



Testimony of Denise L. Nappier  
Treasurer, State of Connecticut  
Submitted to the Energy & Technology Committee  
March 1, 2012  
RE: HB 5271, *An Act Concerning the Siting Council*

Good afternoon Senator Fonfara, Representative Nardello, Senator Witkos, Representative Hoydick, and members of the Energy and Technology Committee. Thank you for the opportunity to testify on H.B. No. 5271 AN ACT CONCERNING THE SITING COUNCIL.

I come before you today in support of Section 3 of this bill. As you may recall, this proposal was before you last session, as part of H.B. No. 6250. Not only did that bill receive the strong approval of this Committee, it passed both the Senate and the House by large margins. Unfortunately, the public act (P.A. 11-107) was vetoed for reasons that did not involve the change we are again seeking this session.

By way of background, current law sets forth a process by which municipalities that participate in certain certification proceedings before the Siting Council can apply for reimbursement for expenses incurred in connection with such proceedings. An applicant seeking certification is required to pay a fee of \$25,000 to cover any reimbursements to municipalities. Current law requires payments to be made to a participating municipality within sixty days after the commencement of the proceeding.

Our experience with implementing this provision has proven that it is not practical to make payments at the commencement of a matter, because a municipality may not know the full extent of expenses that will be incurred in connection with a proceeding. The change we seek in this bill - requiring that reimbursement applications be submitted by a municipality "not later than sixty days after the

conclusion of a certification proceeding” – would allow my office to review those expenses that have actually been incurred.

With this modification, there is no longer a need for the language in the statute requiring participating municipalities to refund monies paid in excess of the costs they incur. This language makes sense when reimbursement payments are made at the beginning of the proceeding and are substantiated later. With the back-end repayment proposed, all expenses will actually have been incurred prior to a reimbursement being distributed. As a result, overpayments should not occur in the ordinary course. Since the statute only allows for reimbursements “to defray expenses incurred,” there would still be a legal basis to recoup any overpayment made in error.

For these reasons, I ask for your favorable consideration of Section 3 of H.B. No. 5271. Thank you for your time. I would be happy to answer any questions.