 16a-7b of the general statutes is
1425 repealed and the following is substituted in lieu thereof (*Effective July*
1426 *1, 2011*):

1427 (b) No municipality other than a municipality operating a plant
1428 pursuant to chapter 101 or any special act and acting for purposes
1429 thereto may take an action to condemn, in whole or in part, or restrict
1430 the operation of any existing and currently operating energy facility, if
1431 such facility is first determined by the Department of [Public Utility
1432 Control] Energy and Environmental Protection, following a contested
1433 case proceeding, held in accordance with the provisions of chapter 54,
1434 to comprise a critical, unique and unmovable component of the state's
1435 energy infrastructure, unless the municipality first receives written
1436 approval from the department, [the Office of Policy and Management,]
1437 the Connecticut Energy Advisory Board and the Connecticut Siting
1438 Council that such taking would not have a detrimental impact on the
1439 state's or region's ability to provide a particular energy resource to its
1440 citizens.

1441 Sec. 19. Subsection (a) of section 16a-7c of the general statutes is

1442 repealed and the following is substituted in lieu thereof (*Effective July*
1443 *1, 2011*):

1444 (a) Not later than fifteen days after receiving information pursuant
1445 to subsection (e) of section 16-50*l*, the Connecticut Energy Advisory
1446 Board shall publish such information in one or more newspapers or
1447 periodicals, as selected by the [board] Department of Energy and
1448 Environmental Protection.

1449 Sec. 20. Section 16a-22c of the general statutes is repealed and the
1450 following is substituted in lieu thereof (*Effective July 1, 2011*):

1451 For the purposes of sections 16a-15 and 16a-22c to 16a-22g,
1452 inclusive:

1453 (1) "Company" means any corporation, partnership, proprietorship
1454 or any other business, firm or commercial entity;

1455 (2) "Petroleum products" means middle distillate, residual fuel oil,
1456 liquefied petroleum gas, motor gasoline, aviation gasoline or aviation
1457 turbine fuel, as defined in regulations which the [secretary]
1458 commissioner shall adopt in accordance with the provisions of chapter
1459 54. Notwithstanding any provision of this subdivision to the contrary,
1460 "petroleum products" shall not include gasoline other than aviation
1461 gasoline, which is sold at retail in accordance with the provisions of
1462 chapter 250;

1463 (3) ["Secretary" means the Secretary of the Office of Policy and
1464 Management, or his designee.] "Commissioner" means the
1465 Commissioner of Energy and Environmental Protection, or the
1466 commissioner's designee.

1467 Sec. 21. Subsection (f) of section 16a-23t of the general statutes is
1468 repealed and the following is substituted in lieu thereof (*Effective July*
1469 *1, 2011*):

1470 (f) The [chairperson of the Public Utilities Control Authority, or the
1471 chairperson's designee, the] Commissioner of Social Services, or the

1472 commissioner's designee, the chairperson of the Connecticut Energy
1473 Advisory Board, and the Secretary of the Office of Policy and
1474 Management, or the secretary's designee, shall constitute a Home
1475 Heating Oil Planning Council to address issues involving the supply,
1476 delivery and costs of home heating oil and state policies regarding the
1477 future of the state's home heating oil supply. The Secretary of the
1478 Office of Policy and Management shall convene the first meeting of the
1479 council.

1480 Sec. 22. Section 16a-37w of the general statutes is repealed and the
1481 following is substituted in lieu thereof (*Effective July 1, 2011*):

1482 The [Secretary of the Office of Policy and Management]
1483 Commissioner of Energy and Environmental Protection shall, within
1484 available appropriations and in consultation with each state
1485 department, each constituent unit of the state system of higher
1486 education, as defined in section 10-1, the Judicial Branch and the Joint
1487 Committee on Legislative Management, establish a program designed
1488 to encourage the use of biodiesel blended heating fuel mixed from not
1489 more than ninety per cent ultra low sulfur number 2 heating oil and
1490 not less than ten per cent of biodiesel in state buildings and facilities
1491 under the custody and control of such department, unit, branch or
1492 committee. On or before January 1, [2008] 2012, the [secretary]
1493 commissioner shall prepare a plan for implementation of such
1494 program which shall include, but not be limited to, (1) identification of
1495 state buildings and facilities suitable for biodiesel blended heating fuel,
1496 (2) evaluation of energy efficiency and reliability of biodiesel blended
1497 heating fuel in such buildings and facilities, and (3) the availability and
1498 feasibility of exclusively using such fuels or fuel products, including
1499 agricultural products or waste yellow grease, produced in Connecticut.

1500 Sec. 23. Subsection (b) of section 16a-38k of the general statutes is
1501 repealed and the following is substituted in lieu thereof (*Effective July*
1502 *1, 2011*):

1503 (b) Not later than January 1, 2007, the [Secretary of the Office of

1504 Policy and Management] Commissioner of Energy and Environmental
1505 Protection, in consultation with the Commissioner of Public Works [,
1506 the Commissioner of Environmental Protection] and the
1507 Commissioner of Public Safety, shall adopt regulations, in accordance
1508 with the provisions of chapter 54, to adopt state building construction
1509 standards that are consistent with or exceed the silver building rating
1510 of the Leadership in Energy and Environmental Design's rating system
1511 for new commercial construction and major renovation projects, as
1512 established by the United States Green Building Council, including
1513 energy standards that exceed those set forth in the 2004 edition of the
1514 American Society of Heating, Ventilating and Air Conditioning
1515 Engineers (ASHRAE) Standard 90.1 by no less than twenty per cent, or
1516 an equivalent standard, including, but not limited to, a two-globe
1517 rating in the Green Globes USA design program, and thereafter update
1518 such regulations as the [secretary] commissioner deems necessary.

1519 Sec. 24. Section 16a-39 of the general statutes is repealed and the
1520 following is substituted in lieu thereof (*Effective July 1, 2011*):

1521 (a) As used in this section:

1522 (1) "Public building" means any building or portion thereof, other
1523 than an "exempted building", which is open to the public during
1524 normal business hours, including (A) any building which provides
1525 facilities or shelter for public assembly, (B) any inn, hotel, motel, sports
1526 arena, supermarket, transportation terminal, retail store, restaurant, or
1527 other commercial establishment which provides services or retails
1528 merchandise, and (C) any building owned or leased by the state of
1529 Connecticut or any political subdivision thereof, or by another state or
1530 political subdivision thereof and located in Connecticut, including
1531 libraries, museums, schools, hospitals, auditoriums, sports arenas and
1532 university buildings;

1533 (2) "Exempted building" means (A) any building whose peak design
1534 rate of energy usage for all purposes is less than one watt per square
1535 foot of floor area for all purposes, (B) any building with neither a

1536 heating nor cooling system, and (C) any building owned or leased in
1537 whole or in part by the United States;

1538 (3) "Commissioner" means the Commissioner of Public Works or his
1539 designee; and

1540 [(4) "Secretary" means the Secretary of the Office of Policy and
1541 Management or his designee; and]

1542 [(5)] (4) "Eligible building" means a building owned by a
1543 municipality, located within the state and not used for public
1544 education purposes.

1545 (b) The commissioner, after consultation with the [secretary]
1546 Commissioner of Energy and Environmental Protection and with such
1547 advisory board as [said secretary] the Commissioner of Energy and
1548 Environmental Protection may appoint, shall adopt, in accordance
1549 with chapter 54, regulations establishing lighting standards for all
1550 public buildings. The members of any such advisory board shall
1551 receive neither compensation nor expenses for the performance of their
1552 duties.

1553 (c) The lighting standards adopted pursuant to subsection (b) of this
1554 section shall provide for the maximum feasible energy efficiency of
1555 lighting equipment commensurate with other factors relevant to
1556 lighting levels and equipment, including, but not limited to, the
1557 purposes of the lighting, reasonable economic considerations in terms
1558 both of initial capital costs and of operating costs including nonenergy
1559 operating costs, reasonable budgetary considerations in terms of the
1560 feasibility of implementing changes which require a significant capital
1561 expenditure in a given time period, any constraints imposed on
1562 lighting equipment by the nature of the activities being carried out in
1563 the facility involved, considerations involving historic preservation or
1564 unusual architectural features, the amount of remaining useful lifetime
1565 which a particular structure would be expected to enjoy and the size of
1566 the building or portion of the building involved.

1567 (d) The commissioner shall, upon the adoption of the regulations
1568 required by subsection (b) of this section, make random inspections of
1569 public buildings to monitor compliance with the standards established
1570 by such regulations. The commissioner may also inspect any public
1571 buildings against which complaints alleging violation of such
1572 standards have been received. The operator of a public building or
1573 portion thereof shall provide access to such inspectors at any
1574 reasonable time, including all times during which the facility is open to
1575 the public. If an inspector is denied access to a public building for the
1576 purposes of making an inspection in accordance with the provisions of
1577 this section, the commissioner may apply to the superior court for the
1578 judicial district wherein such building is located for injunctive or other
1579 equitable relief. If upon inspection it is determined that the lighting
1580 levels in a public building do not conform to such standards, the
1581 inspector shall make available to the owner or operator of such
1582 building, information regarding such standards and the economic and
1583 energy savings expected to result from compliance therewith. The
1584 owner or operator of a public building may, after having taken
1585 appropriate measures to render such building in compliance with such
1586 standards request a reinspection of such building by the commissioner.
1587 The commissioner may, upon such request or at his own discretion,
1588 conduct such reinspection and determine whether or not such building
1589 has been brought into compliance with such standards.

1590 (e) The commissioner shall maintain a listing of all public buildings
1591 found to be in compliance with the lighting standards adopted
1592 pursuant to subsection (c) of this section.

1593 (f) The [secretary] Commissioner of Energy and Environmental
1594 Protection may award lighting grants to municipalities for the purpose
1595 of improving the energy efficiency of lighting equipment in eligible
1596 buildings. All lighting grants shall be awarded based on an
1597 application, submitted by a municipality, which sets forth the lighting
1598 conservation measures to be implemented. Such measures shall meet
1599 the standards established pursuant to subsection (b) of this section and
1600 be consistent with the state energy policy, as set forth in section 16a-

1601 35k. When evaluating the applications submitted pursuant to this
1602 section and determining the amount of a lighting grant, the [secretary]
1603 Commissioner of Energy and Environmental Protection shall consider
1604 the energy savings and the payback period for the measures to be
1605 implemented and any other information which the [secretary]
1606 commissioner deems relevant. The funds for lighting grants shall be
1607 provided from proceeds of bonds issued for such purpose. The amount
1608 of each grant shall be not less than five thousand dollars but not more
1609 than fifty thousand dollars, provided the [secretary] Commissioner of
1610 Energy and Environmental Protection may award grants of less than
1611 five thousand dollars or more than fifty thousand dollars if the
1612 [secretary] Commissioner of Energy and Environmental Protection
1613 finds good cause to do so. All public service company incentive
1614 payments contributed to any energy conservation project at an eligible
1615 building shall be applied to pay the principal cost of that project.

1616 Sec. 25. Section 16a-40 of the general statutes is repealed and the
1617 following is substituted in lieu thereof (*Effective July 1, 2011*):

1618 For the purposes of sections 16a-40a to 16a-40c, inclusive, and this
1619 section:

1620 [(a)] (1) "Commissioner" means the Commissioner of [Economic and
1621 Community Development] Energy and Environmental Protection;

1622 [(b)] (2) "Alternative energy device" means a wood-burning stove
1623 for space heating and any system or mechanism which uses wood,
1624 solar radiation, wind, water or geothermal resources as a source for
1625 space heating, water heating, cooling or generation of electrical energy.
1626 Such alternative energy device may be a new source or system, a
1627 replacement of an existing source or system or a supplement to an
1628 existing source or system; and

1629 [(c)] (3) "Residential structure" means any building in which at least
1630 two-thirds of the usable square footage is used for dwelling purposes.

1631 Sec. 26. Section 16a-41b of the general statutes is repealed and the

1632 following is substituted in lieu thereof (*Effective July 1, 2011*):

1633 (a) There shall be a Low-Income Energy Advisory Board which shall
1634 consist of the following members: The [Secretary of the Office of Policy
1635 and Management or the secretary's designee] Commissioner of Energy
1636 and Environmental Protection or the commissioner's designee; the
1637 Commissioner of Social Services or the commissioner's designee; the
1638 executive director of the Commission on Aging; a representative of
1639 each electric and gas public service company designated by each such
1640 company; [the chairperson of the Department of Public Utility Control
1641 or] a commissioner of the Department of Public Utility Control;
1642 [designated by the chairperson;] the Consumer Counsel or the
1643 counsel's designee; the executive director of Operation Fuel; the
1644 executive director of Infoline; the director of the Connecticut Local
1645 Administrators of Social Services; the executive director of Legal
1646 Assistance Resource Center of Connecticut; the Connecticut president
1647 of AARP; a designee of the Norwich Public Utility; a designee of the
1648 Connecticut Petroleum Dealers Association; and a representative of the
1649 community action agencies administering energy assistance programs
1650 under contract with the Department of Social Services, designated by
1651 the Connecticut Association for Community Action.

1652 (b) The Low-Income Energy Advisory Board shall advise and assist
1653 the [Office of Policy and Management] Department of Energy and
1654 Environmental Protection and the Department of Social Services in the
1655 planning, development, implementation and coordination of energy-
1656 assistance-related programs and policies and low-income
1657 weatherization assistance programs and policies, shall advise the
1658 Department of [Public Utility Control] Energy and Environmental
1659 Protection regarding the impact of utility rates and policies, and shall
1660 make recommendations to the General Assembly regarding (1)
1661 legislation and plans subject to legislative approval, and (2)
1662 administration of the block grant program authorized under the Low-
1663 Income Energy Assistance Act, as described in section 16a-41a, to
1664 ensure affordable access to residential energy services to low-income
1665 state residents.

1666 (c) The [Secretary of the Office of Policy and Management or the
1667 person designated by the secretary] Commissioner of Energy and
1668 Environmental Protection or the commissioner's designee appointed
1669 pursuant to subsection (a) of this section shall be the chairperson of the
1670 board.

1671 (d) The [Secretary of the Office of Policy and Management]
1672 Commissioner of Energy and Environmental Protection shall convene
1673 the first meeting of the board not later than August 1, 2005. The
1674 [secretary] commissioner shall provide notice of meetings to the
1675 members of Low-Income Energy Advisory Board, provide space for
1676 such meetings, maintain minutes and publish reports of the board.

1677 Sec. 27. Section 16a-46 of the general statutes is repealed and the
1678 following is substituted in lieu thereof (*Effective July 1, 2011*):

1679 (a) The [Secretary of the Office of Policy and Management]
1680 Commissioner of Energy and Environmental Protection shall be
1681 responsible for the development and implementation of a residential
1682 energy conservation service program in accordance with the
1683 provisions of this section, sections 16a-46a, 16a-46b and 16a-46c, as
1684 amended by this act, and applicable federal law. Participants in the
1685 program shall provide or arrange for low cost energy audits. No
1686 participant under subdivision (1) or (3) of section 16a-45a may be
1687 required to provide such services outside its authorized service area or
1688 area of normal operation. The residential energy conservation service
1689 program shall terminate on July 1, 2010.

1690 (b) The [secretary, in consultation with the Department of Public
1691 Utility Control] commissioner, may adopt regulations, in accordance
1692 with chapter 54, with regard to the conduct and administration of such
1693 program. Not later than January first in 1996 and 1997, each participant
1694 shall submit a report to the [secretary] commissioner concerning the
1695 energy audits the participant provided or arranged for pursuant to this
1696 section. Not later than February first in 1996 and 1997, the [secretary]
1697 commissioner shall submit a report to the joint standing committee of

1698 the General Assembly having cognizance of matters relating to energy
1699 and technology concerning all energy audits provided or arranged for
1700 pursuant to this section.

1701 Sec. 28. Section 16a-46c of the general statutes is repealed and the
1702 following is substituted in lieu thereof (*Effective July 1, 2011*):

1703 The [Department of] Public Utility Control Authority shall exercise
1704 its regulatory responsibilities as they relate to the residential energy
1705 conservation service program within any program guidelines
1706 established by the [Secretary of the Office of Policy and Management]
1707 Commissioner of Energy and Environmental Protection in regulations
1708 adopted under section 16a-46, as amended by this act, and in the plan
1709 authorized under section 16a-46a. The [secretary] commissioner shall
1710 consult with the department in the development of the program. The
1711 department, in consultation with the [secretary] commissioner, may
1712 adopt regulations in accordance with chapter 54 concerning the
1713 conduct and administration of the program as it relates to the
1714 department's regulatory responsibilities.

1715 Sec. 29. Section 16a-48 of the general statutes is repealed and the
1716 following is substituted in lieu thereof (*Effective July 1, 2011*):

1717 (a) As used in this section:

1718 (1) ["Office" means the Office of Policy and Management;]
1719 "Department" means the Department of Energy and Environmental
1720 Protection;

1721 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
1722 to operate fluorescent lamps by providing a starting voltage and
1723 current and limiting the current during normal operation, but does not
1724 include such devices that have a dimming capability or are intended
1725 for use in ambient temperatures of zero degrees Fahrenheit or less or
1726 have a power factor of less than sixty-one hundredths for a single
1727 F40T12 lamp;

1728 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
1729 nominal forty-watt lamp, with a forty-eight-inch tube length and one
1730 and one-half inches in diameter;

1731 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
1732 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
1733 one and one-half inches in diameter;

1734 (5) "Luminaire" means a complete lighting unit consisting of a
1735 fluorescent lamp, or lamps, together with parts designed to distribute
1736 the light, to position and protect such lamps, and to connect such
1737 lamps to the power supply;

1738 (6) "New product" means a product that is sold, offered for sale, or
1739 installed for the first time and specifically includes floor models and
1740 demonstration units;

1741 (7) ["Secretary" means the Secretary of the Office of Policy and
1742 Management;] "Commissioner" means the Commissioner of Energy
1743 and Environmental Protection;

1744 (8) "State Building Code" means the building code adopted
1745 pursuant to section 29-252;

1746 (9) "Torchiere lighting fixture" means a portable electric lighting
1747 fixture with a reflector bowl giving light directed upward so as to give
1748 indirect illumination;

1749 (10) "Unit heater" means a self-contained, vented fan-type
1750 commercial space heater that uses natural gas or propane and that is
1751 designed to be installed without ducts within the heated space. "Unit
1752 heater" does not include a product regulated by federal standards
1753 pursuant to 42 USC 6291, as amended from time to time, a product that
1754 is a direct vent, forced flue heater with a sealed combustion burner, or
1755 any oil fired heating system;

1756 (11) "Transformer" means a device consisting of two or more coils of
1757 insulated wire that transfers alternating current by electromagnetic

1758 induction from one coil to another in order to change the original
1759 voltage or current value;

1760 (12) "Low-voltage dry-type transformer" means a transformer that:
1761 (A) Has an input voltage of six hundred volts or less; (B) is between
1762 fourteen kilovolt-amperes and two thousand five hundred one
1763 kilovolt-amperes in size; (C) is air-cooled; and (D) does not use oil as a
1764 coolant. "Low-voltage dry-type transformer" does not include such
1765 transformers excluded from the low-voltage dry-type distribution
1766 transformer definition contained in the California Code of Regulations,
1767 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency
1768 Regulations;

1769 (13) "Pass-through cabinet" means a refrigerator or freezer with
1770 hinged or sliding doors on both the front and rear of the refrigerator or
1771 freezer;

1772 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
1773 thereof, with hinged or sliding doors or lids;

1774 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
1775 freezer with hinged or sliding doors that allows wheeled racks of
1776 product to be rolled into or through the refrigerator or freezer;

1777 (16) "Commercial refrigerators and freezers" means reach-in
1778 cabinets, pass-through cabinets, roll-in cabinets and roll-through
1779 cabinets that have less than eighty-five feet of capacity, which are
1780 designed for the refrigerated or frozen storage of food and food
1781 products;

1782 (17) "Traffic signal module" means a standard eight-inch or twelve-
1783 inch round traffic signal indicator consisting of a light source, lens and
1784 all parts necessary for operation and communication of movement
1785 messages to drivers through red, amber and green colors;

1786 (18) "Illuminated exit sign" means an internally illuminated sign that
1787 is designed to be permanently fixed in place and used to identify an

1788 exit by means of a light source that illuminates the sign or letters from
1789 within where the background of the exit sign is not transparent;

1790 (19) "Packaged air-conditioning equipment" means air-conditioning
1791 equipment that is built as a package and shipped as a whole to end-
1792 user sites;

1793 (20) "Large packaged air-conditioning equipment" means air-cooled
1794 packaged air-conditioning equipment having not less than two
1795 hundred forty thousand BTUs per hour of capacity;

1796 (21) "Commercial clothes washer" means a soft mount front-loading
1797 or soft mount top-loading clothes washer that is designed for use in
1798 (A) applications where the occupants of more than one household will
1799 be using it, such as in multifamily housing common areas and coin
1800 laundries; or (B) other commercial applications, if the clothes container
1801 compartment is no greater than three and one-half cubic feet for
1802 horizontal-axis clothes washers or no greater than four cubic feet for
1803 vertical-axis clothes washers;

1804 (22) "Energy efficiency ratio" means a measure of the relative
1805 efficiency of a heating or cooling appliance that is equal to the unit's
1806 output in BTUs per hour divided by its consumption of energy,
1807 measured in watts;

1808 (23) "Electricity ratio" means the ratio of furnace electricity use to
1809 total furnace energy use;

1810 (24) "Boiler" means a space heater that is a self-contained appliance
1811 for supplying steam or hot water primarily intended for space-heating.
1812 "Boiler" does not include hot water supply boilers;

1813 (25) "Central furnace" means a self-contained space heater designed
1814 to supply heated air through ducts of more than ten inches in length;

1815 (26) "Residential furnace or boiler" means a product that utilizes
1816 only single-phase electric current or single-phase electric current or DC
1817 current in conjunction with natural gas, propane or home heating oil

1818 and that (A) is designed to be the principal heating source for the
1819 living space of a residence; (B) is not contained within the same cabinet
1820 as a central air conditioner with a rated cooling capacity of not less
1821 than sixty-five thousand BTUs per hour; (C) is an electric central
1822 furnace, electric boiler, forced-air central furnace, gravity central
1823 furnace or low pressure steam or hot water boiler; and (D) has a heat
1824 input rate of less than three hundred thousand BTUs per hour for an
1825 electric boiler and low pressure steam or hot water boiler and less than
1826 two hundred twenty-five thousand BTUs per hour for a forced-air
1827 central furnace, gravity central furnace and electric central furnace;

1828 (27) "Furnace air handler" means the section of the furnace that
1829 includes the fan, blower and housing, generally upstream of the
1830 burners and heat exchanger. The furnace air handler may include a
1831 filter and a cooling coil;

1832 (28) "High-intensity discharge lamp" means a lamp in which light is
1833 produced by the passage of an electric current through a vapor or gas,
1834 the light-producing arc is stabilized by bulb wall temperature and the
1835 arc tube has a bulb wall loading in excess of three watts per square
1836 centimeter;

1837 (29) "Metal halide lamp" means a high intensity discharge lamp in
1838 which the major portion of the light is produced by radiation of metal
1839 halides and their products of dissociation, possibly in combination
1840 with metallic vapors;

1841 (30) "Metal halide lamp fixture" means a light fixture designed to be
1842 operated with a metal halide lamp and a ballast for a metal halide
1843 lamp;

1844 (31) "Probe start metal halide ballast" means a ballast used to
1845 operate metal halide lamps that does not contain an ignitor and that
1846 instead starts lamps by using a third starting electrode probe in the arc
1847 tube;

1848 (32) "Single voltage external AC to DC power supply" means a

1849 device that (A) is designed to convert line voltage AC input into lower
1850 voltage DC output; (B) is able to convert to only one DC output voltage
1851 at a time; (C) is sold with, or intended to be used with, a separate end-
1852 use product that constitutes the primary power load; (D) is contained
1853 within a separate physical enclosure from the end-use product; (E) is
1854 connected to the end-use product in a removable or hard-wired male
1855 and female electrical connection, cable, cord or other wiring; (F) does
1856 not have batteries or battery packs, including those that are removable
1857 or that physically attach directly to the power supply unit; (G) does not
1858 have a battery chemistry or type selector switch and indicator light or a
1859 battery chemistry or type selector switch and a state of charge meter;
1860 and (H) has a nameplate output power less than or equal to two
1861 hundred fifty watts;

1862 (33) "State regulated incandescent reflector lamp" means a lamp that
1863 is not colored or designed for rough or vibration service applications,
1864 has an inner reflective coating on the outer bulb to direct the light, has
1865 an E26 medium screw base, a rated voltage or voltage range that lies at
1866 least partially within one hundred fifteen to one hundred thirty volts,
1867 and that falls into one of the following categories: (A) A bulged
1868 reflector or elliptical reflector or a blown PAR bulb shape and that has
1869 a diameter that equals or exceeds two and one-quarter inches, or (B) a
1870 reflector, parabolic aluminized reflector, bulged reflector or similar
1871 bulb shape and that has a diameter of two and one-quarter to two and
1872 three-quarters inches. "State regulated incandescent reflector lamp"
1873 does not include ER30, BR30, BR40 and ER40 lamps of not more than
1874 fifty watts, BR30, BR40 and ER40 lamps of sixty-five watts and R20
1875 lamps of not more than forty-five watts;

1876 (34) "Bottle-type water dispenser" means a water dispenser that uses
1877 a bottle or reservoir as the source of potable water;

1878 (35) "Commercial hot food holding cabinet" means a heated, fully-
1879 enclosed compartment with one or more solid or partial glass doors
1880 that is designed to maintain the temperature of hot food that has been
1881 cooked in a separate appliance. "Commercial hot food holding cabinet"

1882 does not include heated glass merchandizing cabinets, drawer
1883 warmers or cook-and-hold appliances;

1884 (36) "Pool heater" means an appliance designed for heating
1885 nonpotable water contained at atmospheric pressure for swimming
1886 pools, spas, hot tubs and similar applications, including natural gas,
1887 heat pump, oil and electric resistance pool heaters;

1888 (37) "Portable electric spa" means a factory-built electric spa or hot
1889 tub supplied with equipment for heating and circulating water;

1890 (38) "Residential pool pump" means a pump used to circulate and
1891 filter pool water to maintain clarity and sanitation;

1892 (39) "Walk-in refrigerator" means a space refrigerated to
1893 temperatures at or above thirty-two degrees Fahrenheit that has a total
1894 chilled storage area of less than three thousand square feet, can be
1895 walked into and is designed for the refrigerated storage of food and
1896 food products. "Walk-in refrigerator" does not include refrigerated
1897 warehouses and products designed and marketed exclusively for
1898 medical, scientific or research purposes;

1899 (40) "Walk-in freezer" means a space refrigerated to temperatures
1900 below thirty-two degrees Fahrenheit that has a total chilled storage
1901 area of less than three thousand square feet, can be walked into and is
1902 designed for the frozen storage of food and food products. "Walk-in
1903 freezer" does not include refrigerated warehouses and products
1904 designed and marketed exclusively for medical, scientific or research
1905 purposes;

1906 (41) "Central air conditioner" means a central air conditioning model
1907 that consists of one or more factory-made assemblies, which normally
1908 include an evaporator or cooling coil, compressor and condenser.
1909 Central air conditioning models may provide the function of air
1910 cooling, air cleaning, dehumidifying or humidifying.

1911 (b) The provisions of this section apply to the testing, certification

1912 and enforcement of efficiency standards for the following types of new
1913 products sold, offered for sale or installed in the state: (1) Commercial
1914 clothes washers; (2) commercial refrigerators and freezers; (3)
1915 illuminated exit signs; (4) large packaged air-conditioning equipment;
1916 (5) low voltage dry-type distribution transformers; (6) torchiere
1917 lighting fixtures; (7) traffic signal modules; (8) unit heaters; (9)
1918 residential furnaces and boilers; (10) residential pool pumps; (11) metal
1919 halide lamp fixtures; (12) single voltage external AC to DC power
1920 supplies; (13) state regulated incandescent reflector lamps; (14) bottle-
1921 type water dispensers; (15) commercial hot food holding cabinets; (16)
1922 portable electric spas; (17) walk-in refrigerators and walk-in freezers;
1923 (18) pool heaters; and (19) any other products as may be designated by
1924 the office in accordance with subdivision (3) of subsection (d) of this
1925 section.

1926 (c) The provisions of this section do not apply to (1) new products
1927 manufactured in the state and sold outside the state, (2) new products
1928 manufactured outside the state and sold at wholesale inside the state
1929 for final retail sale and installation outside the state, (3) products
1930 installed in mobile manufactured homes at the time of construction, or
1931 (4) products designed expressly for installation and use in recreational
1932 vehicles.

1933 (d) (1) The [office, in consultation with the Department of Public
1934 Utility Control,] department shall adopt regulations, in accordance
1935 with the provisions of chapter 54, to implement the provisions of this
1936 section and to establish minimum energy efficiency standards for the
1937 types of new products set forth in subsection (b) of this section. The
1938 regulations shall provide for the following minimum energy efficiency
1939 standards:

1940 (A) Commercial clothes washers shall meet the requirements shown
1941 in Table P-3 of section 1605.3 of the California Code of Regulations,
1942 Title 20: Division 2, Chapter 4, Article 4;

1943 (B) Commercial refrigerators and freezers shall meet the August 1,

1944 2004, requirements shown in Table A-6 of said California regulation;

1945 (C) Illuminated exit signs shall meet the version 2.0 product
1946 specification of the "Energy Star Program Requirements for Exit Signs"
1947 developed by the United States Environmental Protection Agency;

1948 (D) Large packaged air-conditioning equipment having not more
1949 than seven hundred sixty thousand BTUs per hour of capacity shall
1950 meet a minimum energy efficiency ratio of 10.0 for units using both
1951 electric heat and air conditioning or units solely using electric air
1952 conditioning, and 9.8 for units using both natural gas heat and electric
1953 air conditioning;

1954 (E) Large packaged air-conditioning equipment having not less than
1955 seven hundred sixty-one thousand BTUs per hour of capacity shall
1956 meet a minimum energy efficiency ratio of 9.7 for units using both
1957 electric heat and air conditioning or units solely using electric air
1958 conditioning, and 9.5 for units using both natural gas heat and electric
1959 air conditioning;

1960 (F) Low voltage dry-type distribution transformers shall meet or
1961 exceed the energy efficiency values shown in Table 4-2 of the National
1962 Electrical Manufacturers Association Standard TP-1-2002;

1963 (G) Torchiere lighting fixtures shall not consume more than one
1964 hundred ninety watts and shall not be capable of operating with lamps
1965 that total more than one hundred ninety watts;

1966 (H) Traffic signal modules shall meet the product specification of
1967 the "Energy Star Program Requirements for Traffic Signals" developed
1968 by the United States Environmental Protection Agency that took effect
1969 in February, 2001, except where the department, in consultation with
1970 the Commissioner of Transportation, determines that such
1971 specification would compromise safe signal operation;

1972 (I) Unit heaters shall not have pilot lights and shall have either
1973 power venting or an automatic flue damper;

1974 (J) On or after January 1, 2009, residential furnaces and boilers
1975 purchased by the state shall meet or exceed the following annual fuel
1976 utilization efficiency: (i) For gas and propane furnaces, ninety per cent
1977 annual fuel utilization efficiency, (ii) for oil furnaces, eighty-three per
1978 cent annual fuel utilization efficiency, (iii) for gas and propane hot
1979 water boilers, eighty-four per cent annual fuel utilization efficiency,
1980 (iv) for oil-fired hot water boilers, eighty-four per cent annual fuel
1981 utilization efficiency, (v) for gas and propane steam boilers, eighty-two
1982 per cent annual fuel utilization efficiency, (vi) for oil-fired steam
1983 boilers, eighty-two per cent annual fuel utilization efficiency, and (vii)
1984 for furnaces with furnace air handlers, an electricity ratio of not more
1985 than 2.0, except air handlers for oil furnaces with a capacity of less than
1986 ninety-four thousand BTUs per hour shall have an electricity ratio of
1987 2.3 or less;

1988 (K) On or after January 1, 2010, metal halide lamp fixtures designed
1989 to be operated with lamps rated greater than or equal to one hundred
1990 fifty watts but less than or equal to five hundred watts shall not
1991 contain a probe-start metal halide lamp ballast;

1992 (L) Single-voltage external AC to DC power supplies manufactured
1993 on or after January 1, 2008, shall meet the energy efficiency standards
1994 of table U-1 of section 1605.3 of the January 2006 California Code of
1995 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
1996 Efficiency Regulations. This standard applies to single voltage AC to
1997 DC power supplies that are sold individually and to those that are sold
1998 as a component of or in conjunction with another product. This
1999 standard shall not apply to single voltage external AC to DC power
2000 supplies sold with products subject to certification by the United States
2001 Food and Drug Administration. A single-voltage external AC to DC
2002 power supply that is made available by a manufacturer directly to a
2003 consumer or to a service or repair facility after and separate from the
2004 original sale of the product requiring the power supply as a service
2005 part or spare part shall not be required to meet the standards in said
2006 table U-1 until five years after the effective dates indicated in the table;

2007 (M) On or after January 1, 2009, state regulated incandescent
2008 reflector lamps shall be manufactured to meet the minimum average
2009 lamp efficacy requirements for federally-regulated incandescent
2010 reflector lamps contained in 42 USC 6295(i)(1)(A). Each lamp shall
2011 indicate the date of manufacture;

2012 (N) On or after January 1, 2009, bottle-type water dispensers,
2013 commercial hot food holding cabinets, portable electric spas, walk-in
2014 refrigerators and walk-in freezers shall meet the efficiency
2015 requirements of section 1605.3 of the January 2006 California Code of
2016 Regulations, Title 20, Division 2, Chapter 4, Article 4: Appliance
2017 Efficiency Regulations. On or after January 1, 2010, residential pool
2018 pumps shall meet said efficiency requirements;

2019 (O) On or after January 1, 2009, pool heaters shall meet the
2020 efficiency requirements of sections 1605.1 and 1605.3 of the January
2021 2006 California Code of Regulations, Title 20, Division 2, Chapter 4,
2022 Article 4: Appliance Efficiency Regulations.

2023 (2) Such efficiency standards, where in conflict with the State
2024 Building Code, shall take precedence over the standards contained in
2025 the Building Code. Not later than July 1, 2007, and biennially
2026 thereafter, the [office, in consultation with the Department of Public
2027 Utility Control,] department shall review and increase the level of such
2028 efficiency standards by adopting regulations in accordance with the
2029 provisions of chapter 54 upon a determination that increased efficiency
2030 standards would serve to promote energy conservation in the state and
2031 would be cost-effective for consumers who purchase and use such new
2032 products, provided no such increased efficiency standards shall
2033 become effective within one year following the adoption of any
2034 amended regulations providing for such increased efficiency
2035 standards.

2036 (3) The [office, in consultation with the Department of Public Utility
2037 Control,] department shall adopt regulations, in accordance with the
2038 provisions of chapter 54, to designate additional products to be subject

2039 to the provisions of this section and to establish efficiency standards
2040 for such products upon a determination that such efficiency standards
2041 (A) would serve to promote energy conservation in the state, (B)
2042 would be cost-effective for consumers who purchase and use such new
2043 products, and (C) that multiple products are available which meet
2044 such standards, provided no such efficiency standards shall become
2045 effective within one year following their adoption pursuant to this
2046 subdivision.

2047 (e) On or after July 1, 2006, except for commercial clothes washers,
2048 for which the date shall be July 1, 2007, commercial refrigerators and
2049 freezers, for which the date shall be July 1, 2008, and large packaged
2050 air-conditioning equipment, for which the date shall be July 1, 2009, no
2051 new product of a type set forth in subsection (b) of this section or
2052 designated by the office may be sold, offered for sale, or installed in
2053 the state unless the energy efficiency of the new product meets or
2054 exceeds the efficiency standards set forth in such regulations adopted
2055 pursuant to subsection (d) of this section.

2056 (f) The [office, in consultation with the Department of Public Utility
2057 Control,] department shall adopt procedures for testing the energy
2058 efficiency of the new products set forth in subsection (b) of this section
2059 or designated by the department if such procedures are not provided
2060 for in the State Building Code. The [office] department shall use United
2061 States Department of Energy approved test methods, or in the absence
2062 of such test methods, other appropriate nationally recognized test
2063 methods. The manufacturers of such products shall cause samples of
2064 such products to be tested in accordance with the test procedures
2065 adopted pursuant to this subsection or those specified in the State
2066 Building Code.

2067 (g) Manufacturers of new products set forth in subsection (b) of this
2068 section or designated by the [office] department shall certify to the
2069 [secretary] Commissioner of Energy and Environmental Protection
2070 that such products are in compliance with the provisions of this
2071 section, except that certification is not required for single voltage

2072 external AC to DC power supplies and walk-in refrigerators and walk-
2073 in freezers. All single voltage external AC to DC power supplies shall
2074 be labeled as described in the January 2006 California Code of
2075 Regulations, Title 20, Section 1607 (9). The [office, in consultation with
2076 the Department of Public Utility Control,] department shall
2077 promulgate regulations governing the certification of such products.
2078 The [secretary] commissioner shall publish an annual list of such
2079 products.

2080 (h) The Attorney General may institute proceedings to enforce the
2081 provisions of this section. Any person who violates any provision of
2082 this section shall be subject to a civil penalty of not more than two
2083 hundred fifty dollars. Each violation of this section shall constitute a
2084 separate offense, and each day that such violation continues shall
2085 constitute a separate offense.

2086 Sec. 30. Section 21a-86a of the general statutes is repealed and the
2087 following is substituted in lieu thereof (*Effective July 1, 2011*):

2088 (a) On or before October 1, 1990, the Commissioner of Consumer
2089 Protection, in consultation with [the Secretary of the Office of Policy
2090 and Management, the chairperson of the Public Utilities Control
2091 Authority,] the State Building Inspector and the Commissioners of
2092 Public Health and Energy and Environmental Protection, shall adopt
2093 regulations in accordance with the provisions of chapter 54
2094 establishing minimum efficiency standards for plumbing fixtures and
2095 other water-using devices, as appropriate.

2096 (b) The maximum water use allowed in the regulations adopted
2097 under subsection (a) of this section for showerheads, urinals, faucets
2098 and replacement aerators manufactured or sold on or after October 1,
2099 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for
2100 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen
2101 faucets and replacement aerators, 2.5 gallons per minute, except that
2102 lavatories in restrooms of public facilities shall be equipped with outlet
2103 devices which limit the flow rate to a maximum of 0.5 gallons per

2104 minute. The maximum water use allowed in the regulations adopted
2105 under subsection (a) of this section for tank-type toilets, flushometer-
2106 valve toilets, flushometer-tank toilets and electromechanical hydraulic
2107 toilets manufactured or sold on or after January 1, 1992, shall be 1.6
2108 gallons per flush, unless and until equivalent standards for similar
2109 types of toilets are adopted by the American National Standards
2110 Institute, Inc.

2111 (c) Notwithstanding the provisions of subsection (b) of this section,
2112 the Commissioner of Consumer Protection, after consultation with [the
2113 Secretary of the Office of Policy and Management, the chairperson of
2114 the Public Utilities Control Authority,] the State Building Inspector
2115 and the Commissioners of Public Health and Energy and
2116 Environmental Protection, may increase the level of efficiency for
2117 plumbing fixtures upon determination that such increase would
2118 promote the conservation of water and energy and be cost-effective for
2119 consumers who purchase and use such fixtures. Any increased
2120 efficiency standard shall be effective one year after its adoption.

2121 (d) The Commissioner of Consumer Protection, in consultation with
2122 the Secretary of the Office of Policy and Management, [the chairperson
2123 of the Public Utilities Control Authority,] the State Building Inspector
2124 and the Commissioners of Public Health and Energy and
2125 Environmental Protection, shall adopt regulations in accordance with
2126 the provisions of chapter 54 necessary to implement the provisions of
2127 sections 21a-86 to 21a-86g, inclusive. Such regulations shall provide for
2128 (1) the sale of plumbing fixtures which do not meet the standards if the
2129 commissioner determines that compliance is not feasible or an
2130 unnecessary hardship exists and (2) the sale of plumbing fixtures,
2131 including, but not limited to, antique reproduction plumbing fixtures,
2132 which do not meet the standards, provided such plumbing fixtures
2133 were in stock in a store located in the state before October 1, 1990, if a
2134 showerhead, urinal, faucet or replacement aerator or before January 1,
2135 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank
2136 toilet or electromechanical hydraulic toilet.

2137 Sec. 31. Subsection (a) of section 21a-86c of the general statutes is
2138 repealed and the following is substituted in lieu thereof (*Effective July*
2139 *1, 2011*):

2140 (a) The Commissioner of Consumer Protection, in consultation with
2141 [the Secretary of the Office of Policy and Management, the chairperson
2142 of the Public Utilities Control Authority,] the State Building Inspector
2143 and the Commissioners of Public Health and Energy and
2144 Environmental Protection, shall establish procedures for testing the
2145 efficiency of plumbing fixtures offered for retail sale if such procedures
2146 are not established in the State Building Code adopted pursuant to
2147 section 29-252.

2148 Sec. 32. Section 22a-174*l* of the general statutes is repealed and the
2149 following is substituted in lieu thereof (*Effective July 1, 2011*):

2150 (a) Not later than sixty days after June 4, 2007, the Commissioner of
2151 Energy and Environmental Protection shall issue notice of intent to
2152 issue a general permit regarding the construction and operation of new
2153 or existing emergency engines and distributed generation resources
2154 that (1) generate no more than two megawatts of electricity; and (2) are
2155 approved by the Department of [Public Utility Control] Energy and
2156 Environmental Protection to participate in the markets administered
2157 by the regional independent system operator in accordance with
2158 subsection (b) of section 16-246g. Before issuing such permit, the
2159 sources to be covered by such permit shall provide the Commissioner
2160 of Energy and Environmental Protection with any information said
2161 commissioner deems necessary for the issuance of such permit. Any
2162 such general permit shall be issued in accordance with the provisions
2163 of subsection (k) of section 22a-174 and the general permit, and any
2164 authorization to operate under such permit, shall expire on the later of
2165 December 31, 2010, or ninety days after the energizing of the
2166 Middletown-Norwalk 345 kv transmission line approved by the
2167 Connecticut Siting Council. Notwithstanding this section, the
2168 Commissioner of Energy and Environmental Protection may [, in
2169 consultation with the chairperson of the Public Utilities Control

2170 Authority,] renew such general permit in accordance with the
2171 provisions of subsection (k) of section 22a-174 provided the
2172 Commissioner of Energy and Environmental Protection determines
2173 that renewal of such general permit is consistent with the requirements
2174 of subsection (b) of this section. The provisions of the general permit
2175 shall include, but not be limited to: Minimum setback provisions,
2176 limitations on hours of operation, requirements for air pollution
2177 controls certified to achieve a minimum reduction in emissions of
2178 nitrogen oxides of ninety per cent, directionally correct offsets at a
2179 ratio to be determined by the Commissioner of Energy and
2180 Environmental Protection, required control equipment, requirements
2181 for monitoring, reporting and recordkeeping, and any other
2182 requirement that said commissioner deems necessary. The provisions
2183 of this section are in addition to any other authority provided by law
2184 to said commissioner.

2185 (b) When issuing or renewing the general permit pursuant to this
2186 section, the Commissioner of Energy and Environmental Protection
2187 shall [, in consultation with the chairperson of the Public Utilities
2188 Control Authority,] consider energy generation that will maximize the
2189 savings to the state's electric ratepayers and benefit the state's economy
2190 as a whole, but shall ensure that any emission increases resulting from
2191 the operation of sources covered by the general permit are offset by
2192 emission decreases from sources in Connecticut consistent with
2193 Connecticut's air quality attainment planning needs and requirements.
2194 The sources of decreases in emissions may include, but not be limited
2195 to, electric generation sources and demand response.

2196 (c) On or before February 1, 2008, the Department of Energy and
2197 Environmental Protection [, in consultation with the Department of
2198 Public Utility Control,] shall report to the joint standing committees of
2199 the General Assembly having cognizance of matters relating to energy
2200 and the environment regarding the economic and environmental
2201 benefits of the general permit issued pursuant to this section and the
2202 actions and measures taken pursuant to section 16-246g.

2203 Sec. 33. Section 22a-2 of the general statutes is repealed and the
2204 following is substituted in lieu thereof (*Effective July 1, 2011*):

2205 (a) There shall be a Department of Energy and Environmental
2206 Protection which shall have jurisdiction over all matters relating to the
2207 preservation and protection of the air, water and other natural
2208 resources of the state, the equitable distribution and conservation of
2209 energy, the regulation of public utilities and the development and
2210 administration of a state-wide energy policy. Said department shall be
2211 under the direction of a Commissioner of Energy and Environmental
2212 Protection who shall be appointed in accordance with the provisions of
2213 sections 4-5 to 4-8, inclusive, as amended by this act.

2214 (b) As used in this title and chapters 263, 268, 348, 360, 447, 448, 449,
2215 452, 462, 474, 476, 477, 478, 479, 490 and 495, except where otherwise
2216 provided, "commissioner" means the Commissioner of Energy and
2217 Environmental Protection or his designated agent. The Commissioner
2218 of Energy and Environmental Protection shall have the authority to
2219 designate as his agent (1) any deputy commissioner to exercise all or
2220 part of the authority, powers and duties of said commissioner in his
2221 absence, (2) any deputy commissioner or any employee, assistant or
2222 agent employed pursuant to section 22a-4 to exercise such authority of
2223 the Commissioner of Energy and Environmental Protection as he
2224 delegates for the administration or enforcement of any applicable
2225 statute, regulation, permit or order, (3) the Commissioner of Public
2226 Safety and any local air pollution control official or agency to exercise
2227 such authority as the Commissioner of Energy and Environmental
2228 Protection delegates for the enforcement of any applicable statute,
2229 regulation, order or permit pertaining to air pollution, except the
2230 authority to render a final decision, after a hearing, assessing a civil
2231 penalty under said section 22a-6b, and (4) any municipal police
2232 department the authority to enforce the provisions of chapters 268 and
2233 490.

2234 (c) As used in this chapter, and chapters 263, 268, 348, 360, 440,
2235 446d, 446i, 446k, 447, 448, 449, 452, 462, 474, 476, 477, 478, 479, 490 and

2236 495, except where otherwise provided, "person" means any individual,
2237 firm, partnership, association, syndicate, company, trust, corporation,
2238 limited liability company, municipality, agency or political or
2239 administrative subdivision of the state, or other legal entity of any
2240 kind.

2241 Sec. 34. Section 22a-5 of the general statutes is repealed and the
2242 following is substituted in lieu thereof (*Effective July 1, 2011*):

2243 The commissioner shall carry out the energy and environmental
2244 policies of the state and shall have all powers necessary and
2245 convenient to faithfully discharge this duty. In addition to, and
2246 consistent with the environment policy of the state, the commissioner
2247 shall [(a)] (1) promote and coordinate management of water, land and
2248 air resources to assure their protection, enhancement and proper
2249 allocation and utilization; [(b)] (2) provide for the protection and
2250 management of plants, trees, fish, shellfish, wildlife and other animal
2251 life of all types, including the preservation of endangered species; [(c)]
2252 (3) provide for the protection, enhancement and management of the
2253 public forests, parks, open spaces and natural area preserves; [(d)] (4)
2254 provide for the protection, enhancement and management of inland,
2255 marine and coastal water resources, including, but not limited to,
2256 wetlands, rivers, estuaries and shorelines; [(e)] (5) provide for the
2257 prevention and abatement of all water, land and air pollution
2258 including, but not limited to, that related to particulates, gases, dust,
2259 vapors, noise, radiation, odors, nutrients and cooled or heated liquids,
2260 gases and solids; [(f)] (6) provide for control of pests and regulate the
2261 use, storage and disposal of pesticides and other chemicals which may
2262 be harmful to man, sea life, animals, plant life or natural resources;
2263 [(g)] (7) regulate the disposal of solid waste and liquid waste,
2264 including but not limited to, domestic and industrial refuse, junk
2265 motor vehicles, litter and debris, which methods shall be consistent
2266 with sound health, scenic environmental quality and land use
2267 practices; [(h)] (8) regulate the storage, handling and transportation of
2268 solids, liquids and gases which may cause or contribute to pollution;
2269 [and (i)] (9) provide for minimum state-wide standards for the mining,

2270 extraction, excavation or removal of earth materials of all types; (10)
2271 provide for the highest standards of public utility regulation and the
2272 protection of consumers; (11) provide for the equitable distribution
2273 and conservation of energy; (12) provide for the conservation of energy
2274 resources by avoiding unnecessary and wasteful consumption; (13)
2275 provide for the consumption of energy resources in the most efficient
2276 manner feasible; (14) provide for the development and use of
2277 renewable energy resources, such as solar and wind energy, to the
2278 maximum practicable extent; (15) diversify the state's energy supply;
2279 (16) whenever practicable, replace energy resources vulnerable to
2280 interruption due to circumstances beyond the state's control with
2281 energy sources that are less vulnerable to such interruption; (17) assist
2282 citizens and businesses in implementing measures to reduce energy
2283 consumption and energy costs; (18) ensure that low-income
2284 households can meet essential energy needs; (19) maintain planning
2285 and preparedness capabilities necessary to deal effectively with future
2286 energy supply interruptions; and (20) whenever available energy
2287 alternatives are equivalent, give preference to capacity additions for
2288 conservation and load management.

2289 Sec. 35. Section 22a-11 of the general statutes is repealed and the
2290 following is substituted in lieu thereof (*Effective July 1, 2011*):

2291 There shall be a Council on Environmental Quality which shall be
2292 within the Department of Energy and Environmental Protection for
2293 administrative purposes only. Said council shall consist of nine
2294 members, five to be appointed by the Governor, two to be appointed
2295 by the speaker of the House of Representatives and two to be
2296 appointed by the president pro tempore of the Senate. No member
2297 shall be allowed to serve more than eight years of any twelve-year
2298 period. The Governor shall fill any vacancy by appointment for the
2299 unexpired portion of the term vacated. The chairman of said council
2300 shall be selected by the Governor. Members of said council shall
2301 receive no compensation for their services thereon, but shall be
2302 reimbursed for necessary expenses in the performance of their duties.
2303 Said council shall hold one meeting each month and such additional

2304 meetings as may be prescribed by council rules. In addition, special
2305 meetings may be called by the chairman or by any three members
2306 upon delivery of forty-eight hours' written notice to each member. Five
2307 members shall constitute a quorum and not fewer than three votes
2308 shall be required for any final determination of said council. The
2309 council may employ an executive director, exclusive of the provisions
2310 of chapter 67 and such additional staff and consultants as may be
2311 necessary to carry out its duties, within available appropriations.

2312 Sec. 36. Subsection (e) of section 22a-119 of the general statutes is
2313 repealed and the following is substituted in lieu thereof (*Effective July*
2314 *1, 2011*):

2315 (e) Prior to commencing any hearing pursuant to this section the
2316 council shall consult with and solicit written comments from the
2317 Departments of Energy and Environmental Protection, Public Health,
2318 [Public Utility Control,] Economic and Community Development,
2319 Public Safety and Transportation, the Office of Policy and
2320 Management and the Council on Environmental Quality. Copies of
2321 comments submitted by such agencies shall be available to all parties
2322 prior to commencement of the public hearing. Agencies consulted may
2323 file additional comments within thirty days of the conclusion of the
2324 hearing and such additional comments shall be a part of the record.

2325 Sec. 37. Section 22a-198 of the general statutes is repealed and the
2326 following is substituted in lieu thereof (*Effective July 1, 2011*):

2327 (a) On and after January 1, 2005, the owner or operator of a Title IV
2328 source that is also an affected unit or units shall:

2329 (1) Combust liquid fuel, gaseous fuel, solid fuel or a combination of
2330 each provided that each fuel possesses a fuel sulfur limit equal to or
2331 less than 0.3 per cent sulfur, by weight (dry basis); or

2332 (2) Meet an average emission rate equal to or less than 0.33 pounds
2333 SO₂ per MMBtu for each calendar quarter for an affected unit at the
2334 premises; or

2335 (3) Meet an average emission rate equal to or less than 0.3 pounds
2336 SO₂ per MMBtu calculated for each calendar quarter, if such owner or
2337 operator averages the emissions from two or more affected units at the
2338 premises.

2339 (b) On and after January 1, 2005, no owner or operator of a Title IV
2340 source that is also an affected unit or units may use SO₂ DERCS or SO₂
2341 allowances to comply with the requirements of subsection (a) of this
2342 section except if the Commissioner of Environmental Protection
2343 requires the owner or operator of an affected unit or units using a low-
2344 sulfur fuel to comply with subdivision (1) of subsection (a) of this
2345 section to offset excess SO₂ emissions that were emitted during a
2346 suspension period, as described in subsection (c) of this section,
2347 through the purchase or retirement of such SO₂ DERCS or SO₂
2348 allowances.

2349 (c) The Commissioner of Energy and Environmental Protection may
2350 suspend the requirements of subdivision (1) of subsection (a) of this
2351 section for the owner or operator of any affected unit using a low-
2352 sulfur fuel, including a low-sulfur solid fuel. Such suspension shall be
2353 made only when the commissioner finds that the availability of fuel
2354 that complies with such requirements is inadequate to meet the needs
2355 of residential, commercial and industrial users in this state and that
2356 such inadequate supply constitutes an emergency, provided such
2357 suspension shall not exceed the period that the inadequate supply
2358 constitutes an emergency. Any such suspension by the commissioner
2359 shall not suspend or alter the sulfur dioxide average emission rate
2360 requirements that are in effect as of May 2, 2002. The Commissioner of
2361 Energy and Environmental Protection shall specify in writing the
2362 period of time that such suspension shall be in effect and shall provide
2363 notice of such suspension to the joint standing committees of the
2364 General Assembly having cognizance of matters relating to the
2365 environment and energy and technology. No later than thirty days
2366 after the termination of such suspension, the owner or operator of an
2367 affected unit or units shall report to the commissioner, in writing, the
2368 amount of SO₂ emissions in excess of those that would have occurred if

2369 the use of compliant fuel at such affected unit or units had not been
2370 interrupted. If such excess SO₂ emissions from any premises exceed
2371 fifty tons, the commissioner shall require that the owner or operator of
2372 such affected unit or units offset such SO₂ emissions through the
2373 purchase or retirement of SO₂ DERCS or SO₂ allowances.

2374 (d) The provisions of subsections (c) and (f) of this section, when
2375 implemented by the Commissioner of Energy and Environmental
2376 Protection, shall not suspend any underlying procedures or
2377 requirements in the Regulations of Connecticut State Agencies adopted
2378 by the Department of Energy and Environmental Protection pertaining
2379 to SO₂ emissions.

2380 (e) No provision of section 22a-197, this section or subsection (a) of
2381 section 16-245l shall be construed to prohibit the Commissioner of
2382 Energy and Environmental Protection from waiving or suspending
2383 any applicable sulfur dioxide emissions standard as may be allowed
2384 under current federal or state laws or regulations, or other permit
2385 limits of a must run Title IV source, as ordered by the Independent
2386 System Operator, as may be allowed under current federal or state
2387 laws or regulations. The commissioner may attach any conditions to
2388 such suspension or waiver, as the commissioner deems necessary to
2389 mitigate any adverse environmental or public health impacts.

2390 (f) The Commissioner of Energy and Environmental Protection [, in
2391 consultation with the chairperson of the Public Utilities Control
2392 Authority,] may suspend the prohibition of subsection (b) of this
2393 section for a Title IV source if it is determined that the application of
2394 the prohibition established under subsection (b) of this section
2395 adversely affects the ability to meet the reliability standards, as defined
2396 by the New England Power Pool or its successor organization, and the
2397 suspension thereof is intended to mitigate such reliability problems.
2398 The Commissioner of Energy and Environmental Protection [, in
2399 consultation with the chairperson of the Public Utilities Control
2400 Authority,] shall specify in writing the reasons for such suspension
2401 and the period of time that such suspension shall be in effect and shall

2402 provide notice of such suspension at the time of issuance, or the next
2403 business day, to the joint standing committees of the General
2404 Assembly having cognizance of matters relating to the environment
2405 and energy and technology. No such waiver shall last more than thirty
2406 days. The commissioner may reissue additional waivers for such
2407 source after said initial waiver has expired. Within ten days of receipt
2408 of the commissioner's notice of suspension, the committees having
2409 cognizance of matters relating to the environment and energy and
2410 technology may hold a joint public hearing and meeting of the
2411 committees to either modify or reject the commissioner's suspension
2412 by a majority vote. If the committees do not meet, the commissioner's
2413 suspension shall be deemed approved.

2414 Sec. 38. Section 22a-354i of the general statutes is repealed and the
2415 following is substituted in lieu thereof (*Effective July 1, 2011*):

2416 (a) On or before July 1, 1991, the Commissioner of Energy and
2417 Environmental Protection shall publish notice of intent to adopt
2418 regulations in accordance with chapter 54 for land use controls in
2419 aquifer protection areas. The regulations shall establish (1) best
2420 management practice standards for existing regulated activities located
2421 entirely or in part within aquifer protection areas and a schedule for
2422 compliance of nonconforming regulated activities with such standards,
2423 (2) best management practice standards for and prohibitions of
2424 regulated activities proposed to be located entirely or in part within
2425 aquifer protection areas, (3) procedures for exempting regulated
2426 activities in aquifer protection areas upon determination solely by the
2427 commissioner that such regulated activities do not pose a threat to any
2428 existing or potential drinking water supply, and (4) requirements for
2429 design and installation of groundwater monitoring within aquifer
2430 protection areas. In addition, the commissioner may adopt such other
2431 regulations as deemed necessary to carry out the purposes of sections
2432 22a-354b, 22a-354c, 22a-354h, this section, sections 22a-354m, 22a-354n,
2433 subsection (e) of section 22a-354p and subsection (d) of section 22a-451,
2434 including, but not limited to, regulations which provide for the
2435 manner in which the boundaries of aquifer protection areas shall be

2436 established and amended; criteria and procedures for submission and
2437 review of applications to construct or begin regulated activities;
2438 procedures for granting, denying, limiting, revoking, suspending,
2439 transferring and modifying permits for regulated activities; controls
2440 regarding the expansion of nonconforming regulated activities,
2441 including procedures for offsetting impacts from the expansion or
2442 modification of nonconforming regulated activities or procedures for
2443 modifying permits of regulated activities by the removal of other
2444 potential pollution sources within the subject well field, procedures for
2445 the granting of permits for such expansion or modification based on
2446 the certification of a qualified person that such expansion meets
2447 criteria established by the commissioner; registration requirements for
2448 existing regulated activities and procedures for transferring
2449 registrations; procedures for landowners to notify a municipality or
2450 the commissioner of a change in use and other provisions for
2451 administration of the aquifer protection program.

2452 (b) In adopting such regulations, the commissioner shall consider
2453 the guidelines for aquifer protection areas recommended in the report
2454 prepared pursuant to special act 87-63, as amended, and shall avoid
2455 duplication and inconsistency with other state or federal laws and
2456 regulations affecting aquifers. The regulations shall be developed in
2457 consultation with an advisory committee appointed by the
2458 commissioner. The advisory committee shall include the
2459 Commissioners of Public Works and Public Health, [and the
2460 chairperson of the Public Utilities Control Authority,] or their
2461 designees, members of the public, and representatives of businesses
2462 affected by the regulations, agriculture, environmental groups,
2463 municipal officers and water companies.

2464 Sec. 39. Section 22a-354w of the general statutes is repealed and the
2465 following is substituted in lieu thereof (*Effective July 1, 2011*):

2466 The Commissioner of Energy and Environmental Protection, in
2467 consultation with the Commissioner of Public Health [and the
2468 chairperson of the Public Utilities Control Authority,] shall prepare

2469 guidelines for acquisition of lands surrounding existing or proposed
2470 public water supply well fields. In preparing such guidelines the
2471 commissioner shall consider economic implications for mandating
2472 land acquisition including, but not limited to, the effect on land values
2473 and the ability of small water companies to absorb the cost of
2474 acquisition.

2475 Sec. 40. Subsection (d) of section 22a-371 of the general statutes is
2476 repealed and the following is substituted in lieu thereof (*Effective July*
2477 *1, 2011*):

2478 (d) Upon notifying the applicant in accordance with subsection (c)
2479 of this section that the application is complete, the commissioner shall
2480 immediately provide notice of the application and a concise
2481 description of the proposed diversion to the Governor, the Attorney
2482 General, the speaker of the House of Representatives, the president pro
2483 tempore of the Senate, the Secretary of the Office of Policy and
2484 Management, the Commissioners of Public Health and Economic and
2485 Community Development, [the chairperson of the Public Utilities
2486 Control Authority,] chief executive officer and chairmen of the
2487 conservation commission and wetlands agency of the municipality or
2488 municipalities in which the proposed diversion will take place or have
2489 effect, and to any person who has requested notice of such activities.

2490 Sec. 41. Section 23-8 of the general statutes is repealed and the
2491 following is substituted in lieu thereof (*Effective July 1, 2011*):

2492 (a) The Commissioner of Energy and Environmental Protection
2493 shall have power, acting by himself or with local authorities, to
2494 acquire, maintain and make available to the public open spaces for
2495 recreation. Said commissioner may take, in the name of the state and
2496 for the benefit of the public, by purchase, gift or devise, lands and
2497 rights in land and personal estate for public open spaces, or take bonds
2498 for the conveyance thereof, or may lease the same for a period not
2499 exceeding five years, with an option to buy, and may preserve and
2500 care for such public reservations, and, in his discretion and upon such

2501 terms as he may approve, such other open spaces within this state as
2502 may be entrusted, given or devised to the state by the United States or
2503 by cities, towns, corporations or individuals for the purposes of public
2504 recreation, or for the preservation of natural beauty or historical
2505 association, provided said commissioner shall not take or contract to
2506 take by purchase or lease any land or other property for an amount or
2507 amounts beyond such sum or sums as have been appropriated or
2508 contributed therefor. No provision of this section shall be construed to
2509 set aside any terms or conditions under which gifts or bequests of land
2510 have been accepted by the commissioner.

2511 (b) Twenty-one per cent of the state's land area shall be held as open
2512 space land. The goal of the state's open space acquisition program shall
2513 be to acquire land such that ten per cent of the state's land area is held
2514 by the state as open space land and not less than eleven per cent of the
2515 state's land area is held by municipalities, water companies or
2516 nonprofit land conservation organizations as open space land
2517 consistent with the provisions of sections 7-131d to 7-131g, inclusive.
2518 Such program shall not affect the ability of any water company to
2519 reclassify or sell any land, or interest in land, which was not acquired,
2520 in whole or in part, with funds made available under the program
2521 established under sections 7-131d to 7-131g, inclusive. The goal for
2522 state open space acquisition shall be three thousand acres acquired in
2523 1999, four thousand acres acquired in 2000, four thousand acres
2524 acquired in 2001 and five thousand acres acquired in 2002 provided
2525 such acquisition program shall continue until the overall state goal of
2526 open space acquisition is achieved. The commissioner, in consultation
2527 with the Council on Environmental Quality established under section
2528 22a-11, as amended by this act, and private nonprofit land
2529 conservation organizations, shall prepare, and update as necessary, a
2530 comprehensive strategy for achieving the state goal and shall set an
2531 appropriate additional goal for increasing the amount of land held as
2532 open space by municipalities or by private nonprofit land conservation
2533 organizations and shall include in such strategy provisions for
2534 achieving such goal. Such strategy shall include, but not be limited to,

2535 recommendations regarding: (1) Timetables for acquisition of land by
2536 the state, (2) management of such land, (3) resources to be used for
2537 acquisition and management of such land, and (4) acquisition and
2538 maintenance of open space land by municipalities and by private
2539 entities. On or before January 1, 1998, and annually thereafter, the
2540 commissioner shall submit a report to the joint standing committee of
2541 the General Assembly having cognizance of matters relating to the
2542 environment regarding the strategy and the progress being made
2543 towards the goals.

2544 (c) To further the efforts to preserve open space in the state and to
2545 help realize the goal established in subsection (b) of this section to have
2546 at least twenty-one per cent of the state's land held by the state,
2547 municipalities, land conservation organizations and water utilities as
2548 open space, the Department of Energy and Environmental Protection
2549 shall conduct an evaluation of lands of class A water companies, as
2550 defined in section 16-1, as amended by this act, to determine the
2551 resource value and potential desirability of such lands for purchase for
2552 open space or public outdoor recreation or natural resource
2553 conservation or preservation. The water companies and land
2554 conservation organizations shall work cooperatively with the
2555 department and provide maps and other information to assist the
2556 Department of Energy and Environmental Protection in the evaluation
2557 of these properties and said department shall develop strategies for
2558 alternative methods of funding the preservation of water company
2559 lands in perpetuity as open space.

2560 Sec. 42. Section 23-102 of the general statutes is repealed and the
2561 following is substituted in lieu thereof (*Effective July 1, 2011*):

2562 (a) There shall be a Connecticut Greenways Council which shall be
2563 within the Department of Energy and Environmental Protection for
2564 administrative purposes only. The council shall consist of eleven
2565 members, five to be appointed by the Governor, one to be appointed
2566 by the speaker of the House of Representatives, one to be appointed by
2567 the majority leader of the House of Representatives, one to be

2568 appointed by the president pro tempore of the Senate, one to be
2569 appointed by the majority leader of the Senate, one to be appointed by
2570 the minority leader of the House of Representatives and one to be
2571 appointed by the minority leader of the Senate. All appointments to
2572 the council shall be made on or before October 1, 1995. Three of the
2573 members initially appointed by the Governor shall serve a term of two
2574 years and two of the members appointed by the Governor shall serve a
2575 term of four years. All members appointed by the Governor thereafter
2576 shall serve a term of four years. The terms of all members appointed
2577 by members of the General Assembly shall be coterminous with the
2578 terms of members of the General Assembly. The appointing authority
2579 shall fill any vacancy by appointment for the unexpired portion of the
2580 term vacated. The chairman of said council shall be selected by the
2581 Governor. Members of said council shall receive no compensation for
2582 their services on the council. The council shall hold one meeting each
2583 quarter and such additional meetings as may be prescribed by council
2584 rules. Special meetings may be called by the chairman or by any three
2585 members upon delivery of forty-eight hours' written notice to each
2586 member. The council may employ an executive director, exclusive of
2587 the provisions of chapter 67, and such additional staff and contractors
2588 and consultants as may be necessary to carry out its duties and may
2589 share the personnel and resources of the council on environmental
2590 quality, within available appropriations. The council may receive aid
2591 or contributions from any source, including grants-in-aid from any
2592 state agency.

2593 (b) The duties of the council shall be: (1) To advise and assist in the
2594 coordination of state agencies, municipalities, regional planning
2595 organizations, as defined in section 4-124i, and private citizens in
2596 voluntarily planning and implementing a system of greenways; (2) to
2597 operate a greenways help center to advise state agencies,
2598 municipalities, regional planning organizations, as defined in section
2599 4-124i, and private citizens in the technical aspects of planning,
2600 designing and implementing greenways, including advice on securing
2601 state, federal and nongovernmental grants; (3) to establish criteria for

2602 designation of greenways; (4) to maintain an inventory of greenways
2603 in the state which shall include the location of greenways
2604 transportation projects which have received grants under sections 23-
2605 101, 32-6a, 32-9qq and 32-328; (5) to advise the Commissioner of
2606 Economic and Community Development on the distribution of grants
2607 for greenways transportation projects pursuant to sections 32-6a, 32-
2608 9qq and 32-328; and (6) to advise the Commissioner of Energy and
2609 Environmental Protection on the distribution of grants pursuant to
2610 section 23-101.

2611 Sec. 43. Section 25-32i of the general statutes is repealed and the
2612 following is substituted in lieu thereof (*Effective July 1, 2011*):

2613 There is created a Residential Water-Saving Advisory Board to
2614 advise the Commissioner of Public Health on educational materials or
2615 information on water conservation. The board shall consist of eight
2616 members as follows: The Commissioners of Energy and Environmental
2617 Protection and Public Health, the Secretary of the Office of Policy and
2618 Management, [the chairperson of the Public Utilities Control
2619 Authority,] and the Consumer Counsel, or their respective designees; a
2620 representative of a small investor-owned water company, who shall be
2621 appointed by the minority leader of the Senate; a representative of a
2622 large investor-owned water company, who shall be appointed by the
2623 minority leader of the House of Representatives; and a representative
2624 of a municipal or regional water authority, who shall be jointly
2625 appointed by the president pro tempore of the Senate and the speaker
2626 of the House of Representatives. The Governor shall designate the
2627 chairman of the board.

2628 Sec. 44. Section 25-33o of the general statutes is repealed and the
2629 following is substituted in lieu thereof (*Effective July 1, 2011*):

2630 (a) The [chairperson of the Public Utilities Control Authority, or the
2631 chairperson's designee, the] Commissioner of Energy and
2632 Environmental Protection, or the commissioner's designee, the
2633 Secretary of the Office of Policy and Management, or the secretary's

2634 designee, and the Commissioner of Public Health, or the
2635 commissioner's designee, shall constitute a Water Planning Council to
2636 address issues involving the water companies, water resources and
2637 state policies regarding the future of the state's drinking water supply.
2638 On or after July 1, 2007, and each year thereafter, the chairperson of the
2639 Water Planning Council shall be elected by the members of the Water
2640 Planning Council.

2641 (b) The Water Planning Council shall conduct a study, in
2642 consultation with representatives of water companies, municipalities,
2643 agricultural groups, environmental groups and other water users, that
2644 shall include the following issues: (1) The financial viability, market
2645 structure, reliability of customer service and managerial competence of
2646 water companies; (2) fair and reasonable water rates; (3) protection and
2647 appropriate allocation of the state's water resources while providing
2648 for public water supply needs; (4) the adequacy and quality of the
2649 state's drinking water supplies to meet current and future needs; (5) an
2650 inventory of land and land use by water companies; (6) the status of
2651 current withdrawals, projected withdrawals, river flows and the future
2652 needs of water users; (7) methods for measurement and estimations of
2653 natural flows in Connecticut waterways in order to determine
2654 standards for stream flows that will protect the ecology of the state's
2655 rivers and streams; (8) the status of river flows and available data for
2656 measuring river flows; (9) the streamlining of the water diversion
2657 permit process; (10) coordination between the Departments of Energy
2658 and Environmental Protection [,] and Public Health [and Public Utility
2659 Control] in review of applications for water diversion; and (11) the
2660 procedure for coordination of planning of public water supply systems
2661 established in sections 25-33c to 25-33j, inclusive. Such study shall be
2662 conducted on both a regional and state-wide level.

2663 (c) The council may establish an advisory group that shall serve at
2664 the pleasure of the council. The advisory group shall be balanced
2665 between consumptive and nonconsumptive interests. The advisory
2666 group may include representatives of (1) regional and municipal water
2667 utilities, (2) investor-owned water utilities, (3) a wastewater system, (4)

2668 agricultural interests, (5) electric power generation interests, (6)
2669 business and industry interests, (7) environmental land protection
2670 interests, (8) environmental river protection interests, (9) boating
2671 interests, (10) fisheries interests, (11) recreational interests, (12)
2672 endangered species protection interests, and (13) members of academia
2673 with expertise in stream flow, public health and ecology.

2674 (d) The council shall, not later than January 1, 2002, and annually
2675 thereafter, report its preliminary findings and any proposed legislative
2676 changes to the joint standing committees of the General Assembly
2677 having cognizance of matters relating to public health, the
2678 environment and public utilities in accordance with section 11-4a,
2679 except that not later than February 1, 2004, the council shall report its
2680 recommendations in accordance with this subsection with regard to (1)
2681 a water allocation plan based on water budgets for each watershed, (2)
2682 funding for water budget planning, giving priority to the most highly
2683 stressed watersheds, and (3) the feasibility of merging the data
2684 collection and regulatory functions of the Department of Energy and
2685 Environmental Protection's inland water resources program and the
2686 Department of Public Health's water supplies section.

2687 Sec. 45. Section 25-157 of the general statutes is repealed and the
2688 following is substituted in lieu thereof (*Effective July 1, 2011*):

2689 Notwithstanding any other provision of the general statutes, no
2690 state agency, including, but not limited to, the Department of Energy
2691 and Environmental Protection and the Connecticut Siting Council
2692 within such department, shall consider or render a final decision for
2693 any applications relating to electric power line crossings, gas pipeline
2694 crossings or telecommunications crossings of Long Island Sound that
2695 have required or will require a certificate issued pursuant to section
2696 16-50k or approval by the Federal Energy Regulatory Commission
2697 including, but not limited to, electrical power line, gas pipeline or
2698 telecommunications applications that are pending or received after
2699 June 3, 2002, for a period of three years after June 3, 2002. Such
2700 moratorium shall not apply to applications relating solely to the

2701 maintenance, repair or replacement necessary for repair of electrical
2702 power lines, gas pipelines or telecommunications facilities currently
2703 used to provide service to customers located on islands or peninsulas
2704 off the Connecticut coast or harbors, embayments, tidal rivers, streams
2705 or creeks. An applicant may seek a waiver of such moratorium by
2706 submitting a petition to the following: The chairpersons and ranking
2707 members of the joint standing committees of the General Assembly
2708 having cognizance of matters relating to energy and the environment,
2709 the chairman of the Connecticut Siting Council, [the chairperson of the
2710 Public Utilities Control Authority,] the Commissioner of Energy and
2711 Environmental Protection, and any other state agency head with
2712 jurisdiction over the subject of the petition. Such persons may grant a
2713 petition for a waiver by unanimous consent. Nothing in section 16-
2714 244j, this section or sections 25-157a to 25-157c, inclusive, shall be
2715 construed to affect the project in the corridor across Long Island
2716 Sound, from Norwalk to Northport, New York, to replace the existing
2717 electric cables that cross the sound.

2718 Sec. 46. Section 28-24 of the general statutes is repealed and the
2719 following is substituted in lieu thereof (*Effective July 1, 2011*):

2720 (a) There is established an Office of State-Wide Emergency
2721 Telecommunications which shall be in the Division of Fire, Emergency
2722 and Building Services within the Department of Public Safety. The
2723 Office of State-Wide Emergency Telecommunications shall be
2724 responsible for developing and maintaining a state-wide emergency
2725 service telecommunications policy. In connection with said policy the
2726 office shall:

2727 (1) Develop a state-wide emergency service telecommunications
2728 plan specifying emergency police, fire and medical service
2729 telecommunications systems needed to provide coordinated
2730 emergency service telecommunications to all state residents, including
2731 the physically disabled;

2732 (2) Pursuant to the recommendations of the task force established by

2733 public act 95-318 to study enhanced 9-1-1 telecommunications services,
2734 and in accordance with regulations adopted by the Commissioner of
2735 Public Safety pursuant to subsection (b) of this section, develop and
2736 administer, by July 1, 1997, an enhanced emergency 9-1-1 program,
2737 which shall provide for: (A) The replacement of existing 9-1-1 terminal
2738 equipment for each public safety answering point; (B) the
2739 subsidization of regional public safety emergency telecommunications
2740 centers, with enhanced subsidization for municipalities with a
2741 population in excess of forty thousand; (C) the establishment of a
2742 transition grant program to encourage regionalization of public safety
2743 telecommunications centers; and (D) the establishment of a regional
2744 emergency telecommunications service credit in order to support
2745 regional dispatch services;

2746 (3) Provide technical telecommunications assistance to state and
2747 local police, fire and emergency medical service agencies;

2748 (4) Provide frequency coordination for such agencies;

2749 (5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-
2750 1 systems;

2751 (6) Review and make recommendations concerning proposed
2752 legislation affecting emergency service telecommunications; and

2753 (7) Review and make recommendations to the General Assembly
2754 concerning emergency service telecommunications funding.

2755 (b) The Commissioner of Public Safety shall adopt regulations, in
2756 accordance with chapter 54, establishing eligibility standards for state
2757 financial assistance to local or regional police, fire and emergency
2758 medical service agencies providing emergency service
2759 telecommunications. Not later than April 1, 1997, the commissioner
2760 shall adopt regulations, in accordance with chapter 54, in order to
2761 carry out the provisions of subdivision (2) of subsection (a) of this
2762 section.

2763 (c) Within a time period determined by the commissioner to ensure
2764 the availability of funds for the fiscal year beginning July 1, 1997, to the
2765 regional public safety emergency telecommunications centers within
2766 the state, and not later than April first of each year thereafter, the
2767 commissioner shall determine the amount of funding needed for the
2768 development and administration of the enhanced emergency 9-1-1
2769 program. The commissioner shall specify the expenses associated with
2770 (1) the purchase, installation and maintenance of new public safety
2771 answering point terminal equipment, (2) the implementation of the
2772 subsidy program, as described in subdivision (2) of subsection (a) of
2773 this section, (3) the implementation of the transition grant program,
2774 described in subdivision (2) of subsection (a) of this section, (4) the
2775 implementation of the regional emergency telecommunications service
2776 credit, as described in subdivision (2) of subsection (a) of this section,
2777 provided, for the fiscal year ending June 30, 2001, and each fiscal year
2778 thereafter, such credit for coordinated medical emergency direction
2779 services as provided in regulations adopted under this section shall be
2780 based upon the factor of thirty cents per capita and shall not be
2781 reduced each year, (5) the training of personnel, as necessary, (6)
2782 recurring expenses and future capital costs associated with the
2783 telecommunications network used to provide emergency 9-1-1 service
2784 and the public safety services data networks, (7) for the fiscal year
2785 ending June 30, 2001, and each fiscal year thereafter, the collection,
2786 maintenance and reporting of emergency medical services data, as
2787 required under subparagraphs (A) and (B) of subdivision (8) of section
2788 19a-177, provided the amount of expenses specified under this
2789 subdivision shall not exceed two hundred fifty thousand dollars in any
2790 fiscal year, (8) for the fiscal year ending June 30, 2001, and each fiscal
2791 year thereafter, the initial training of emergency medical dispatch
2792 personnel, the provision of an emergency medical dispatch priority
2793 reference card set and emergency medical dispatch training and
2794 continuing education pursuant to subdivisions (3) and (4) of
2795 subsection (g) of section 28-25b, and (9) the administration of the
2796 enhanced emergency 9-1-1 program by the Office of State-Wide
2797 Emergency Telecommunications, as the commissioner determines to

2798 be reasonably necessary. The commissioner shall communicate the
 2799 commissioner's findings to the [chairperson of the Public Utilities
 2800 Control Authority] Commissioner of Energy and Environmental
 2801 Protection not later than April first of each year.

2802 (d) The office may apply for, receive and distribute any federal
 2803 funds available for emergency service telecommunications. The office
 2804 shall deposit such federal funds in the Enhanced 9-1-1
 2805 Telecommunications Fund established by section 28-30a.

2806 (e) The office shall work in cooperation with the Department of
 2807 [Public Utility Control] Energy and Environmental Protection to carry
 2808 out the purposes of this section.

2809 Sec. 47. Sections 16-1b and 16a-22l of the general statutes are
 2810 repealed. (*Effective July 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	4-5
Sec. 3	<i>July 1, 2011</i>	4-38c
Sec. 4	<i>July 1, 2011</i>	4-67e
Sec. 5	<i>July 1, 2011</i>	4b-47(a) and (b)
Sec. 6	<i>July 1, 2011</i>	4d-90(a)
Sec. 7	<i>July 1, 2011</i>	4d-100(a)
Sec. 8	<i>July 1, 2011</i>	16-1
Sec. 9	<i>July 1, 2011</i>	16-2
Sec. 10	<i>July 1, 2011</i>	16-2c
Sec. 11	<i>July 1, 2011</i>	16-8(a) and (b)
Sec. 12	<i>July 1, 2011</i>	16-50j
Sec. 13	<i>July 1, 2011</i>	16-261a
Sec. 14	<i>July 1, 2011</i>	16a-3
Sec. 15	<i>July 1, 2011</i>	16a-3a(e) and (f)
Sec. 16	<i>July 1, 2011</i>	16a-3c
Sec. 17	<i>July 1, 2011</i>	16a-4
Sec. 18	<i>July 1, 2011</i>	16a-7b(b)
Sec. 19	<i>July 1, 2011</i>	16a-7c(a)

Sec. 20	July 1, 2011	16a-22c
Sec. 21	July 1, 2011	16a-23t(f)
Sec. 22	July 1, 2011	16a-37w
Sec. 23	July 1, 2011	16a-38k(b)
Sec. 24	July 1, 2011	16a-39
Sec. 25	July 1, 2011	16a-40
Sec. 26	July 1, 2011	16a-41b
Sec. 27	July 1, 2011	16a-46
Sec. 28	July 1, 2011	16a-46c
Sec. 29	July 1, 2011	16a-48
Sec. 30	July 1, 2011	21a-86a
Sec. 31	July 1, 2011	21a-86c(a)
Sec. 32	July 1, 2011	22a-174l
Sec. 33	July 1, 2011	22a-2
Sec. 34	July 1, 2011	22a-5
Sec. 35	July 1, 2011	22a-11
Sec. 36	July 1, 2011	22a-119(e)
Sec. 37	July 1, 2011	22a-198
Sec. 38	July 1, 2011	22a-354i
Sec. 39	July 1, 2011	22a-354w
Sec. 40	July 1, 2011	22a-371(d)
Sec. 41	July 1, 2011	23-8
Sec. 42	July 1, 2011	23-102
Sec. 43	July 1, 2011	25-32i
Sec. 44	July 1, 2011	25-33o
Sec. 45	July 1, 2011	25-157
Sec. 46	July 1, 2011	28-24
Sec. 47	July 1, 2011	Repealer section

Statement of Legislative Commissioners:

In section 4, the reference to the "commissioner" was changed to the "Commissioner of Energy and Environmental Protection" for clarity.

ENV *Joint Favorable Subst.*