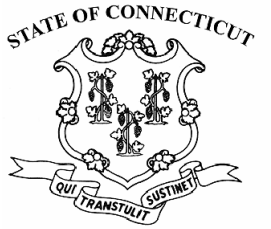


***Substitute Senate Bill No. 357***

# *Public Act No. 14-94*

***AN ACT CONCERNING CONNECTICUT'S RECYCLING AND MATERIALS MANAGEMENT STRATEGY, THE UNDERGROUND DAMAGE PREVENTION PROGRAM AND REVISIONS TO ENERGY AND ENVIRONMENTAL STATUTES.***

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

Section 1. (NEW) (*Effective from passage*) (a) There is established the Materials Innovation and Recycling Authority. The Materials Innovation and Recycling Authority shall constitute a successor authority to the Connecticut Resources Recovery Authority in accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

(b) Wherever the words "Connecticut Resources Recovery Authority" are used in any public or special act of 2014 or in the following sections of the general statutes, the words "Materials Innovation and Recycling Authority" shall be substituted in lieu thereof: 1-79, 1-120, 1-124, 1-125, 3-24d, 3-24f, 7-329a, 12-412, 12-459, 16-1, 16-245, 16-245b, 22a-208a, as amended by this act, 22a-208v, 22a-209h, 22a-219b, 22a-220, 22a-241, 22a-260, 22a-261, as amended by this act, 22a-263a, 22a-263b, 22a-268a, 22a-268b, 22a-270a, 22a-272a, 22a-282, 22a-283, 22a-284, 32-1e and 32-658.

(c) The Legislative Commissioners' Office shall, in codifying the

provisions of this section, make such conforming, technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 2. Section 22a-241a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or before **[**June 1, 1988**]** July 1, 2016, the Commissioner of Energy and Environmental Protection shall revise the state-wide solid waste management plan adopted pursuant to section 22a-228 to include a strategy **[**to recycle**]** for diverting, through source reduction, reuse and recycling, not less than **[**twenty-five**]** sixty per cent of the solid waste generated in the state after **[**January 1, 1991**]** January 1, 2024. Such strategy shall include, but not be limited to, modernization of solid waste management infrastructure throughout the state through the efforts of private, public and quasi-public entities, promotion of organic materials management, the recycling of construction and demolition debris, the development of intermediate processing centers, recommendations for **[**assigning municipalities to**]** the development of municipal or regional recycling programs, options for local compliance of municipalities with recycling requirements and the composting of solid waste. The commissioner shall consult with municipalities in developing any revision to the state-wide solid waste management plan and with the Connecticut Agricultural Experiment Station on issues related to composting.

(b) On or before February 1, 2016, the commissioner shall submit such revised state-wide solid waste management plan to the joint standing committee of the General Assembly having cognizance of matters relating to the environment. Not later than thirty days after receipt of such revised state-wide solid waste management plan, said committee may hold a public hearing on such plan. The commissioner, or the commissioner's designee, shall testify at any such public hearing and receive comments from the members of said committees

concerning such proposals.

Sec. 3. (NEW) (*Effective from passage*) On or before January 1, 2016, the Commissioner of Energy and Environmental Protection, in consultation with the Materials Innovation and Recycling Authority, shall issue a request for proposals from providers of solid waste materials management services, including, but not limited to, recycling, reuse, energy and fuel recovery for the purpose of redeveloping the Connecticut Solid Waste System Project. Such proposals shall not include the provision of waste collection or transportation services. From such proposals, the commissioner may select not more than three respondents who may each conduct a feasibility study with the cooperation of the Materials Innovation and Recycling Authority. Any such feasibility study shall be completed not later than January 1, 2017, and any such respondent shall submit a final proposal to the Commissioner of Energy and Environmental Protection not later than July 1, 2017. The commissioner shall provide an opportunity for public review and comment on such feasibility study. On or before September 15, 2017, the commissioner shall submit a report on the nature and status of such proposals to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and energy and technology and to the joint standing committee on legislative management. The joint standing committees of the General Assembly having cognizance of matters relating to the environment and energy and technology may hold a joint public hearing on such report not later than thirty days after receipt of such report. The commissioner, or the commissioner's designee, shall testify at any such public hearing and receive comments from the members of said committees concerning such proposals. On or before December 31, 2017, the Commissioner of Energy and Environmental Protection may select one such final proposal and direct the Materials Innovation and Recycling Authority to enter into an agreement with the applicable respondent for the

redevelopment of the Connecticut Solid Waste Management System Project. In selecting such final proposal, the Commissioner of Energy and Environmental Protection shall consider the following factors: (1) Whether the proposal is consistent with the strategies developed pursuant to section 22a-241a of the general statutes, as amended by this act, (2) whether the proposal is consistent with the goals of the state-wide solid waste management plan adopted in accordance with section 22a-228 of the general statutes, (3) whether the proposal is in the best interest of the municipalities under contract with the Materials Innovation and Recycling Authority, including, but not limited to, the maintenance or reduction of current tipping fees for contracted waste, (4) the level of investment proposed by the respondent, (5) any potential positive impacts on the state's economic development, (6) public comments received on the feasibility studies, and (7) any other factor consistent with the purpose of this section that the Commissioner of Energy and Environmental Protection deems relevant to the redevelopment of the Connecticut Solid Waste System Project. The selection of a final proposal by the Department of Energy and Environmental Protection, in consultation with the Materials Innovation and Recycling Authority, shall not be construed as a legislative mandate as it relates to the Materials Innovation and Recycling Authority's ability to obligate municipal customers to remain under contract.

Sec. 4. (NEW) (*Effective from passage*) (a) There is established the Recycle CT Foundation, Inc., a nonstock, nonprofit corporation, organized under the laws of the state of Connecticut as a state chartered foundation. The Recycle CT Foundation, Inc. shall: (1) Target and promote the coordination and support of research and education activities and public information programs aimed at increasing the rate of recycling and reuse in the state, in accordance with the state-wide solid waste management plan adopted pursuant to section 22a-228 of the general statutes; and (2) receive, disburse and administer gifts,

grants, endowments or other funds from any source that supports research and education activities consistent with the purposes of chapter 446d of the general statutes.

(b) There is established a Recycle CT Foundation Council that shall consist of the following members: (1) The Commissioners of Energy and Environmental Protection and Economic and Community Development, or said commissioners' designees, (2) five appointed by the Governor, (3) one appointed by the president pro tempore of the Senate, (4) one appointed by the speaker of the House of Representatives, (5) one appointed by the minority leader of the House of Representatives, and (6) one appointed by the minority leader of the Senate. The chairperson of the council shall be appointed by the Governor and shall serve a term coterminous with that of the Governor. All other members of the council shall serve a term of two years. No member shall serve for more than three terms. Members of the council shall not receive compensation for service on such council. Any vacancy shall be filled by the appointing authority.

(c) The council shall undertake all requisite efforts to obtain nonprofit, tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time. The council shall solicit and accept funds, on behalf of the Recycle CT Foundation, Inc., to be used for the purpose of making grants to programs that are intended to increase the rate of recycling and reuse of solid waste materials in the state. The council shall establish criteria and procedures for the award of such grants, provided recipients of such grants may include: Nonprofit organizations, civic and community groups, schools, public agencies, municipalities, regional entities that represent municipalities or organizations in the private sector. Any person seeking the award of such grant shall file an application with the council on a form as prescribed by the council.

Sec. 5. Section 22a-262 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The purposes of the authority shall be:

(1) The planning, design, construction, financing, management, ownership, operation and maintenance of solid waste disposal, volume reduction, recycling, intermediate processing and resources recovery facilities and all related solid waste reception, storage, transportation and waste-handling and general support facilities considered by the authority to be necessary, desirable, convenient or appropriate in carrying out the provisions of the state solid waste management plan and in establishing, managing and operating solid waste disposal and resources recovery systems and their component waste-processing facilities and equipment;

(2) The provision of solid waste management services to municipalities, regions and persons within the state by receiving solid wastes at authority facilities, pursuant to contracts between the authority and such municipalities, regions and persons; the recovery of resources and resource values from such solid wastes; and the production from such services and resources recovery operations of revenues sufficient to provide for the support of the authority and its operations on a self-sustaining basis, with due allowance for the redistribution of any surplus revenues to reduce the costs of authority services to the users thereof provided such surplus revenues shall include any net revenue from activities undertaken pursuant to subdivisions (18) and (19) of subsection (a) of section 22a-266 and subdivision (8) of section 22a-267;

(3) The utilization, through contractual arrangements, of private industry for implementation of some or all of the requirements of the state solid waste management plan and for such other activities as may be considered necessary, desirable or convenient by the authority;

(4) Assistance with and coordination of efforts directed toward source separation for recycling purposes; and

**[**(5) Assistance in the development of industries, technologies and commercial enterprises within the state of Connecticut based upon resources recovery, recycling, reuse and treatment or processing of solid waste.**]**

(5) In consultation with the Commissioner of Energy and Environmental Protection and consistent with the state-wide solid waste management plan adopted pursuant to section 22a-228, the development of new industries, technologies and commercial enterprises on property owned by the authority based upon resource recovery, recycling, reuse and treatment or processing of solid waste.

(b) These purposes shall be considered to be operating responsibilities of the authority, in accordance with the state solid waste management plan, and are to be considered in all respects public purposes. **[**It is the intention of this chapter that the authority shall be granted all powers necessary to fulfill these purposes and to carry out its assigned responsibilities and that the provisions of this chapter, itself, are to be construed liberally in furtherance of this intention.**]**

(c) These purposes shall not include activities related to state-wide recycling education and promotion or the establishment of state-wide solid waste management or policy.

Sec. 6. Section 22a-264 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The activities of the authority in providing or contracting to provide solid waste management services **[**to the state, regions, municipalities and persons, in implementing the state resources recovery system and in planning, designing, financing, constructing, managing or operating solid waste facilities, including their location, size and capabilities,**]**

shall be in conformity with applicable statutes and regulations and with the state solid waste management plan as **[**promulgated**]** adopted by the Commissioner of Energy and Environmental Protection. **[**The authority shall have power to assist in the preparation, revision, extension or amendment of the state solid waste management plan, and the Department of Energy and Environmental Protection is hereby authorized to utilize, by contract or other agreement, the capabilities of the authority for the carrying out of such planning functions. The authority shall have power to revise and update, as may be necessary to carry out the purposes of this chapter, that portion of the state solid waste management plan defined as the "solid waste management system". To effect such revision and updating, the**]** The authority shall prepare an annual plan of operations which shall be reviewed by the Commissioner of Energy and Environmental Protection for consistency with the state solid waste management plan. Upon approval by the Commissioner of Energy and Environmental Protection and by a **[**two-thirds**]** vote of the authority's full board of directors, the annual plan of operations shall be **[**promulgated**]** adopted. Any activities of the authority carried out to assist in the development of industry and commerce based upon the availability of recovered resources for recycling and reuse shall be coordinated to the extent practicable with plans and activities of Connecticut Innovations, Incorporated, with due consideration given to the secondary materials and waste management industries operating within the state of Connecticut.

Sec. 7. Section 22a-265 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

The authority shall have power to:

(1) Employ a staff of not to exceed **[**seventy**]** forty-five personnel, exclusive of the directors, and to fix their duties, qualifications and compensation; **[**provided before employing more than forty-five persons the board of directors shall, by a two-thirds vote of all the

members, establish the maximum number of employees which may be employed;**]**

(2) Establish offices where necessary in the state of Connecticut;

(3) Make and enter into any contract or agreement necessary or incidental to the performance of its duties and execution of its powers;

(4) Sue and be sued;

(5) Have a seal and alter it at pleasure;

(6) Make and alter bylaws and rules and regulations with respect to the exercise of its own powers;

(7) Conduct such hearings, examinations and investigations as may be necessary and appropriate to the conduct of its operations and the fulfillment of its responsibilities;

(8) Obtain access to public records and apply for the process of subpoena if necessary to produce books, papers, records and other data;

(9) Charge reasonable fees for the services it performs and waive, suspend, reduce or otherwise modify such fees, provided such user fees shall apply uniformly within each municipality to all users who are provided with waste management services with respect to a given type or category of wastes, in accordance with criteria established by the authority, and provided further no change may be made in user fees without at least sixty days prior notice to the users affected thereby;

(10) Purchase, lease or rent such real and personal property as it may deem necessary, convenient or desirable;

**[**(11) Appoint such state and local advisory councils as it may from

time to time deem advisable, including but not limited to state and local councils on the continuation and utilization of source-separation and recycling efforts to benefit the people of the state;**]**

**[**(12)**]** (11) Otherwise, do all things necessary for the performance of its duties, the fulfillment of its obligations, the conduct of its operations, the maintenance of its working relationships with municipalities, regions and persons, and the conduct of a comprehensive program for reuse, recycling, solid waste disposal and resources recovery, and for solid waste management services, in accordance with the provisions of the state solid waste management plan, applicable statutes and regulations and the requirements of this chapter;

**[**(13)**]** (12) Receive and accept, from any source, aid or contributions, including money, property, labor and other things of value;

**[**(14) To invest**]** (13) Invest any funds not needed for immediate use or disbursement in obligations issued or guaranteed by the United States of America or the state of Connecticut and in obligations that are legal investments for savings banks in this state; and

**[**(15) To adopt**]** (14) Adopt regular procedures for exercising its power under this chapter not in conflict with other provisions of the general statutes.

Sec. 8. Section 22a-265a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

**[**If, during any fiscal year the number of employees authorized by the board pursuant to subdivision (1) of section 22a-265 exceeds forty-five, expenditures by the authority for outside consultants during such fiscal year shall be reduced below expenditures for outside consultants for the previous fiscal year by an amount equal to expenditures for such additional employees in excess of forty-five unless during such

fiscal year municipalities contract with the authority for the development or operation of additional recycling, intermediate processing or resources recovery processing facilities.**]** Any expenditure of fifty thousand dollars or more by the authority for an outside consultant shall require a two-thirds vote of approval by the board of directors.

Sec. 9. Section 16a-14e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Energy and Environmental Protection shall operate a purchasing pool for the purchase of electricity for state operations and the operations of any municipality in the state that elects to participate in such purchasing pool. In connection with the operation of such purchasing pool, the Commissioner of Energy and Environmental Protection may solicit proposals from electric suppliers and as authorized pursuant to subsection (e) of this section, on behalf of any state agency, municipality or institution of higher education for electric generation services to purchase electricity for state and municipal operations and to meet the state's energy policy goals, as established in the comprehensive energy strategy adopted by the commissioner. Said department shall provide the opportunity to participate in such purchasing pool to each household that includes an individual who receives means-tested assistance administered by the state or federal government. Any such household shall receive through such purchasing pool the same benefits and rate discounts available for state facilities. The Department of Energy and Environmental Protection shall use federal and state energy assistance funds to leverage the lowest practicable electric rates for households participating in such pool, provided such funds shall not be used for administrative purposes. The commissioner may make grants available to municipalities that join such pool and commit to achieving the state diversion, recycling and reuse goals in accordance with

sections 22a-220 and 22a-241a, as amended by this act, and the state-wide solid waste management plan adopted and amended pursuant to section 22a-228. The provisions of section 16-245 shall not apply to the Department of Energy and Environmental Protection for purposes of this section.

(b) In connection with the operation of the purchasing pool described in subsection (a) of this section, on or before January 1, 2020, the Commissioner of Energy and Environmental Protection shall solicit, on behalf of state agencies and any municipality or institution of higher education that elects to participate in such purchasing pool, in one or more solicitations, proposals from retail electric suppliers and as authorized pursuant to subsection (e) of this section for electric supply, provided at least one solicitation occurs on or before January 1, 2015. For any solicitation issued for a purchasing pool of three hundred seventy thousand megawatt hours per year or less, proposals submitted in response to such solicitation shall include not less than sixty per cent of electric generation supplied from Class II renewable energy sources, as defined in section 16-1, that originate from trash-to-energy facilities constructed on or before January 1, 2013, and that are permitted pursuant to section 22a-208a. Selection criteria for such services shall include, but are not limited to: (1) The delivered price of such service, (2) the Class II renewable energy facility's practices in furtherance of the state's diversion, reduction, reuse and recycling goals that are consistent with sections 22a-220 and 22a-241a, as amended by this act, and the state-wide solid waste management plan adopted and amended pursuant to section 22a-228, (3) the degree to which a proposal includes a greater percentage of trash-to-energy in the fuel mix, and (4) the degree to which a proposal includes a greater number of trash-to-energy facilities. On or before January 1, 2020, the commissioner shall, through one or more solicitations, select the proposals that meet the requirements of this subsection to satisfy, for a total period of not less than five consecutive years, not less than three

hundred seventy thousand megawatt hours per year of electric supply, provided such proposals include sixty per cent of electric generation supplied from Class II renewable energy sources, as described in this subsection, and otherwise meet the requirements of this subsection. Any proposals for such electric supply service selected by the commissioner shall be for a period of not more than five years and at a price not higher than one-half cent per kilowatt hour above the price for standard generation service at the time any such solicitation is issued. In the event that no proposals include sixty per cent or more of electric generation supplied from Class II renewable energy sources, as defined in section 16-1, that originate from trash-to-energy facilities constructed on or before January 1, 2013, and that are permitted pursuant to section 22a-208a, the commissioner may select the proposal or proposals with the highest percentage of electric generation supplied from such Class II renewable energy sources, provided the price does not exceed one-half cent per kilowatt hour above the price for standard generation service at the time any such solicitation is issued.

(c) In the event that the pool authorized pursuant to subsection (a) of this section exceeds three hundred seventy thousand megawatt hours per year of electric supply, the commissioner may select an amount using the selection criteria contained in subsection (b) of this section, provided the requirement contained in subsection (b) of this section for sixty per cent of such electric generation supplied from Class II renewable energy sources shall not apply to any such amount of such pool that exceeds three hundred seventy thousand megawatt hours per year.

(d) For the purposes of subdivisions (17) and (18) of subsection (b) of section 7-233e, the purchasing pool described in subsection (a) of this section and any energy improvement district described in section 32-80a shall be deemed to be included in the entities that constitute

electric power entities.

(e) Notwithstanding the provisions of subsection (g) of section 16-245c, a municipal electric energy cooperative is authorized to and may provide and supply electric generation services to those entities that constitute electric power entities, as described in subsection (d) of this section, provided any such cooperative shall comply with the renewable energy procurement requirements of sections 16-243q and 16-245a with respect to the electric generation services supplied to such entities, and further provided all costs directly associated with seeking to provide or providing such electric generation services, and all costs otherwise reasonably allocable to seeking to provide or providing such electric generation services, are excluded from the costs that such electric energy cooperative charges any other electric energy cooperative participant. Any such cooperative shall not be subject to the provisions of section 16-245.

Sec. 10. Section 1-2b of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of sections 1-100oo, 1-206, 2-71r, 4-176, 4-180, 4-183, 4a-52a, 4a-60q, 4a-63, 4a-100, 4e-34, 4e-35, 7-65, 7-148w, 7-247a, 7-473c, 7-478e, 8-3b, 8-3i, 8-7d, 8-26b, 8-169r, 8-293, 9-388, 9-608, 9-623, 10a-22c, 10a-22i, 10a-34a, 10a-109n, 12-35, 12-157, 12-242ii, 12-242jj, 13a-80, 13a-123, 15-11a, 16-41, 16-50c, 16-50d, 17a-103b, 19a-87, 19a-87c, 19a-209c, 19a-332e, 19a-343a, 19a-486a, 19a-486c, 19a-486d, 19a-497, 19a-507b, 20-205a, 20-325a, 21-63, 21-80, 22-7, 22a-6b, 22a-6u, 22a-30, 22a-42d, 22a-42f, 22a-66d, 22a-137, 22a-178, 22a-225, 22a-228, 22a-250, **[**22a-285b,**]** 22a-354p, 22a-354s, 22a-354t, 22a-361, 22a-371, 22a-401, 22a-403, 22a-433, 22a-436, 22a-449f, 22a-449*l*, 22a-449n, 22a-504, 22a-626, 23-46, 23-65j, 23-651, 23-65p, 25-32, 25-32e, 25-331, 25-34, 25-204, 25-234, 29-108d, 31-57c, 31-57d, 31-355, 32-613, 33-663, 33-929, 33-1053, 33-1219, 34-521, 35-42, 36a-50, 36a-51, 36a-52, 36a-53, 36a-82, 36a-184, 36a-493, 36b-62,

36b-72, 38-323a, 38a-344, 38a-676, 38a-724, 38a-788, 42-158j, 42-161, 42-181, 42-182, 42-186, 42-271, 45a-716, 46b-115w, 46b-128, 47-42d, 47-74f, 47-88b, 47-236, 47-284, 47a-11b, 47a-11d, 47a-13a, 47a-14h, 47a-56b, 49-2, 49-4a, 49-8, 49-8a, 49-10b, 49-31b, 49-51, 49-70, 51-90e, 52-57, 52-59b, 52-63, 52-64, 52-195c, 52-350e, 52-351b, 52-361a, 52-362, 52-565a, 52-605, 52-606, 53-401, 53a-128, 53a-128d, 53a-207 and 54-82c and chapter 965, any reference to certified mail, return receipt requested, shall include mail, electronic, and digital methods of receiving the return receipt, including all methods of receiving the return receipt identified by the Mailing Standards of the United States Postal Service in Chapter 500 of the Domestic Mail Manual or any subsequent corresponding document of the United States Postal Service.

(b) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes and statutory placements and classifications, including, but not listed in subsection (a) of this section as are necessary to carry out the purposes of this section.

Sec. 11. Section 16-50j of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a "Connecticut Siting Council", hereinafter referred to as the "council", which shall be within the Department of Energy and Environmental Protection for administrative purposes only.

(b) Except for proceedings under chapter 445, this subsection and subsection (c) of this section, the council shall consist of: (1) The Commissioner of Energy and Environmental Protection, or his designee; (2) the chairperson of the Public Utilities Regulatory Authority, or the chairperson's designee; (3) one designee of the speaker of the House and one designee of the president pro tempore of

the Senate; and (4) five members of the public, to be appointed by the Governor, at least two of whom shall be experienced in the field of ecology, and not more than one of whom shall have affiliation, past or present, with any utility or governmental utility regulatory agency, or with any person owning, operating, controlling, or presently contracting with respect to a facility, a hazardous waste facility, as defined in section 22a-115, or an ash residue disposal area.

(c) For proceedings under chapter 445, subsection (b) of this section and this subsection, the council shall consist of (1) the Commissioners of Public Health and Emergency Services and Public Protection or their designated representatives; (2) the designees of the speaker of the House of Representatives and the president pro tempore of the Senate as provided in subsection (b) of this section; (3) the five members of the public as provided in subsection (b) of this section; and (4) four ad hoc members, three of whom shall be electors from the municipality in which the proposed facility is to be located and one of whom shall be an elector from a neighboring municipality likely to be most affected by the proposed facility. The municipality most affected by the proposed facility shall be determined by the permanent members of the council. If any one of the five members of the public or of the designees of the speaker of the House of Representatives or the president pro tempore of the Senate resides (A) in the municipality in which a hazardous waste facility is proposed to be located for a proceeding concerning a hazardous waste facility or in which a low-level radioactive waste facility is proposed to be located for a proceeding concerning a low-level radioactive waste facility, or (B) in the neighboring municipality likely to be most affected by the proposed facility, the appointing authority shall appoint a substitute member for the proceedings on such proposal. If any appointee is unable to perform his duties on the council due to illness, or has a substantial financial or employment interest which is in conflict with the proper discharge of his duties under this chapter, the appointing

authority shall appoint a substitute member for proceedings on such proposal. An appointee shall report any substantial financial or employment interest which might conflict with the proper discharge of his duties under this chapter to the appointing authority who shall determine if such conflict exists. If any state agency is the applicant, an appointee shall not be deemed to have a substantial employment conflict of interest because of employment with the state unless such appointee is directly employed by the state agency making the application. Ad hoc members shall be appointed by the chief elected official of the municipality they represent and shall continue their membership until the council issues a letter of completion of the development and management plan to the applicant.

**[**(d) For proceedings under sections 22a-285d to 22a-285h, inclusive, the council shall consist of (1) the Commissioners of Public Health and Emergency Services and Public Protection or their designated representatives; (2) the designees of the speaker of the House of Representatives and the president pro tempore of the Senate as provided in subsection (b) of this section, and (3) five members of the public as provided in subsection (b) of this section. If any one of the five members of the public or of the designees of the speaker of the House of Representatives or the president pro tempore of the Senate resides in the municipality in which an ash residue disposal area is proposed to be located the appointing authority shall appoint a substitute member for the proceedings on such proposal. If any appointee is unable to perform his duties on the council due to illness, or has a substantial financial or employment interest which is in conflict with the proper discharge of his duties under sections 22a-285d to 22a-285h, inclusive, the appointing authority shall appoint a substitute member for proceedings on such proposal. An appointee shall report any substantial financial or employment interest which might conflict with the proper discharge of his duties under said sections to the appointing authority who shall determine if such

conflict exists. If any state agency is the applicant, an appointee shall not be deemed to have a substantial employment conflict of interest because of employment with the state unless such appointee is directly employed by the state agency making the application.**]**

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

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

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

**[**(h)**]** (g) Prior to commencing any hearing pursuant to section 16-50m, the council shall consult with and solicit written comments from (1) the Department of Energy and Environmental Protection, the Department of Public Health, the Council on Environmental Quality, the Department of Agriculture, the Public Utilities Regulatory Authority, the Office of Policy and Management, the Department of

Economic and Community Development and the Department of Transportation, and (2) in a hearing pursuant to section 16-50m, for a facility described in subdivision (3) of subsection (a) of section 16-50i, the Department of Emergency Services and Public Protection, the Department of Consumer Protection, the Department of Administrative Services and the Labor Department. In addition, the Department of Energy and Environmental Protection shall have the continuing responsibility to investigate and report to the council on all applications which prior to October 1, 1973, were within the jurisdiction of the Department of Environmental Protection with respect to the granting of a permit. Copies of such comments shall be made available to all parties prior to the commencement of the hearing. Subsequent to the commencement of the hearing, said departments and council may file additional written comments with the council within such period of time as the council designates. All such written comments shall be made part of the record provided by section 16-50o. Said departments and council shall not enter any contract or agreement with any party to the proceedings or hearings described in this section or section 16-50p that requires said departments or council to withhold or retract comments, refrain from participating in or withdraw from said proceedings or hearings.

Sec. 12. Section 22a-208b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection may issue a permit to construct a facility for the land disposal of solid waste pursuant to section 22a-208a, as amended by this act, provided **[**(1)**]** the applicant submits to the commissioner a copy of a valid certificate of zoning approval, special permit, special exception or variance, or other documentation, establishing that the facility complies with the zoning requirements adopted by the municipality in which such facility is located pursuant to chapter 124 or any special act. **[**, or (2) the council

has approved a negotiated agreement or issued an arbitration award in accordance with section 22a-285g.**]**

(b) Nothing in this chapter or chapter 446e shall be construed to limit the right of a municipality to regulate, through zoning, land usage for an existing or new solid waste facility. No municipal regulation adopted pursuant to section 8-2 shall have the effect of prohibiting the construction, alteration or operation of solid waste facilities within the limits of a municipality.

Sec. 13. Section 51-344a of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever the term "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" is used or referred to in the following sections of the general statutes, it shall be deemed to mean or refer to the judicial district of Hartford on and after September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g, 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268*l*, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375, 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e, 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154, 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255*l*, 22a-276, **[**22a-285a, 22a-285g, 22a-285j,**]** 22a-310, 22a-342a, 22a-344, 22a-

361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

(b) If the term "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" is used or referred to in any public act of 1995, 1996, 1997 or 1998 or in any section of the general statutes which is amended in 1995, 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial district of Hartford on and after September 1, 1998.

(c) If the term "judicial district of Hartford-New Britain at New Britain" is used or referred to in any public act of 1995, 1996, 1997 or 1998 or in any section of the general statutes which is amended in 1995, 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial district of New Britain on and after September 1, 1998.

Sec. 14. Subsection (a) of section 51-344a of the 2014 supplement to the general statutes, as amended by section 22 of public act 09-177, section 6 of public act 10-54 and sections 3 and 4 of public act 12-60, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) Whenever the term "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" is used or

referred to in the following sections of the general statutes, it shall be deemed to mean or refer to the judicial district of Hartford on and after September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g, 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268*l*, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375, 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e, 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154, 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255*l*, 22a-276, **[**22a-285a, 22a-285g, 22a-285j,**]** 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-161z, 29-323, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

Sec. 15. Subsection (a) of section 22a-266 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) To accomplish the purposes of this chapter, the authority shall have power to:

(1) Own, manage and use real property or any interest therein;

(2) Determine the location and character of any project to be developed under the provisions of this chapter, subject to applicable statutes and regulations and the requirements of the state-wide solid waste management plan;

(3) Purchase, receive by gift or otherwise, lease, exchange, or otherwise acquire and construct, reconstruct, improve, maintain, equip and furnish such waste management projects as are called for by the state solid waste management plan;

(4) Sell or lease to any person, all or any portion of a waste management project, for such consideration and upon such terms as the authority may determine to be reasonable;

(5) Mortgage or otherwise encumber all or any portion of a project whenever, in the opinion of the authority, such action is deemed to be in furtherance of the purposes of this chapter;

(6) Grant options to purchase, or to renew a lease for, any authority waste management project on such terms as the authority may determine to be reasonable;

(7) Acquire, by purchase, gift **[**,**]** or transfer, **[**or by condemnation for public purposes,**]** and manage and operate, hold and dispose of real property and, subject to agreements with lessors or lessees, develop or alter such property by making improvements and betterments with the purpose of enhancing the value and usefulness of such property;

(8) Make plans, surveys, studies and investigations necessary or desirable, in conformity with the state plan and with due consideration

for local or regional plans, to carry out authority functions with respect to the acquisition, use and development of real property and the design and construction of systems and facilities;

(9) Make short and long range plans, consistent with the provisions of the state solid waste management plan, for the processing and transportation of solid wastes and recovered resources by authority-owned facilities;

(10) Design or provide for the design of solid waste management facilities including design for the alteration, reconstruction, improvement, enlargement or extension of existing facilities;

(11) Construct, erect, build, acquire, alter, reconstruct, improve, enlarge or extend waste management projects including provision for the inspection and supervision thereof and the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and any other actions incidental thereto;

(12) Own, operate and maintain waste management projects and make provision for their management and for the manufacturing, processing and transportation operations necessary to derive recovered resources from solid waste, and contracting for the sale of such;

(13) Enter upon lands and waters, as may be necessary, to make surveys, soundings, borings and examinations in order to accomplish the purposes of this chapter;

(14) Contract with municipal and regional authorities and state agencies to provide waste management services in accordance with the provisions of section 22a-275 and to plan, design, construct, manage, operate and maintain solid waste disposal and processing facilities on their behalf;

(15) Design and construct improvements or alterations on properties which it owns or which it operates by contract on behalf of municipal or regional authorities, including the restoration of terminated dumps and landfills to beneficial public or private use;

(16) Contract for services in the performance of architectural and engineering design, the supervision of design and construction, system management and facility management; for such professional or technical services as are specified in subdivision (3) of section 22a-265; and for such other professional or technical services as may require either prequalification of a contractor or the submission by any individual, firm or consortium or association of individuals or firms of a proposal in response to an official request for proposal or similar written communication of the authority that is issued or made pursuant to the contracting procedures adopted under section 22a-268a, whenever such services are, in the discretion of the authority, deemed necessary, desirable or convenient in carrying out the purposes of the authority;

(17) Contract for the construction of solid waste facilities with private persons or firms, or consortia of such persons or firms, pursuant to applicable provisions of this chapter, the requirements of applicable regulations, the contracting procedures adopted under section 22a-268a and the state plan and in accordance with such specifications, terms and conditions as the authority may deem necessary or advisable;

(18) Assist in the development of industries and commercial enterprises and the planning, design, construction, financing, management, ownership, operation and maintenance of systems, facilities and technology within the state based upon or related to resources recovery, recycling, reuse, treatment, processing or disposal of solid waste provided any net revenue to the authority from activities, contracts, products or processes undertaken pursuant to this

subdivision shall be distributed so as to reduce the costs of other authority services to the users thereof on a pro rata basis proportionate to costs paid by such users;

(19) Act as an electric supplier or an electric aggregator pursuant to public act 98-28 provided any net revenue to the authority from activities, contracts, products or processes undertaken pursuant to this subdivision, after payment of principal and interest on bonds and repayment of any loans or notes of the authority, shall be distributed so as to reduce the costs of other authority services to the users thereof on a pro rata basis proportionate to costs paid by such users. In acting as an electric supplier or an electric aggregator pursuant to any license granted by the Public Utilities Regulatory Authority, the authority may enter into contracts for the purchase and sale of electricity and electric generation services, provided such contracts are solely for the purposes of ensuring the provision of safe and reliable electric service and protecting the position of the authority with respect to capacity and price.

Sec. 16. Subsection (d) of section 22a-208a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) No person or municipality that holds a permit issued under this section shall alter the design or method of operation of the permitted facility without first obtaining a modified permit. For the purposes of this section and sections 22a-208, 22a-208b, 22a-220a, 22a-225 and 22a-226, "alter" means to change to any substantive degree the design, capacity, volume process or operation of a solid waste facility and includes, but is not limited to, changes in the approved capacity or composition of solid waste disposed of, processed, reduced, stored or recycled at the facility. <u>For purposes of this section, "alter" does not include the addition of not more than seventy-five tons per day of mattresses and items designated by the commissioner for recycling</u>

pursuant to section 22a-241b and any regulation adopted pursuant to said section, except storage batteries and waste oil, provided the permitted storage capacity of such solid waste facility is not exceeded. The owner or operator of any such facility shall, not later than thirty days after adding such recyclable items, submit a written notification to the commissioner describing such addition. The commissioner may approve, in writing, a modification of a closure plan for a closed permitted solid waste disposal area without modifying the permit for such area. The commissioner may require a person who, or a municipality that, requests such modification to provide public notice of a proposed modification of a closure plan if the modification involves any activity that would disrupt the solid waste or change the use of the solid waste disposal area. A fee of five hundred dollars shall accompany any request for such modification of a closure plan. The commissioner may reduce or waive such fee in cases of financial hardship and may modify such fee in accordance with regulations adopted in accordance with chapter 54.

(2) Changes in design, processes or operations, including the addition of thermal oxidizers or other air pollution control equipment, made to mitigate, correct or abate odors from a solid waste facility that is owned or operated by the Connecticut Resources Recovery Authority and that contracts with more than fifty municipalities, shall not be considered an alteration requiring a modified permit or minor permit amendment under this chapter. In addition, notwithstanding any provision of the general statutes or regulation adopted pursuant to said statutes, any such change shall not be considered a modification or new stationary source requiring a permit to construct or operate under chapter 446c or under any regulation adopted pursuant to chapter 446c, unless such change is a major modification or a major stationary source requiring a permit under the federal Clean Air Act Amendments of 1990. Any person making any such change to an odor control system at such a facility shall, not more than thirty days after

making such change, submit a written report to the commissioner fully describing the changes made and the reason for such changes for the commissioner's review and comment. Nothing in this subdivision shall affect the commissioner's authority to take any other action to enforce the requirements of this title.

Sec. 17. Subsection (c) of section 22a-261 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*)

(c) On and after June 1, 2002, the powers of the authority shall be vested in and exercised by a board of directors, which shall consist of eleven directors as follows: Three appointed by the Governor, one of whom shall be a municipal official of a municipality having a population of fifty thousand or less and one of whom shall have extensive, high-level experience in the energy field; two appointed by the president pro tempore of the Senate, one of whom shall be a municipal official of a municipality having a population of more than fifty thousand and one of whom shall have extensive high-level experience in public or corporate finance or business or industry; two appointed by the speaker of the House of Representatives, one of whom shall be a municipal official of a municipality having a population of more than fifty thousand and one of whom shall have extensive high-level experience in public or corporate finance or business or industry; two appointed by the minority leader of the Senate, one of whom shall be a municipal official of a municipality having a population of fifty thousand or less and one of whom shall have extensive high-level experience in public or corporate finance or business or industry; two appointed by the minority leader of the House of Representatives, one of whom shall be a municipal official of a municipality having a population of fifty thousand or less and one of whom shall have extensive, high-level experience in the environmental field. No director may be a member of the General Assembly. Not

more than two of the directors appointed by the Governor shall be members of the same political party. The appointed directors shall serve for terms of four years each, provided, of the directors first appointed for terms beginning on June 1, 2002, (1) two of the directors appointed by the Governor, one of the directors appointed by the president pro tempore of the Senate, one of the directors appointed by the speaker of the House of Representatives, one of the directors appointed by the minority leader of the Senate and one of the directors appointed by the minority leader of the House of Representatives shall serve an initial term of two years and one month, and (2) the other appointed directors shall serve an initial term of four years and one month. The appointment of each director for a term beginning on or after June 1, 2004, shall be made with the advice and consent of both houses of the General Assembly. The Governor shall designate one of the directors to serve as chairperson of the board, with the advice and consent of both houses of the General Assembly. The chairperson of the board shall serve at the pleasure of the Governor. Any appointed director who fails to attend three consecutive meetings of the board or who fails to attend fifty per cent of all meetings of the board held during any calendar year shall be deemed to have resigned from the board. Any vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment for the balance of the unexpired term. As used in this subsection, "municipal official" means the first selectman, mayor, city or town manager or chief financial officer of a municipality, or a municipal employee with extensive public works or waste management and recycling experience that has entered into a solid waste disposal services contract with the authority and pledged the municipality's full faith and credit for the payment of obligations under such contract.

Sec. 18. Subsection (g) of section 16a-48 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(g) Manufacturers of any new products set forth in subsection (b) of this section **[**or designated by the Commissioner of Energy and Environmental Protection**]** for which (1) no efficiency standards exist in California, and (2) the Commissioner of Energy and Environmental Protection adopts efficiency standards, shall certify to the commissioner that such products are in compliance with the provisions of this section, except that certification is not required for single voltage external AC to DC power supplies and walk-in refrigerators and walk-in freezers. All single voltage external AC to DC power supplies shall be labeled as described in the January 2006 California Code of Regulations, Title 20, Section 1607(9). The commissioner shall promulgate regulations governing the certification of such products. The commissioner shall publish an annual list of **[**such products**]** any products set forth in subsection (b) of this section on the department's Internet web site that designates which such products are certified in California and which such products not certified in California have demonstrated compliance with efficiency standards adopted by the commissioner pursuant to subparagraph (B) of subdivision (3) of subsection (d) of this section.

Sec. 19. Section 16a-38k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Notwithstanding any provision of the general statutes, any (1) new construction of a state facility that is projected to cost five million dollars, or more, and for which all budgeted project bond funds are allocated by the State Bond Commission on or after January 1, 2008, (2) renovation of a state facility that is projected to cost two million dollars or more, of which two million dollars or more is state funding, approved and funded on or after January 1, 2008, (3) new construction of a facility that is projected to cost five million dollars, or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1,

2009, and (4) renovation of a public school facility as defined in subdivision (18) of section 10-282 that is projected to cost two million dollars or more, of which two million dollars or more is state funding, and is authorized by the General Assembly pursuant to chapter 173 on or after January 1, 2009, shall comply with **[**or exceed compliance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program**]** the regulations described in subsection (b) of this section until the regulations described in subsection **[**(b)**]** (c) of this section are adopted. The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Administrative Services and the Institute for Sustainable Energy, shall exempt any facility from complying with **[**said**]** the regulations adopted pursuant to subsection (b) or (c) of this section if the Commissioner of Energy and Environmental Protection, in consultation with the Secretary of the Office of Policy and Management, finds, in a written analysis, that **[**the cost of such compliance significantly outweighs the benefits**]** the measures needed to comply with the building construction standards are not cost effective, as defined in subdivision (8) of subsection (a) of section 16a-38. Nothing in this section shall be construed to require the redesign of any new construction of a state facility that is designed in accordance with the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, provided the design for such facility was initiated or completed prior to the adoption of the regulations described in subsection (b) of this section.

(b) Not later than January 1, 2007, the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Administrative Services, shall adopt regulations, in accordance with the provisions of chapter 54, to adopt state building construction standards that are consistent with or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, including energy standards that exceed those set forth in the 2004 edition of the American Society of Heating, Ventilating and Air Conditioning Engineers (ASHRAE) Standard 90.1 by **[**no**]** not less than twenty per cent, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, and thereafter update such regulations as the Commissioner of Energy and Environmental Protection deems necessary.

(c) Not later than January 1, 2015, the Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Administrative Services, shall adopt regulations, in accordance with chapter 54, to adopt state building construction standards for facilities described in subsection (a) of this section that achieve at least seventy-five points on the United States Environmental Protection Agency's national energy performance rating system, as determined by said agency's Energy Star Target Finder tool. Such regulations shall include a standard for inclusion of electric vehicle charging stations. The Commissioner of Energy and Environmental Protection may update such regulations as the commissioner deems necessary.

(d) The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Administrative Services and the Institute for Sustainable Energy, shall exempt any facility from complying with the regulations adopted pursuant to subsection (c) of this section if such facility cannot be defined as an eligible building

type, as determined by the Energy Star Target Finder tool. Any such exempt facility shall exceed the energy building construction standards set forth in the 2007 edition of the American Society of Heating, Ventilating and Air Conditioning Engineers (ASHRAE) Standard 90.1 by not less than twenty per cent, or adhere to the current State Building Code, whichever is more stringent.

Sec. 20. Subsection (a) of section 12-268s of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Person" has the same meaning as provided in section 12-1;

(2) "Electric generation services" has the same meaning as provided in section 16-1;

(3) "Electric generation facility" means electric generation facility, as the term is used in section 12-94d;

(4) "Regional bulk power grid" means regional bulk power grid, as **[**the term is used in section 16a-7b**]** determined in consultation with the regional independent system operator, as defined in section 16-1;

(5) "Alternative energy system" has the same meaning as provided in subdivision (21) of subsection (a) of section 12-213;

(6) "Fuel cells" has the same meaning as provided in subdivision (113) of section 12-412;

(7) "Commissioner" means the Commissioner of Revenue Services;

(8) "Department" means the Department of Revenue Services; and

(9) "Person subject to tax" means a person providing electric

generation services and uploading electricity generated at such person's electric generation facility in this state to the regional bulk power grid.

Sec. 21. (*Effective from passage*) (a) NuPower Thermal, LLC, with such persons who shall be associated with it and each other for that purpose, are constituted a body politic and corporate by the name of "The Bridgeport Thermal Limited Liability Company" and shall constitute a thermal energy transportation company, as defined in subsection (a) of section 16-1 of the general statutes.

(b) The Bridgeport Thermal Limited Liability Company shall be located in the city of Bridgeport.

(c) Notwithstanding the provisions of any general statute or any special act, The Bridgeport Thermal Limited Liability Company is authorized and empowered either directly or through the agency of its parent, a subsidiary or an affiliate: (1) To furnish from a plant or plants located in the city of Bridgeport, heat or air conditioning or both, by means of hot or chilled water or other medium; (2) to lay, install and maintain mains, pipes or other conduits, and to erect such other fixtures and improvements as are or may be necessary or convenient in and on the streets, highways and public grounds of said city or other public highways and rights-of-way, for the purpose of carrying heated or chilled water or other medium from such plant or plants to the locations to be served and returning the same; and (3) to lease to one or more corporations or limited liability companies formed under the general law or specially chartered for the purpose of furnishing heat or air conditioning, or both, one or more of such plants or distribution systems, or both, owned by it and constructed or adapted for either or both of such purposes.

(d) The amount of authorized membership units of The Bridgeport Thermal Limited Liability Company and the required capital

contribution of each member shall be determined by the members of said limited liability company in its operating agreement.

(e) The duration of The Bridgeport Thermal Limited Liability Company shall be unlimited.

Sec. 22. Section 16-50i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter:

(a) "Facility" means: (1) An electric transmission line of a design capacity of sixty-nine kilovolts or more, including associated equipment but not including a transmission line tap, as defined in subsection (e) of this section; (2) a fuel transmission facility, except a gas transmission line having a design capability of less than two hundred pounds per square inch gauge pressure or having a design capacity of less than twenty per cent of its specified minimum yield strength; (3) any electric generating or storage facility using any fuel, including nuclear materials, including associated equipment for furnishing electricity but not including an emergency generating device, as defined in subsection (f) of this section or a facility **[**(i)**]** (A) owned and operated by a private power producer, as defined in section 16-243b, **[**(ii)**]** (B) which is a qualifying small power production facility or a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978, as amended, or a facility determined by the council to be primarily for a producer's own use, and **[**(iii)**]** (C) which has, in the case of a facility utilizing renewable energy sources, a generating capacity of one megawatt of electricity or less and, in the case of a facility utilizing cogeneration technology, a generating capacity of twenty-five megawatts of electricity or less; (4) any electric substation or switchyard designed to change or regulate the voltage of electricity at sixty-nine kilovolts or more or to connect two or more electric circuits at such voltage, which substation or switchyard may

have a substantial adverse environmental effect, as determined by the council established under section 16-50j, and other facilities which may have a substantial adverse environmental effect as the council may, by regulation, prescribe; (5) such community antenna television towers and head-end structures, including associated equipment, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe; and (6) such telecommunication towers, including associated telecommunications equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe; **[**and (7) any component of a proposal submitted pursuant to the request for proposal process;**]**

(b) "Municipality" means a city, town or borough of the state and "municipal" has a correlative meaning;

(c) "Person" means any individual, corporation, limited liability company, joint venture, public benefit corporation, political subdivision, governmental agency or authority, municipality, partnership, association, trust or estate and any other entity, public or private, however organized;

(d) "Modification" means a significant change or alteration in the general physical characteristics of a facility;

(e) "Transmission line tap" means an electrical transmission line not requested by an applicant to be treated as a facility that has the primary function, as determined by the council, of interconnecting a private power producing or cogeneration facility to the electrical power grid serving the state, and does not have a substantial adverse environmental effect, as determined by the council based on a review of the line's proposed purpose, the line's proposed length, the number

and type of support structures, the number of manholes required for the proposed line, the necessity of entering a right-of-way including any easements or land acquisition for any construction or maintenance on the proposed line, and any other environmental, health or public safety factor considered relevant by the council;

(f) "Emergency generating device" means an electric generating device with a generating capacity of five megawatts or less, installed primarily for the purpose of producing emergency backup electrical power for not more than five hundred hours per year, and that (1) does not have a substantial adverse environmental effect, as determined by the council, or (2) is owned and operated by an entity other than an electric, electric distribution or gas company or (3) is under construction or in operation prior to May 2, 1989. **[**; and**]**

**[**(g) "Request for proposal process" or "request for proposal" means the process set forth in section 16a-7c.**]**

Sec. 23. Subsection (a) of section 16a-40g of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Energy improvements" means (A) participation in a district heating and cooling system by qualifying commercial real property, (B) participation in a microgrid, as defined in section 16-243y, including any related infrastructure for such microgrid, by qualifying commercial real property, provided such microgrid and any related infrastructure incorporate clean energy, as defined in section 16-245n, as amended by this act, (C) any renovation or retrofitting of qualifying commercial real property to reduce energy consumption, **[**(C)**]** (D) installation of a renewable energy system to service qualifying commercial real property, or **[**(D)**]** (E) installation of a solar thermal or

geothermal system to service qualifying commercial real property, provided such renovation, retrofit or installation described in subparagraph **[**(B),**]** (C), **[**or**]** (D) or (E) of this subdivision is permanently fixed to such qualifying commercial real property;

(2) "District heating and cooling system" means a local system consisting of a pipeline or network providing hot water, chilled water or steam from one or more sources to multiple buildings;

(3) "Qualifying commercial real property" means any commercial or industrial property, regardless of ownership, that meets the qualifications established for the commercial sustainable energy program;

(4) "Commercial or industrial property" means any real property other than a residential dwelling containing less than five dwelling units;

(5) "Benefited property owner" means an owner of qualifying commercial real property who desires to install energy improvements and provides free and willing consent to the benefit assessment against the qualifying commercial real property;

(6) "Commercial sustainable energy program" means a program that facilitates energy improvements and utilizes the benefit assessments authorized by this section as security for the financing of the energy improvements;

(7) "Municipality" means a municipality, as defined in section 7-369;

(8) "Benefit assessment" means the assessment authorized by this section;

(9) "Participating municipality" means a municipality that has entered into a written agreement, as approved by its legislative body,

with the authority pursuant to which the municipality has agreed to assess, collect, remit and assign, benefit assessments to the authority in return for energy improvements for benefited property owners within such municipality and costs reasonably incurred in performing such duties; and

(10) "Authority" means the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank.

Sec. 24. (*Effective from passage*) Not later than January 1, 2015, the Connecticut Green Bank shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to energy. Such report shall assess the potential success and need for a residential property assessed clean energy program, including, but not limited to, an evaluation of (1) potential consistency between such a program and the commercial property assessed clean energy program, as described in section 16a-40g of the general statutes, as amended by this act, and similar programs on the national level, (2) the legal framework for a residential property assessed clean energy program, and (3) the need for such a program, in light of similar current or developing programs at the state or federal level.

Sec. 25. Subdivision (2) of subsection (h) of section 16-244c of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) Notwithstanding the provisions of subsection (b) of this section regarding an alternative standard service option, an electric distribution company providing transitional standard offer service, standard service, supplier of last resort service or back-up electric generation service in accordance with this section shall, not later than July 1, 2008, file with the Public Utilities Regulatory Authority for its approval one or more long-term power purchase contracts from Class I

renewable energy source projects with a preference for projects located in Connecticut that receive funding from the Clean Energy Fund and that are not less than one megawatt in size, at a price that is either, at the determination of the project owner, (A) not more than the total of the comparable wholesale market price for generation plus five and one-half cents per kilowatt hour, or (B) fifty per cent of the wholesale market electricity cost at the point at which transmission lines intersect with each other or interface with the distribution system, plus the project cost of fuel indexed to natural gas futures contracts on the New York Mercantile Exchange at the natural gas pipeline interchange located in Vermillion Parish, Louisiana that serves as the delivery point for such futures contracts, plus the fuel delivery charge for transporting fuel to the project, plus five and one-half cents per kilowatt hour. In its approval of such contracts, the authority shall give preference to purchase contracts from those projects that would provide a financial benefit to ratepayers and would enhance the reliability of the electric transmission system of the state. Such projects shall be located in this state. The owner of a fuel cell project principally manufactured in this state shall be allocated all available air emissions credits and tax credits attributable to the project and no less than fifty per cent of the energy credits in the Class I renewable energy credits program established in section 16-245a attributable to the project. On and after October 1, 2007, and until September 30, 2008, such contracts shall be comprised of not less than a total, apportioned among each electric distribution company, of one hundred twenty-five megawatts; and on and after October 1, 2008, such contracts shall be comprised of not less than a total, apportioned among each electrical distribution company, of one hundred fifty megawatts. The Public Utilities Regulatory Authority shall not issue any order that results in the extension of any in-service date or contractual arrangement made as a part of Project 100 or Project 150 beyond the termination date previously approved by the authority established by the contract, provided any party to such contract may provide a notice of

termination in accordance with the terms of, and to the extent permitted under, its contract, except the authority shall grant, upon request, an extension of the latest of any such in-service date by (i) twelve months for any project located in a distressed municipality, as defined in section 32-9p, with a population of more than one hundred twenty-five thousand, and (ii) not more than **[**twenty-four**]** thirty-six months for any project having a capacity of less than five megawatts, provided any such project (I) commences construction by April 30, 2015, and (II) the authority has provided previous approval of such contract. The cost of such contracts and the administrative costs for the procurement of such contracts directly incurred shall be eligible for inclusion in the adjustment to any subsequent rates for standard service, provided such contracts are for a period of time sufficient to provide financing for such projects, but not less than ten years, and are for projects which began operation on or after July 1, 2003. Except as provided in this subdivision, the amount from Class I renewable energy sources contracted under such contracts shall be applied to reduce the applicable Class I renewable energy source portfolio standards. For purposes of this subdivision, the authority's determination of the comparable wholesale market price for generation shall be based upon a reasonable estimate. On or before September 1, 2011, the authority, in consultation with the Office of Consumer Counsel and the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank, shall study the operation of such renewable energy contracts and report its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to energy.

Sec. 26. Section 16-50*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) **[**(1)**]** To initiate a certification proceeding, an applicant for a certificate shall file with the council an application, in such form as the

council may prescribe, accompanied by a filing fee of not more than twenty-five thousand dollars, which fee shall be established in accordance with section 16-50t, and a municipal participation fee of twenty-five thousand dollars to be deposited in the account established pursuant to section 16-50bb, as amended by this act, except that an application for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, as amended by this act, shall not pay such municipal participation fee. An application shall contain such information as the applicant may consider relevant and the council or any department or agency of the state exercising environmental controls may by regulation require, including the following information:

**[**(A)**]** (1) In the case of facilities described in subdivisions (1), (2) and (4) of subsection (a) of section 16-50i, as amended by this act: **[**(i)**]** (A) A description, including estimated costs, of the proposed transmission line, substation or switchyard, covering, where applicable underground cable sizes and specifications, overhead tower design and appearance and heights, if any, conductor sizes, and initial and ultimate voltages and capacities; **[**(ii)**]** (B) a statement and full explanation of why the proposed transmission line, substation or switchyard is necessary and how the facility conforms to a long-range plan for expansion of the electric power grid serving the state and interconnected utility systems, that will serve the public need for adequate, reliable and economic service; **[**(iii)**]** (C) a map of suitable scale of the proposed routing or site, showing details of the rights-of-way or site in the vicinity of settled areas, parks, recreational areas and scenic areas, residential areas, private or public schools, licensed child day care facilities, licensed youth camps, and public playgrounds and showing existing transmission lines within one mile of the proposed route or site; **[**(iv)**]** (D) justification for adoption of the route or site selected, including comparison with alternative routes or sites which are environmentally, technically and economically practical; **[**(v)**]** (E) a

description of the effect of the proposed transmission line, substation or switchyard on the environment, ecology, and scenic, historic and recreational values; **[**(vi)**]** (F) a justification for overhead portions, if any, including life-cycle cost studies comparing overhead alternatives with underground alternatives, and effects described in **[**clause (v) of this**]** subparagraph (E) of this subdivision of undergrounding; **[**(vii)**]** (G) a schedule of dates showing the proposed program of right-of-way or property acquisition, construction, completion and operation; **[**(viii)**]** (H) identification of each federal, state, regional, district and municipal agency with which proposed route or site reviews have been undertaken, including a copy of each written agency position on such route or site; and **[**(ix)**]** (I) an assessment of the impact of any electromagnetic fields to be produced by the proposed transmission line; and

**[**(B)**]** (2) In the case of facilities described in subdivision (3) of subsection (a) of section 16-50i, as amended by this act: **[**(i)**]** (A) A description of the proposed electric generating or storage facility; **[**(ii)**]** (B) a statement and full explanation of why the proposed facility is necessary; **[**(iii)**]** (C) a statement of loads and resources as described in section 16-50r; **[**(iv)**]** (D) safety and reliability information, including planned provisions for emergency operations and shutdowns; **[**(v)**]** (E) estimated cost information, including plant costs, fuel costs, plant service life and capacity factor, and total generating cost per kilowatt-hour, both at the plant and related transmission, and comparative costs of alternatives considered; **[**(vi)**]** (F) a schedule showing the program for design, material acquisition, construction and testing, and operating dates; **[**(vii)**]** (G) available site information, including maps and description and present and proposed development, and geological, scenic, ecological, seismic, biological, water supply, population and load center data; **[**(viii)**]** (H) justification for adoption of the site selected, including comparison with alternative sites; **[**(ix)**]** (I) design information, including a description of facilities, plant

efficiencies, electrical connections to the system, and control systems; **[**(x)**]** (J) a description of provisions, including devices and operations, for mitigation of the effect of the operation of the facility on air and water quality, for waste disposal, and for noise abatement, and information on other environmental aspects; and **[**(xi)**]** (K) a listing of federal, state, regional, district and municipal agencies from which approvals either have been obtained or will be sought covering the proposed facility, copies of approvals received and the planned schedule for obtaining those approvals not yet received.

**[**(2) On or after December 1, 2004, the filing of an application pursuant to subdivision (1) of this subsection shall initiate the request for proposal process, except for an application for a facility described in subdivision (4), (5) or (6) of subsection (a) of section 16-50i and except for a facility exempt from such requirement pursuant to subsection (b) of section 16a-7c.

(3) Notwithstanding the provisions of this subsection, an entity that has submitted a proposal pursuant to the request for proposal process may initiate a certification proceeding by filing with the council an application containing the information required pursuant to this section, accompanied by a filing fee of not more than twenty-five thousand dollars, which fee shall be established in accordance with section 16-50t, and a municipal participation fee of twenty-five thousand dollars to be deposited in the account established pursuant to section 16-50bb, not later than thirty days after the Connecticut Energy Advisory Board performs the evaluation process pursuant to subsection (f) of section 16a-7c.**]**

(b) Each application shall be accompanied by proof of service of a copy of such application on: (1) Each municipality in which any portion of such facility is to be located, both as primarily proposed and in the alternative locations listed, and any adjoining municipality having a boundary not more than two thousand five hundred feet

from such facility, which copy shall be served on the chief executive officer of each such municipality and shall include notice of the date on or about which the application is to be filed, and the zoning commissions, planning commissions, planning and zoning commissions, conservation commissions and inland wetlands agencies of each such municipality, and the regional planning agencies which encompass each such municipality; (2) the Attorney General; (3) each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located; (4) any agency, department or instrumentality of the federal government that has jurisdiction, whether concurrent with the state or otherwise, over any matter that would be affected by such facility; (5) each state department, agency and commission named in subsection (h) of section 16-50j; and (6) such other state and municipal bodies as the council may by regulation designate. A notice of such application shall be given to the general public, in municipalities entitled to receive notice under subdivision (1) of this subsection, by the publication of a summary of such application and the date on or about which it will be filed. Such notice shall be published under the regulations to be promulgated by the council, in such form and in such newspapers as will serve substantially to inform the public of such application and to afford interested persons sufficient time to prepare for and to be heard at the hearing prescribed in section 16-50m, as amended by this act. Such notice shall be published in not less than ten-point type. A notice of such an application for a certificate for a facility described in subdivision (3), (4), (5) or (6) of subsection (a) of section 16-50i, as amended by this act, shall also be sent, by certified or registered mail, to each person appearing of record as an owner of property which abuts the proposed primary or alternative sites on which the facility would be located. Such notice shall be sent at the same time that notice of such application is given to the general public. Notice of an application for a certificate for a facility described in subdivision (1) of subsection (a) of section 16-50i, as amended by this act, shall also be

provided to each electric company or electric distribution company customer in the municipality where the facility is proposed to be placed. Such notice shall (A) be provided on a separate enclosure with each customer's monthly bill for one or more months, (B) be provided by the electric company or electric distribution company not earlier than sixty days prior to filing the application with the council, but not later than the date that the application is filed with the council, and (C) include: A brief description of the project, including its location relative to the affected municipality and adjacent streets; a brief technical description of the project including its proposed length, voltage, and type and range of heights of support structures or underground configuration; the reason for the project; the address and a toll-free telephone number of the applicant by which additional information about the project can be obtained; and a statement in print no smaller than twenty-four-point type size stating "NOTICE OF PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC TRANSMISSION LINE".

(c) An application for a certificate shall contain information on the extent to which the proposed facility has been identified in, and is consistent with, the annual forecast reports and life-cycle cost analysis required by section 16-50r and other advance planning that has been carried out, and shall include an explanation for any failure of the facility to conform with such information.

(d) An amendment proceeding may be initiated by an application for amendment of a certificate filed with the council by the holder of the certificate or by a resolution of the council. An amendment application by a certificate holder shall be in such form and contain such information as the council shall prescribe. A resolution for amendment by the council shall identify the design, location or route of the portion of a certificated facility described in subdivisions (1) or (2) of subsection (a) of section 16-50i, as amended by this act, which is

subject to modification on the basis of stated conditions or events which could not reasonably have been known or foreseen prior to the issuance of the certificate. No such resolution for amendment of a certificate shall be adopted after the commencement of site preparation or construction of the certificated facility or, in the case of a facility for which approval by the council of a right-of-way development and management plan or other detailed construction plan is a condition of the certificate, after approval of that part of the plan which includes the portion of the facility proposed for modification. A copy and notice of each amendment application shall be given by the holder of the certificate in the manner set forth in subsection (b) of this section. A copy and notice of each resolution for amendment shall be given by the council in the manner set forth in subsection (b) of this section. The council shall also provide the certificate holder with a copy of such resolution. The certificate holder and the council shall not be required to give such copy and notice to municipalities and the commissions and agencies of such municipalities other than those in which the modified portion of the facility would be located.

(e) **[**Except as provided in subsection (e) of section 16a-7c, at**]** At least sixty days prior to the filing of an application with the council, the applicant shall consult with the municipality in which the facility may be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section concerning the proposed and alternative sites of the facility. **[**For a facility described in subdivisions (1) to (4), inclusive, of subsection (a) of section 16-50i, the applicant shall submit to the Connecticut Energy Advisory Board the same information that it provides to a municipality pursuant to this subsection on the same day of the consultation with the municipality.**]** Such consultation with the municipality shall include, but not be limited to good faith efforts to meet with the chief elected official of the municipality. At the time of the consultation, the applicant shall provide the chief elected official

with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Within sixty days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than fifteen days after submitting an application to the council, the applicant shall provide to the council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.

**[**(f) For purposes of this chapter, an application that is subject to the request for proposal process of section 16a-7c, shall be deemed to be a "preapplication" until the completion of the such request for proposal process. At the completion of the request for proposal process, such preapplication shall be considered an application. The requirements of this section shall apply to applications and preapplications.**]**

**[**(g)**]** (f) (1) For a facility described in subdivision (6) of subsection (a) of section 16-50i, as amended by this act, at least ninety days before filing an application with the council, the applicant shall consult with the municipality in which the facility is proposed to be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section. Consultation with such municipality shall include, but not be limited to, good-faith efforts to meet with the chief elected official of the municipality or such official's designee. At the time of the consultation, the applicant shall provide the municipality with any technical reports concerning the need for the facility, including a map indicating the area of need, the location of existing surrounding facilities, a detailed description of the proposed and any alternate sites under consideration, a listing of other sites or areas considered and rejected,

the location of all schools near the proposed facility, an analysis of the potential aesthetic impacts of the facility on said schools, as well as a discussion of efforts or measures to be taken to mitigate such aesthetic impacts, a description of the site selection process undertaken by the prospective applicant and the potential environmental effects of the proposed facility. The applicant shall also provide copies of such technical reports to such municipality's planning commission, zoning commission or combined planning and zoning commission and inland wetland agency.

(2) Not later than sixty days after the initial municipal consultation meeting, the municipality, in cooperation with the applicant, may hold a public information meeting. If the municipality decides to hold a public information meeting, the applicant shall be responsible for sending notice of such meeting to each person appearing of record as an owner of property which abuts the proposed or alternate facility locations and for publishing notice of such meeting in a newspaper of general circulation in the municipality at least fifteen days before the date of the public information meeting.

(3) The municipality shall present the applicant with proposed alternative sites, which may include municipal parcels, for its consideration not later than thirty days after the initial consultation meeting. The applicant shall evaluate these alternate sites presented as part of the municipal consultation process and include the results of its evaluations in its application to the council. The applicant may present any such alternatives to the council in its application for formal consideration.

Sec. 27. Subsection (c) of section 16-333*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) No community antenna television company shall issue a bill

which contains a statement that payment is due upon receipt. The payment due date of any subscriber's bill shall be no earlier than twenty-five days after the issue date of such bill. No community antenna television subscriber's account shall be considered delinquent until at least twenty-five days have elapsed from the billing date contained in the subscriber's bill. No community antenna television company may impose a late charge or terminate service on account of nonpayment of a delinquent account less than forty-five days from the original billing date. In order to terminate service, a company shall first give notice of such delinquency and impending termination at least fifteen days prior to the imposition of the proposed late charge or the termination, by first class mail addressed to the subscriber. The fifteen-day period shall commence from the date the notice is mailed, provided no notice may be mailed until at least thirty days have elapsed from the billing date contained in the subscriber's bill. No such company may impose a late charge greater than eight per cent **[**per annum**]** of the balance due or any such rate as determined by the authority. Any returned check charge imposed by such company shall be reasonably related to the company's actual cost of processing returned checks.

Sec. 28. Section 16-50m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The council shall promptly fix a commencement date and location for a public hearing on an application for a certificate complying with section 16-50*l*, as amended by this act, **[**(1) where no proposals are received pursuant to the request for proposal process, not less than thirty days after the deadline for submission of such proposals or more than sixty days after such deadline; (2) where a proposal is received pursuant to the request for proposal process, not less than thirty days after the deadline of submission of an application pursuant to subdivision (3) of subsection (a) of section 16-50*l* or more

than sixty days after such deadline; or (3) where the application is for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i,**]** not less than thirty days after receipt of an application or more than one hundred fifty days after such receipt. **[**Applications that are common to a request for proposal shall be heard under a consolidated public hearing process.**]** At least one session of such hearing shall be held at a location selected by the council in the county in which the facility or any part thereof is to be located after six-thirty p.m. for the convenience of the general public. After holding at least one hearing session in the county in which the facility or any part thereof is to be located, the council may, in its discretion, hold additional hearing sessions at other locations. If the proposed facility is to be located in more than one county, the council shall fix the location for at least one public hearing session in whichever county it determines is most appropriate, provided the council may hold hearing sessions in more than one county.

(b) (1) The council shall hold a hearing on an application for an amendment of a certificate not less than thirty days nor more than sixty days after receipt of the application in the same manner as a hearing is held on an application for a certificate if, in the opinion of the council, the change to be authorized in the facility would result in any material increase in any environmental impact of such facility or would result in a substantial change in the location of all or a portion of the facility, other than as provided in the alternatives set forth in the original application for the certificate, provided the council may, in its discretion, return without prejudice an application for an amendment of a certificate to the applicant with a statement of the reasons for such return. (2) The council may hold a hearing on a resolution for amendment of a certificate not less than thirty days nor more than sixty days after adoption of the resolution in the same manner as provided in subsection (a) of this section. The council shall hold a hearing if a request for a hearing is received from the certificate holder

or from a person entitled to be a party to the proceedings within twenty days after publication of notice of the resolution. Such hearing shall be held not less than thirty days nor more than sixty days after the receipt of such request in the same manner as provided in subsection (a) of this section. (3) The county in which the facility is deemed to be located for purposes of a hearing under this subsection shall be the county in which the portion of the facility proposed for modification is located.

(c) The council shall cause notices of the date and location of each hearing to be mailed, within one week of the fixing of the date and location, to the applicant and each person entitled under section 16-50*l*, as amended by this act, to receive a copy of the application or resolution. The general notice to the public shall be published in not less than ten point, boldface type.

(d) Hearings, including general hearings on issues which may be common to more than one application, may be held before a majority of the members of the council.

(e) During any hearing on an application or resolution held pursuant to this section, the council may take notice of any facts found at a general hearing.

Sec. 29. Section 16-245n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section, "clean energy" means solar photovoltaic energy, solar thermal, geothermal energy, wind, ocean thermal energy, wave or tidal energy, fuel cells, landfill gas, hydropower that meets the low-impact standards of the Low-Impact Hydropower Institute, hydrogen production and hydrogen conversion technologies, low emission advanced biomass conversion technologies, alternative fuels, used for electricity generation including ethanol,

biodiesel or other fuel produced in Connecticut and derived from agricultural produce, food waste or waste vegetable oil, provided the Commissioner of Energy and Environmental Protection determines that such fuels provide net reductions in greenhouse gas emissions and fossil fuel consumption, usable electricity from combined heat and power systems with waste heat recovery systems, thermal storage systems, other energy resources and emerging technologies which have significant potential for commercialization and which do not involve the combustion of coal, petroleum or petroleum products, municipal solid waste or nuclear fission, financing of energy efficiency projects, projects that seek to deploy electric, electric hybrid, natural gas or alternative fuel vehicles and associated infrastructure, any related storage, distribution, manufacturing technologies or facilities and any Class I renewable energy source, as defined in section 16-1.

(b) On and after July 1, 2004, the Public Utilities Regulatory Authority shall assess or cause to be assessed a charge of not less than one mill per kilowatt hour charged to each end use customer of electric services in this state which shall be deposited into the Clean Energy Fund established under subsection (c) of this section. Notwithstanding the provisions of this section, receipts from such charges shall be disbursed to the resources of the General Fund during the period from July 1, 2003, to June 30, 2005, unless the authority shall, on or before October 30, 2003, issue a financing order for each affected distribution company in accordance with sections 16-245e to 16-245k, inclusive, to sustain funding of renewable energy investment programs by substituting an equivalent amount, as determined by the authority in such financing order, of proceeds of rate reduction bonds for disbursement to the resources of the General Fund during the period from July 1, 2003, to June 30, 2005. The authority may authorize in such financing order the issuance of rate reduction bonds that substitute for disbursement to the General Fund for receipts of both charges under this subsection and subsection (a) of section 16-245m and also may in

its discretion authorize the issuance of rate reduction bonds under this subsection and subsection (a) of section 16-245m that relate to more than one electric distribution company. The authority shall, in such financing order or other appropriate order, offset any increase in the competitive transition assessment necessary to pay principal, premium, if any, interest and expenses of the issuance of such rate reduction bonds by making an equivalent reduction to the charges imposed under this subsection, provided any failure to offset all or any portion of such increase in the competitive transition assessment shall not affect the need to implement the full amount of such increase as required by this subsection and sections 16-245e to 16-245k, inclusive. Such financing order shall also provide if the rate reduction bonds are not issued, any unrecovered funds expended and committed by the electric distribution companies for renewable resource investment through deposits into the Clean Energy Fund, provided such expenditures were approved by the authority following August 20, 2003, and prior to the date of determination that the rate reduction bonds cannot be issued, shall be recovered by the companies from their respective competitive transition assessment or systems benefits charge, except that such expenditures shall not exceed one million dollars per month. All receipts from the remaining charges imposed under this subsection, after reduction of such charges to offset the increase in the competitive transition assessment as provided in this subsection, shall be disbursed to the Clean Energy Fund commencing as of July 1, 2003. Any increase in the competitive transition assessment or decrease in the renewable energy investment component of an electric distribution company's rates resulting from the issuance of or obligations under rate reduction bonds shall be included as rate adjustments on customer bills.

(c) There is hereby created a Clean Energy Fund which shall be within the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank. The fund may receive any amount required

by law to be deposited into the fund and may receive any federal funds as may become available to the state for clean energy investments. Upon authorization of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank established pursuant to subsection (d) of this section, any amount in said fund may be used for expenditures that promote investment in clean energy in accordance with a comprehensive plan developed by it to foster the growth, development and commercialization of clean energy sources, related enterprises and stimulate demand for clean energy and deployment of clean energy sources that serve end use customers in this state and for the further purpose of supporting operational demonstration projects for advanced technologies that reduce energy use from traditional sources. Such expenditures may include, but not be limited to, providing low-cost financing and credit enhancement mechanisms for clean energy projects and technologies, reimbursement of the operating expenses, including administrative expenses incurred by the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank and Connecticut Innovations, Incorporated, and capital costs incurred by the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank in connection with the operation of the fund, the implementation of the plan developed pursuant to subsection (d) of this section or the other permitted activities of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank, disbursements from the fund to develop and carry out the plan developed pursuant to subsection (d) of this section, grants, direct or equity investments, contracts or other actions which support research, development, manufacture, commercialization, deployment and installation of clean energy technologies, and actions which expand the expertise of individuals, businesses and lending institutions with regard to clean energy technologies.

(d) (1) (A) There is established the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank, which shall be within

Connecticut Innovations, Incorporated, for administrative purposes only. The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank is hereby established and created as a body politic and corporate, constituting a public instrumentality and political subdivision of the state of Connecticut established and created for the performance of an essential public and governmental function. The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall not be construed to be a department, institution or agency of the state.

(B) The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall (i) develop separate programs to finance and otherwise support clean energy investment in residential, municipal, small business and larger commercial projects and such others as the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank may determine; (ii) support financing or other expenditures that promote investment in clean energy sources in accordance with a comprehensive plan developed by it to foster the growth, development and commercialization of clean energy sources and related enterprises; and (iii) stimulate demand for clean energy and the deployment of clean energy sources within the state that serve end-use customers in the state.

(C) The Clean Energy Finance and Investment Authority shall constitute a successor agency to Connecticut Innovations, Incorporated, for the purposes of administering the Clean Energy Fund in accordance with section 4-38d. The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall constitute a successor agency to the Clean Energy Finance and Investment Authority for purposes of administering the Clean Energy Fund in accordance with section 4-38d. The Connecticut Green Bank shall have all the privileges, immunities, tax exemptions and other exemptions of Connecticut Innovations, Incorporated, with respect to said fund. The

**[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall be subject to suit and liability solely from the assets, revenues and resources of said **[**authority**]** bank and without recourse to the general funds, revenues, resources or other assets of Connecticut Innovations, Incorporated. The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank may provide financial assistance in the form of grants, loans, loan guarantees or debt and equity investments, as approved in accordance with written procedures adopted pursuant to section 1-121. The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank may assume or take title to any real property, convey or dispose of its assets and pledge its revenues to secure any borrowing, convey or dispose of its assets and pledge its revenues to secure any borrowing, for the purpose of developing, acquiring, constructing, refinancing, rehabilitating or improving its assets or supporting its programs, provided each such borrowing or mortgage, unless otherwise provided by the board or said **[**authority**]** bank, shall be a special obligation of said **[**authority**]** bank, which obligation may be in the form of bonds, bond anticipation notes or other obligations which evidence an indebtedness to the extent permitted under this chapter to fund, refinance and refund the same and provide for the rights of holders thereof, and to secure the same by pledge of revenues, notes and mortgages of others, and which shall be payable solely from the assets, revenues and other resources of said **[**authority**]** bank and such bonds may be secured by a special capital reserve fund contributed to by the state. The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall have the purposes as provided by resolution of said **[**authority's**]** bank's board of directors, which purposes shall be consistent with this section. No further action is required for the establishment of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank, except the adoption of a resolution for said **[**authority**]** bank.

(2) (A) The **[**Clean Energy Finance and Investment Authority**]**

Connecticut Green Bank may seek to qualify as a Community Development Financial Institution under Section 4702 of the United States Code. If approved as a Community Development Financial Institution, said **[**authority**]** bank would be treated as a qualified community development entity for purposes of Section 45D and Section 1400N(m) of the Internal Revenue Code.

(B) Before making any loan, loan guarantee, or such other form of financing support or risk management for a clean energy project, the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall develop standards to govern the administration of said **[**authority**]** bank through rules, policies and procedures that specify borrower eligibility, terms and conditions of support, and other relevant criteria, standards or procedures.

(C) Funding sources specifically authorized include, but are not limited to:

(i) Funds repurposed from existing programs providing financing support for clean energy projects, provided any transfer of funds from such existing programs shall be subject to approval by the General Assembly and shall be used for expenses of financing, grants and loans;

(ii) Any federal funds that can be used for the purposes specified in subsection (c) of this section;

(iii) Charitable gifts, grants, contributions as well as loans from individuals, corporations, university endowments and philanthropic foundations;

(iv) Earnings and interest derived from financing support activities for clean energy projects backed by the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank;

(v) If and to the extent that the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank qualifies as a Community Development Financial Institution under Section 4702 of the United States Code, funding from the Community Development Financial Institution Fund administered by the United States Department of Treasury, as well as loans from and investments by depository institutions seeking to comply with their obligations under the United States Community Reinvestment Act of 1977; and

(vi) The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank may enter into contracts with private sources to raise capital. The average rate of return on such debt or equity shall be set by the board of directors of said **[**authority**]** bank.

(D) The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank may provide financing support under this subsection if said **[**authority**]** bank determines that the amount to be financed by said **[**authority**]** bank and other nonequity financing sources do not exceed eighty per cent of the cost to develop and deploy a clean energy project or up to one hundred per cent of the cost of financing an energy efficiency project.

(E) The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank may assess reasonable fees on its financing activities to cover its reasonable costs and expenses, as determined by the board.

(F) The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall make information regarding the rates, terms and conditions for all of its financing support transactions available to the public for inspection, including formal annual reviews by both a private auditor conducted pursuant to subdivision (2) of subsection (f) of this section and the Comptroller, and providing details to the public on the Internet, provided public disclosure shall be

restricted for patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may cause commercial harm to a nongovernmental recipient of such financing support and for other information exempt from public records disclosure pursuant to section 1-210.

(3) No director, officer, employee or agent of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank, while acting within the scope of his or her authority, shall be subject to any personal liability resulting from exercising or carrying out any of the **[**Clean Energy Finance and Investment Authority's**]** Connecticut Green Bank's purposes or powers.

(e) The powers of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall be vested in and exercised by a board of directors, which shall consist of eleven voting and two nonvoting members each with knowledge and expertise in matters related to the purpose and activities of said **[**authority**]** bank appointed as follows: The Treasurer or the Treasurer's designee, the Commissioner of Energy and Environmental Protection or the commissioner's designee and the Commissioner of Economic and Community Development or the commissioner's designee, each serving ex officio, one member who shall represent a residential or low-income group appointed by the speaker of the House of Representatives for a term of four years, one member who shall have experience in investment fund management appointed by the minority leader of the House of Representatives for a term of three years, one member who shall represent an environmental organization appointed by the president pro tempore of the Senate for a term of four years, and one member who shall have experience in the finance or deployment of renewable energy appointed by the minority leader of the Senate for a term of four years. Thereafter, such members of the General Assembly shall appoint members of the board to succeed such

appointees whose terms expire and each member so appointed shall hold office for a period of four years from the first day of July in the year of his or her appointment. The Governor shall appoint four members to the board as follows: Two for two years who shall have experience in the finance of renewable energy; one for four years who shall be a representative of a labor organization; and one who shall have experience in research and development or manufacturing of clean energy. Thereafter, the Governor shall appoint members of the board to succeed such appointees whose terms expire and each member so appointed shall hold office for a period of four years from the first day of July in the year of his or her appointment. The president of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall be elected by the members of the board. The president of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank and a member of the board of Connecticut Innovations, Incorporated, appointed by the chairperson of the corporation shall serve on the board in an ex-officio, nonvoting capacity. The Governor shall appoint the chairperson of the board. The board shall elect from its members a vice chairperson and such other officers as it deems necessary and shall adopt such bylaws and procedures it deems necessary to carry out its functions. The board may establish committees and subcommittees as necessary to conduct its business.

(f) (1) The board shall issue annually a report to the Department of Energy and Environmental Protection reviewing the activities of the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank in detail and shall provide a copy of such report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to energy and commerce. The report shall include a description of the programs and activities undertaken during the reporting period jointly or in collaboration with the Energy Conservation and Load Management

Funds established pursuant to section 16-245m.

(2) The Clean Energy Fund shall be audited annually. Such audits shall be conducted with generally accepted auditing standards by independent certified public accountants certified by the State Board of Accountancy. Such accountants may be the accountants for the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank.

(3) Any entity that receives financing for a clean energy project from the fund shall provide the board an annual statement, certified as correct by the chief financial officer of the recipient of such financing, setting forth all sources and uses of funds in such detail as may be required by the **[**authority of**]** bank for such project. The **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank shall maintain any such audits for not less than five years. Residential projects for buildings with one to four dwelling units are exempt from this and any other annual auditing requirements, except that residential projects may be required to grant their utility companies' permission to release their usage data to the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank.

(g) There shall be a joint committee of the Energy Conservation Management Board and the **[**Clean Energy Finance and Investment Authority**]** Connecticut Green Bank board of directors, as provided in subdivision (2) of subsection (d) of section 16-245m.

(h) (1) (A) Wherever the term "Clean Energy Finance and Investment Authority" is used in the following general statutes, the term "Connecticut Green Bank" shall be substituted in lieu thereof: 1-79, 1-120, 1-124, 1-125, 7-233z, 16-244c, as amended by this act, 16-245m, 16-245aa, 16-245bb, 16-245ee, 16-245ff, 16-245hh, 16-245kk, 16-245*ll*, 16-245mm, 16a-40d to 16a-40g, inclusive, as amended by this act, 16a-40*l*, 16a-40m, 22a-200c and 32-141.

(B) Wherever the term "authority" is used in the following general statutes, the term "bank" shall be substituted in lieu thereof: 16-245aa, 16-245ff, 16-245hh, 16-245kk, 16-245*ll*, 16-245mm and 16a-40e to 16a-40g, inclusive, as amended by this act.

(2) Wherever the term "Clean Energy Finance and Investment Authority" is used in any public or special act of 2014, the term "Connecticut Green Bank" shall be substituted in lieu thereof.

(3) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 30. Section 16-50o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A record shall be made of the hearing and of all testimony taken and the cross-examinations thereon. Every party or group of parties as provided in section 16-50n shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) For an application on a facility described in subdivision (1) of subsection (a) of section 16-50i, as amended by this act, the council shall administratively notice completed and ongoing scientific and medical research on electromagnetic fields.

(c) The applicant shall submit into the record the full text of the terms of any agreement, and a statement of any consideration therefor, if not contained in such agreement, entered into by the applicant and any party to the certification proceeding, or any third party, in connection with the construction or operation of the facility. This provision shall not require the public disclosure of proprietary information or trade secrets.

**[**(d) The results of the evaluation process pursuant to subsection (f) of section 16a-7c shall be part of the record, where applicable.**]**

**[**(e)**]** (d) A copy of the record shall be available at all reasonable times for examination by the public without cost at the principal office of the council. A copy of the transcript of testimony at the hearing shall be filed at an appropriate public office, as determined by the council, in each county in which the facility or any part thereof is proposed to be located.

Sec. 31. Subsection (a) of section 16-243p of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An electric distribution company may recover its costs and investments that have been prudently incurred as well as its revenues lost resulting from the provisions of sections 16-1, 16-19ff, 16-50k, 16-50x, 16-243h to 16-243q, inclusive, 16-244c, as amended by this act, 16-244e, 16-244u, 16-245d, 16-245m, 16-245n, as amended by this act, 16-245z, **[**and**]** 16-262i, 16a-40*l* and 16a-40m and section 21 of public act 05-1 of the June special session. The Public Utilities Regulatory Authority shall, after a hearing held pursuant to the provisions of chapter 54, determine the appropriate mechanism to obtain such recovery in a timely manner which mechanism may be one or more of the following: (1) Approval of rates as provided in sections 16-19 and 16-19e; (2) the energy adjustment clause as provided in section 16-19b; or (3) the federally mandated congestion charges, as defined in section 16-1.

Sec. 32. Section 16a-3f of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On or after January 1, 2013, the Commissioner of Energy and

Environmental Protection, in consultation with the procurement manager identified in subsection (l) of section 16-2, the Office of Consumer Counsel and the Attorney General, **[**may**]** shall, in coordination with other states in the region of the regional independent system operator, as defined in section 16-1, or on the commissioner's own, solicit proposals, in one solicitation or multiple solicitations, from providers of Class I renewable energy sources, as defined in section 16-1, constructed on or after January 1, 2013. If the commissioner finds such proposals to be in the interest of ratepayers including, but not limited to, the delivered price of such sources, and consistent with the requirements to reduce greenhouse gas emissions in accordance with section 22a-200a, and in accordance with the policy goals outlined in the Comprehensive Energy Strategy, adopted pursuant to section 16a-3d, the commissioner may select proposals from such resources to meet up to four per cent of the load distributed by the state's electric distribution companies. The commissioner may direct the electric distribution companies to enter into power purchase agreements for energy, capacity and environmental attributes, or any combination thereof, for periods of not more than twenty years. Certificates issued by the New England Power Pool Generation Information System for any Class I renewable energy sources procured under this section shall be sold in the New England Power Pool Generation Information System renewable energy credit market to be used by any electric supplier or electric distribution company to meet the requirements of section 16-245a. Any such agreement shall be subject to review and approval by the Public Utilities Regulatory Authority, which review shall commence upon the filing of the signed power purchase agreement with the authority. The authority shall issue a decision on such agreement not later than thirty days after such filing. In the event the authority does not issue a decision within thirty days after such agreement is filed with the authority, the agreement shall be deemed approved. The net costs of any such agreement, including costs incurred by the electric distribution companies under

the agreement and reasonable costs incurred by the electric distribution companies in connection with the agreement, shall be recovered through a fully reconciling component of electric rates for all customers of electric distribution companies. **[**Such costs may include reasonable costs incurred by electric distribution companies pursuant to this section.**]**

Sec. 33. Section 16a-3g of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On or after July 1, 2013, the Commissioner of Energy and Environmental Protection, in consultation with the procurement manager identified in subsection (l) of section 16-2, the Office of Consumer Counsel and the Attorney General, may, in coordination with other states in the region of the regional independent system operator, as defined in section 16-1, or on the commissioner's own, solicit proposals, in one solicitation or multiple solicitations, from providers of Class I renewable energy sources, as defined in section 16-1, or verifiable large-scale hydropower, as defined in section 16-1. If the commissioner finds such proposals to be in the interest of ratepayers, including, but not limited to, the delivered price of such sources, and consistent with the requirements to reduce greenhouse gas emissions in accordance with section 22a-200a, and in accordance with the policy goals outlined in the Comprehensive Energy Strategy, adopted pursuant to section 16a-3d, and section 129 of public act 11-80, including, but not limited to, base load capacity, peak load shaving and promotion of wind, solar and other renewable and low carbon energy technologies, the commissioner may select proposals from such resources to meet up to five per cent of the load distributed by the state's electric distribution companies. The commissioner may on behalf of all customers of electric distribution companies, direct the electric distribution companies to enter into power purchase

agreements for energy, capacity and any environmental attributes, or any combination thereof, for periods of not more than (1) fifteen years, if any such agreement is with a provider of verifiable large-scale hydropower, or (2) twenty years, if any such agreement is with a provider of a Class I renewable energy source. Certificates issued by the New England Power Pool Generation Information System for any Class I renewable energy sources procured under this section shall be sold in the New England Power Pool Generation Information System renewable energy credit market to be used by any electric supplier or electric distribution company to meet the requirements of section 16-245a. Any such agreement shall be subject to review and approval by the Public Utilities Regulatory Authority, which review shall (A) include a public hearing, and (B) be completed not later than sixty days after the date on which such agreement is filed with the authority. The net costs of any such agreement, including costs incurred by the electric distribution companies under the agreement and reasonable costs incurred by the electric distribution companies in connection with the agreement, shall be recovered through a fully reconciling component of electric rates for all customers of electric distribution companies. **[**Such costs may include the reasonable costs incurred by the electric distribution companies pursuant to this section.**]**

Sec. 34. Section 16a-3h of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On or after October 1, 2013, the Commissioner of Energy and Environmental Protection, in consultation with the procurement manager identified in subsection (l) of section 16-2, the Office of Consumer Counsel and the Attorney General, may solicit proposals, in one solicitation or multiple solicitations, from providers of run-of-the-river hydropower, landfill methane gas or biomass, provided such

source meets the definition of a Class I renewable energy source pursuant to section 16-1. In making any selection of such proposals, the commissioner shall consider factors, including, but not limited to (1) whether the proposal is in the interest of ratepayers, including, but not limited to, the delivered price of such sources, (2) the emissions profile of a relevant facility, (3) any investments made by a relevant facility to improve the emissions profile of such facility, (4) the length of time a relevant facility has received renewable energy credits, (5) any positive impacts on the state's economic development, (6) whether the proposal is consistent with requirements to reduce greenhouse gas emissions in accordance with section 22a-200a, and (7) whether the proposal is consistent with the policy goals outlined in the Comprehensive Energy Strategy adopted pursuant to section 16a-3d. The commissioner may select proposals from such resources to meet up to four per cent of the load distributed by the state's electric distribution companies. The commissioner may direct the electric distribution companies to enter into power purchase agreements for energy, capacity and environmental attributes, or any combination thereof, for periods of not more than ten years on behalf of all customers of the state's electric distribution companies. Certificates issued by the New England Power Pool Generation Information System for any Class I renewable energy sources procured under this section shall be sold in the New England Power Pool Generation Information System renewable energy credit market to be used by any electric supplier or electric distribution company to meet the requirements of section 16-245a. Any such agreement shall be subject to review and approval by the Public Utilities Regulatory Authority, which review shall be completed not later than sixty days after the date on which such agreement is filed with the authority. The net costs of any such agreement, including costs incurred by the electric distribution companies under the agreement and reasonable costs incurred by the electric distribution companies in connection with the agreement, shall be recovered through a fully reconciling component

of electric rates for all customers of electric distribution companies. **[**Such costs may include the reasonable costs incurred by the electric distribution companies pursuant to this section.**]**

Sec. 35. Subsection (d) of section 16a-3i of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) In the event there is such a presumption pursuant to subsection (a) of this section and the commissioner finds a material shortage of Class I renewable energy sources pursuant to subsection (b) of this section, and in addition to determining the adequacy pursuant to subsection (c) of this section, the commissioner shall, in consultation with the procurement manager identified in subsection (l) of section 16-2, the Office of Consumer Counsel and the Attorney General, solicit proposals from providers of Class I renewable energy sources, as defined in section 16-1, operational as of the date that such solicitation is issued. If the commissioner, in consultation with the procurement manager identified in subsection (l) of section 16-2, finds such proposals to be in the interest of ratepayers including, but not limited to, the delivered price of such sources, and consistent with the requirements to reduce greenhouse gas emissions in accordance with section 22a-200a, and in accordance with the policy goals outlined in the Comprehensive Energy Strategy, adopted pursuant to section 16a-3d, the commissioner, in consultation with the procurement manager identified in subsection (l) of section 16-2, may select proposals from such sources to meet up to the amount necessary to ensure an adequate incremental supply of Class I renewable energy sources to rectify any projected shortage of Class I renewable energy supply identified pursuant to subsection (c) of this section. The commissioner shall direct the electric distribution companies to enter into power purchase agreements for energy, capacity and environmental attributes, or any combination thereof, from such selected proposals

for periods of not more than ten years. Certificates issued by the New England Power Pool Generation Information System for any Class I renewable energy sources procured under this section shall be sold in the New England Power Pool Generation Information System renewable energy credit market to be used by any electric supplier or electric distribution company to meet the requirements of section 16-245a. Any such agreement shall be subject to review and approval by the Public Utilities Regulatory Authority, which review shall commence upon the filing of the signed power purchase agreement with the authority. The authority shall issue a decision on such agreement not later than thirty days after such filing. In the event the authority does not issue a decision within thirty days after such agreement is filed with the authority, the agreement shall be deemed approved. The net costs of any such agreement, including costs incurred by the electric distribution companies under the agreement and reasonable costs incurred by the electric distribution companies in connection with the agreement, shall be recovered through a fully reconciling component of electric rates for all customers of electric distribution companies. **[**Such costs may include reasonable costs incurred by electric distribution companies pursuant to this section.**]**

Sec. 36. Subsection (a) of section 16-50p of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate.

(2) The council's decision shall be rendered in accordance with the following:

(A) Not later than twelve months after the **[**deadline for**]** filing of an application **[**following the request for proposal process**]** for a facility described in subdivision (1) or (2) of subsection (a) of section 16-50i, as amended by this act, or subdivision (4) of said subsection (a) if the application was incorporated in an application concerning a facility described in subdivision (1) of said subsection (a); and

(B) Not later than one hundred eighty days after the **[**deadline for**]** filing of an application **[**following the request for proposal process**]** for a facility described in **[**subdivision (4)**]** subdivisions (3) to (6), inclusive, of subsection (a) of section 16-50i, as amended by this act, **[**and an application concerning a facility described in subdivision (3) of said subsection (a),**]** provided the council may extend such period by not more than one hundred eighty days with the consent of the applicant. **[**; and**]**

**[**(C) Not later than one hundred eighty days after the filing of an application for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, provided the council may extend such period by not more than one hundred eighty days with the consent of the applicant.**]**

(3) The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine:

(A) Except as provided in subsection (b) or (c) of this section, a public need for the facility and the basis of the need;

(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, electromagnetic fields that, whether alone or cumulatively

with other effects, impact on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife;

(C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application;

(D) In the case of an electric transmission line, (i) what part, if any, of the facility shall be located overhead, (ii) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and (iii) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the council may adopt pursuant to section 16-50t, including, but not limited to, the council's best management practices for electric and magnetic fields for electric transmission lines and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the council. In establishing such buffer zone, the council shall consider, among other things, residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone;

(E) In the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line;

**[**(F) In the case of an application that was heard under a consolidated hearing process with other applications that were common to a request for proposal, that the facility proposed in the subject application represents the most appropriate alternative among such applications based on the findings and determinations pursuant to this subsection;**]**

**[**(G)**]** (F) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i, as amended by this act, that is (i) proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land, (ii) proposed to be installed on land near a building containing a school, as defined in section 10-154a, or a commercial child day care center, as described in subdivision (1) of subsection (a) of section 19a-77, that the facility will not be less than two hundred fifty feet from such school or commercial child day care center unless the location is acceptable to the chief elected official of the municipality or the council finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school or commercial child day care center is located, or (iii) proposed to be installed on land owned by a water company, as defined in section 25-32a, and which involves a new ground-mounted telecommunications tower, that such land owned by a water company is preferred over any alternative telecommunications tower sites provided the council shall, pursuant to clause (iii) of this subparagraph, consult with the Department of Public Health to determine potential impacts to public drinking water supplies in considering all the environmental impacts identified pursuant to subparagraph (B) of this subdivision. The council shall not

render any decision pursuant to this subparagraph that is inconsistent with federal law or regulations; and

**[**(H)**]** (G) That, for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, as amended by this act, the council has considered the manufacturer's recommended safety standards for any equipment, machinery or technology for the facility.

Sec. 37. Subsection (a) of section 16-50bb of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an account to be known as the "municipal participation account", within the General Fund, which shall be a separate, nonlapsing account. There shall be deposited in the account the municipal participation fees received pursuant to **[**subdivisions (1) and (3) of**]** subsection (a) of section 16-50*l*, as amended by this act. The interest derived from the investment of the account shall be credited to the account. Any balance remaining in the account at the end of any fiscal year shall be carried forward in the account for the fiscal year next succeeding.

Sec. 38. Section 16-345 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

As used in this chapter:

**[**(a)**]** (1) "Person" means an individual, partnership, corporation, limited liability company or association, including a person engaged as a contractor by a public agency but excluding a public agency.

**[**(b)**]** (2) "Public agency" means the state or any political subdivision thereof, including any governmental agency.

**[**(c)**]** (3) "Public utility" means the owner or operator of

underground facilities for furnishing electric, gas, telephone, telegraph, communications, pipeline, sewage, water, community television antenna, steam, **[**or**]** traffic signal, fire signal or similar service, including a municipal or other public owner or operator. A public utility does not include the owner of facilities for utility service solely for such owner's private residence.

**[**(d)**]** (4) "Central clearinghouse" means the **[**group of**]** organization organized and operated by public utilities **[**formed**]** pursuant to section 16-348, as amended by this act, for the purposes of receiving and giving notice of excavation, discharge of explosives and demolition activity within the state.

**[**(e)**]** (5) "Excavation" means an operation for the purposes of movement or removal of earth, rock or other materials in or on the ground, or otherwise disturbing the subsurface of the earth, by the use of powered or mechanized equipment, including but not limited to digging, blasting, auguring, back filling, test boring, drilling, pile driving, grading, plowing-in, hammering, pulling-in, trenching, **[**and**]** tunneling, dredging, reclamation processes and milling; excluding **[**the movement of earth by tools manipulated only by human or animal power and**]** the tilling of soil for agricultural purposes. For the purposes of this subdivision, dredging does not include dredging associated with the production and harvesting of aquaculture crops.

**[**(f)**]** (6) "Demolition" means the wrecking, razing, rending, moving or removing of any structure.

**[**(g)**]** (7) "Damage" includes, but is not limited to, the substantial weakening of structural or lateral support of a utility **[**line**]** facility such that the continued integrity of such utility facility is imperiled, penetration or destruction of any utility **[**line**]** facility protective coating, housing or other protective device or the severance, partial or complete, of any utility **[**line**]** facility.

**[**(h "Approximate location of underground facilities"**]** (8) "Approximate location of an underground utility facility" means a strip of land not more than three feet wide centered on the actual location of an underground utility facility or a strip of land extending not more than one and one-half feet on either side of the actual location of an underground **[**facilities**]** utility facility.

Sec. 39. Section 16-346 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

No person, public agency or public utility shall engage in excavation, **[**or**]** discharge of explosives **[**at or near the location of a public utility underground facility or demolish a structure located at or near or containing a public utility facility**]** or demolition without having first ascertained the location of all underground facilities of public utilities in the area of such excavation, discharge or demolition in the manner prescribed in this chapter and in such regulations as the **[**authority**]** Public Utilities Regulatory Authority shall adopt pursuant to section 16-357.

Sec. 40. Section 16-347 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

A public utility shall **[**file**]** register with the **[**Public Utilities Regulatory Authority the location of its**]** central clearinghouse the geographic areas in which it owns or operates underground facilities, **[**except facilities for storm sewers,**]** by reference to a standard **[**grid**]** mapping system, to be established by the **[**authority**]** central clearinghouse, and the title, address and telephone number of its representative designated to receive the notice required by section 16-349, as amended by this act.

Sec. 41. Section 16-348 of the general statutes is repealed and the

following is substituted in lieu thereof (*Effective October 1, 2015*):

The public utilities of the state shall, under the direction of the Public Utilities Regulatory Authority, organize and operate a central clearinghouse within the state for receiving and giving the notices required by section 16-349, as amended by this act. The authority shall apportion the cost of this service equitably among the public utilities, **[**for those underground facilities registered with the authority, as provided in section 16-347, except sanitary sewer or water facilities owned or operated by**]** except a city, town or borough that owns or operates only a sanitary sewer or water facilities.

Sec. 42. Section 16-349 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Except as provided in section 16-352, as amended by this act, a person, public agency or public utility responsible for excavating, **[**or**]** discharging explosives **[**at or near the location of public utility facilities**]** or demolishing **[**a structure containing a public utility facility**]** shall notify the central clearinghouse of such proposed excavation, discharge or demolition **[**, orally or in writing, at least two full days, excluding Saturdays, Sundays and holidays, but not more than thirty days before commencing such excavation, demolition or discharge of explosives**]** in the manner prescribed by regulations adopted pursuant to section 16-357. Such notice shall include the name, address and telephone number of the **[**entity giving notice, the name of the**]** person, public agency or public utility performing the **[**work**]** excavation, discharge of explosives or demolition and the date, location and type of excavation, demolition or discharge of explosives. The central clearinghouse shall immediately transmit such information to the public utilities whose facilities may be affected. In the event the proposed excavation, demolition or discharge of explosives has not **[**commenced**]** been completed within **[**thirty days**]** the allotted time frame prescribed by regulation of such notification, or the excavation,

demolition or discharge of explosives will be expanded outside of the location originally specified in such notification, the person, public agency or public utility responsible for such excavation, demolition or discharge of explosives shall again notify the central clearinghouse **[**at least two full days, excluding Saturdays, Sundays and holidays, but not more than thirty days before commencing or expanding such excavation, demolition or discharge of explosives**]** in the manner prescribed by regulations adopted pursuant to section 16-357.

Sec. 43. Section 16-351 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

A public utility receiving notice pursuant to section 16-349, as amended by this act, shall inform the person, public agency or public utility proposing to excavate, discharge explosives or demolish **[**a structure**]** of the approximate location of its underground facilities in the area in such manner as will enable such person, public agency or public utility to establish the **[**precise**]** actual location of the underground facilities, and shall provide such other assistance in establishing the **[**precise**]** actual location of the underground facilities as the authority may require by **[**regulation**]** regulations adopted pursuant to section 16-357. Such person, public agency or public utility shall designate the area of the proposed excavation, demolition or discharge of explosives as the authority may prescribe by **[**regulation**]** regulations adopted pursuant to section 16-357. The public utility receiving notice shall mark the approximate location of its underground facilities in such manner and using such methods, including color coding, as the authority may prescribe by **[**regulation**]** regulations adopted pursuant to section 16-357. If the **[**precise**]** actual location of the underground facilities cannot be established, the person, public agency or public utility shall so notify the public utility whose facilities may be affected, which shall provide such further

assistance as may be needed to determine the **[**precise**]** actual location of the underground facilities in advance of the proposed excavation, discharge of explosives or demolition.

Sec. 44. Section 16-352 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) In case of emergency involving danger to life, health or property or which requires immediate correction to continue the operation of a major industrial plant, or to assure the continuity of public utility service, excavation or demolition without explosives may be made without **[**the two day**]** notice required by section 16-349, as amended by this act, provided notice thereof **[**by telephone**]** is given as soon as reasonably possible.

(b) In case of an emergency involving an immediate and substantial danger of death or serious personal injury, explosives may be discharged if notice thereof is given at any time before discharge.

Sec. 45. Section 16-354 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

A person, public agency or public utility responsible for excavating, discharging explosives or demolition shall exercise reasonable care when working in proximity to the underground facilities of any public utility and shall comply with such safety standards and other requirements as the authority shall prescribe by **[**regulation**]** regulations adopted pursuant to section 16-357. If the facilities are likely to be exposed, such support shall be provided as may be reasonably necessary for protection of the facilities. If **[**gas facilities are likely to be exposed**]** excavation is within the approximate location of facilities containing combustible or hazardous fluids or gases, only hand digging or soft digging shall be employed. As used in this

section, "soft digging" means a nonmechanical and nondestructive process used to excavate and evacuate soils at a controlled rate, using high pressure water or air jet to break up the soil, often in conjunction with a high power vacuum unit to extract the soil without damaging the facilities.

Sec. 46. Section 16-355 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

When any contact is made with or any damage is suspected or done to any underground facility of a public utility, the person, public agency or public utility responsible for the operations causing the contact, suspected damage or damage shall immediately notify the public utility whose facilities have been affected, which shall dispatch its own personnel as soon as reasonably possible to inspect the underground facility and, if necessary, effect temporary or permanent repairs. If a serious electrical short is occurring or if dangerous fluids or gas are escaping from a broken line, the person, public agency or public utility responsible for the operations causing the damage shall alert all persons within the danger area and take all feasible steps to insure the public safety pending the arrival of repair personnel. As used in this section, "contact" includes, without limitation, the striking, scraping or denting, however slight, of any underground utility facility, **[**the structural or lateral support of an underground utility line and**]** including any underground utility **[**line**]** facility protective coating, housing or other protective device. "Contact" does not include damage, as defined in section 16-345, as amended by this act.

Sec. 47. Section 16-356 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Any person, public agency or public utility which the Public Utilities Regulatory Authority determines, after notice and opportunity for a hearing as provided in section 16-41, to have failed to

comply with any provision of this chapter or any regulation adopted under section 16-357 shall forfeit and pay to the state a civil penalty of not more than forty thousand dollars, provided any violation involving the failure of a public utility to mark **[**the**]** any approximate location of an underground **[**facilities**]** utility facility correctly or within the timeframes prescribed by regulation, which violation did not result in any property damage or personal injury and was not the result of an act of gross negligence on the part of the public utility, shall not result in a civil penalty of more than one thousand dollars. Notwithstanding the provisions contained in subsection (d) of section 16-41, the person, public agency or public utility receiving a notice of violation pursuant to subsection (c) of section 16-41 shall have thirty days from the date of receipt of the notice in which to deliver to the authority a written application for a hearing.

Sec. 48. Section 16-243m of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Public Utilities Regulatory Authority shall, on or before November 1, 2005, identify those measures that can reduce federally mandated congestion charges, as defined in section 16-1, and that can be implemented, in whole or in part, on or before January 1, 2006. Such measures may include, but shall not be limited to, demand response programs, other distributed resources, and contracts between an electric distribution company, as defined in said section 16-1, and an owner of generation resources for the capacity of such resources. The authority shall order each electric distribution company to implement, in whole or in part, on or before January 1, 2006, such measures as the authority considers appropriate. The company's costs associated with complying with the provisions of this section shall be recoverable through federally mandated congestion charges.

(b) The authority shall conduct a contested case, in accordance with

chapter 54, to establish the principles and standards to be used in developing and issuing a request for proposals under this section. The authority shall complete such contested case on or before January 1, 2006.

(c) On or before February 1, 2006, the authority shall conduct a proceeding to develop and issue a request for proposals to solicit the development of long-term projects designed to reduce federally mandated congestion charges for the period commencing on May 1, 2006, and ending on December 31, 2010, or such later date specified by the authority. For purposes of this section, projects shall include (1) customer-side distributed resources, (2) grid-side distributed resources, (3) new generation facilities, including expanded or repowered generation, and (4) contracts for a term of no more than fifteen years between a person and an electric distribution company for the purchase of electric capacity rights. Such request for proposals shall encourage responses from a variety of resource types and encourage diversity in the fuel mix used in generation. An electric distribution company may submit proposals pursuant to this subsection on the same basis as other respondents to the solicitation. A proposal submitted by an electric distribution company shall include its full projected costs such that any project costs recovered from or defrayed by ratepayers are included in the projected costs. An electric distribution company submitting a bid under this subsection shall demonstrate to the satisfaction of the authority that its bid is not supported in any form of cross subsidization by affiliated entities. If such electric distribution company's proposal is approved pursuant to subsection (g) of this section, the costs and revenues of such proposal shall not be included in calculating such company's earning for purposes of, or in determining whether its rates are just and reasonable under, sections 16-19, 16-19a and 16-19e. Electric distribution companies may under no circumstances recover more than the full costs identified in the proposals, as approved under subsection (g) of

this section and consistent with subsection (h) of this section. Affiliates of the electric distribution company may submit proposals consistent with section 16-244h, regulations adopted under section 16-244h and other requirements the authority may impose. The authority may request from a person submitting a proposal further information that the authority determines to be in the public interest to be used in evaluating the proposal. The authority shall determine whether costs associated with subsection **[**(l)**]** (k) of this section shall be considered in the evaluation or selection of bids.

(d) The authority shall publish such request for proposals in one or more newspapers or periodicals, as selected by the authority, and shall post such request for proposals on its web site. The authority may retain the services of a third-party entity with expertise in the area of energy procurement to oversee the development of the request for proposals and to assist the authority in its approval of proposals pursuant to this section. The reasonable and proper expenses for retaining such third-party entity shall be recoverable through federally mandated congestion charges, as defined in section 16-1, which charges the authority shall allocate to electric distribution companies in proportion to their revenue.

(e) Any person, other than an electric distribution company, submitting a proposal pursuant to subdivision (2), (3) or (4) of subsection (c) of this section shall include with its proposal a draft of a contract that includes the transfer to the electric distribution company of all the rights to the installed capacity, including, but not limited to, forward reserve capacity, locational forward reserve capacity and similar rights associated with such proposal, provided such rights shall not include energy. No such draft of a contract shall have a term exceeding fifteen years. Such draft contract shall include such provisions as the Public Utilities Regulatory Authority directs.

(f) Each person submitting a proposal pursuant to this section shall

agree to forgo or credit reliability must run payments, locational installed capacity payments or payments for similar purposes for any project approved pursuant to subsection (g) of this section.

(g) The authority shall, on or before May 1, 2006, evaluate such proposals received pursuant to subsection (c) of this section and may approve one or more of such proposals. The authority shall give preference to proposals that (1) result in the greatest aggregate reduction of federally mandated congestion charges for the period commencing on May 1, 2006, and ending on December 31, 2010, or such later date specified by the authority, (2) make efficient use of existing sites and supply infrastructure, and (3) serve the long-term interests of ratepayers. Projects proposed by persons other than electric distribution companies approved pursuant to this subsection may enter into long-term contracts pursuant to subsection (i) of this section. Projects approved pursuant to this subsection are eligible for expedited siting pursuant to subsection (a) of section 16-50k. Customer-side distributed resource projects approved pursuant to this subsection shall be eligible for the incentives provided pursuant to sections 16-243j, 16-243*l,* and 16-243o and this section, but shall not be eligible for the programs described in section 16-243i.

(h) If a proposal from an electric distribution company is approved pursuant to subsection (g) of this section, such company may develop, own and operate such resource, provided such company shall, not later than five years after such resource begins commercial operation, (1) sell such resource in accordance with section 16-43, or (2) auction the power or capacity, or both, associated with such resource pursuant to a plan approved by the authority. The authority shall, after notice and hearing, waive the requirements of subdivisions (1) and (2) of this subsection if it determines that compliance with such requirements would be detrimental to retail customers. Such electric distribution company shall recover, as federally mandated congestion charges, the

unrecovered portions of the full projected costs in its proposal made under subsection (c) of this section.

(i) An electric distribution company shall negotiate in good faith the final terms of the draft contract, submitted under subsection (e) of this section and included in a proposal approved under subsection (g) of this section, and shall apply to the authority for approval of each such contract. After thirty days, either party may request the assistance of the authority to resolve any outstanding issues. No such contract may become effective without approval of the authority. The authority shall hold a hearing that shall be conducted as a contested case, in accordance with the provisions of chapter 54, to approve, reject or modify an application for approval of a capacity purchase contract. No contract shall be approved unless the authority finds that approval of such contract would (1) result in the lowest reasonable cost of such products and services, (2) increase reliability, and (3) minimize federally mandated congestion charges to the state over the life of the contract. Such a contract shall contain terms that mitigate the long-term risk assumed by ratepayers. No contract approved by the authority shall have a term exceeding fifteen years. As determined by the authority, the electric distribution company shall either sell into the capacity markets all or a portion of capacity rights transferred pursuant to this section and use all proceeds from such sales to offset federally mandated congestion charges incurred by all customers, or shall retain such capacity rights to offset electric capacity charges associated with transitional standard offer, standard service or service as supplier of last resort under section 16-244c, as amended by this act. The costs associated with long-term electric capacity contracts shall be recovered through federally mandated congestion charges.

**[**(j) The provisions of section 16a-7c shall not apply to projects approved pursuant to this section.**]**

**[**(k)**]** (j) The authority may order an electric distribution company to

submit a proposal pursuant to the provisions of this section and may approve such a proposal under this section. Nothing in sections 16-1, 16-32f, 16-50i, as amended by this act, 16-50k, 16-50x, 16-243i to 16-243q, inclusive, 16-244c, as amended by this act, 16-244e, 16-245d, 16-245m, 16-245n, as amended by this act, and 16-245z and section 21 of public act 05-1 of the June special session shall limit the authority's ability to conduct requests for proposals, in addition to that in subsection (c) of this section, to reduce federally mandated congestion charges and to approve such proposals or otherwise to meet its responsibility under this title.

**[**(l)**]** (k) The authority shall hold a hearing that shall be conducted as a contested case, in accordance with the provisions of chapter 54, to investigate any impact on the financial condition of electric distribution companies of long-term contracts entered into pursuant to this section and to establish, before issuing a request for proposals in accordance with subsection (c) of this section, the methodology for compensating the companies for such impacts. The methodology for addressing such impacts shall be included in the request for proposals under subsection (c) of this section, if appropriate. If the authority determines that entering into such long-term contracts results in increased costs incurred by the electric distribution companies, the authority, annually, shall allow such costs to be recovered through rates or in such manner as the authority considers appropriate. The authority shall determine whether such costs shall be considered in the evaluation or selection of bids under this section.

**[**(m)**]** (l) An electric distribution company may not submit a proposal under this section on or after February 1, 2011. On or before January 1, 2010, the authority shall submit a report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to energy with a recommendation as to whether the period during which such

company may submit proposals under this section should be extended.

**[**(n)**]** (m) For purposes of subdivision (1) of subsection (c) of section 16-50p, there shall be a rebuttable presumption that there is a public benefit in building a facility, as defined in subdivision (1) of subsection (a) of section 16-50i, as amended by this act, that has been approved by the Public Utilities Regulatory Authority pursuant to this section.

**[**(o)**]** (n) The aggregate electric generating capacity for all approved proposals by electric distribution companies pursuant to subsections (g) and **[**(k)**]** (j) of this section may not exceed two hundred fifty megawatts of generating capacity state-wide. The authority shall give guiding preference in approving the amount of generation capacity in proposals from electric distribution companies to the approximate proportion of each company's service area load.

**[**(p)**]** (o) When the authority selects a bid pursuant to subdivisions (2) and (3) of subsection (c) of this section from a person other than an electric distribution company, the authority shall grant the electric distribution company that serves the area in which the subject grid-side distributed resource or new generation facility is to be located a one-time, nonrecurring award, for investments necessary to improve the electric distribution company's transmission and distribution system to accommodate such facilities, in accordance with the following: For a grid-side distributed resource or new generation facility that is operational (1) on or before January 1, 2010, twenty-five dollars per kilowatt, (2) on or before January 1, 2011, fifteen dollars per kilowatt, and (3) on or before January 1, 2012, five dollars per kilowatt. The cost of the award shall be recoverable from federally mandated congestion charges. No such award may be made unless the projected reduction in federally mandated congestion charges attributed to the investment is greater than the amount of the award. Revenues from such award shall not be included in calculating the electric distribution

company's earnings for the purpose of determining whether its rates are just and reasonable under sections 16-19, 16-19a and 16-19e.

**[**(q)**]** (p) Sixty days after the Public Utilities Regulatory Authority issues a final decision approving long-term contracts pursuant to this section, the authority shall direct an electric distribution company to negotiate, in good faith, long-term contracts for the electric energy output of each of the generation projects selected and approved by the authority to provide capacity pursuant to this section, provided the rates paid for such electric energy output when added to the payments made pursuant to such capacity contracts shall be the project's cost of service plus a reasonable rate of return. The electric distribution company shall apply to the authority for approval of any such energy output contract. No such contract shall be effective unless approved by the authority. The authority may approve only such contracts it finds would reduce and stabilize the cost of electricity to Connecticut ratepayers. Such contract may not exceed the term of the capacity contract for such generation project.

Sec. 49. Subsection (a) of section 16-245*l* of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Public Utilities Regulatory Authority shall establish and each electric distribution company shall collect a systems benefits charge to be imposed against all end use customers of each electric distribution company beginning January 1, 2000. The authority shall hold a hearing that shall be conducted as a contested case in accordance with chapter 54 to establish the amount of the systems benefits charge. The authority may revise the systems benefits charge or any element of said charge as the need arises. The systems benefits charge shall be used to fund (1) the expenses of the public education outreach program developed under section 16-244d other than expenses for authority staff, (2) the cost of hardship protection

measures under sections 16-262c and 16-262d and other hardship protections, including, but not limited to, electric service bill payment programs, funding and technical support for energy assistance, fuel bank and weatherization programs and weatherization services, (3) the payment program to offset tax losses described in section 12-94d, (4) any sums paid to a resource recovery authority pursuant to subsection (b) of section 16-243e, (5) low income conservation programs approved by the Public Utilities Regulatory Authority, (6) displaced worker protection costs, (7) unfunded storage and disposal costs for spent nuclear fuel generated before January 1, 2000, approved by the appropriate regulatory agencies, (8) postretirement safe shutdown and site protection costs that are incurred in preparation for decommissioning, (9) decommissioning fund contributions, (10) **[**operating expenses for the Connecticut Energy Advisory Board, (11)**]** costs associated with the Connecticut electric efficiency partner program established pursuant to section 16-243v, **[**(12)**]** (11) reinvestments and investments in energy efficiency programs and technologies pursuant to section 16a-38*l*, costs associated with the electricity conservation incentive program established pursuant to section 119 of public act 07-242, **[**(13)**]** (12) legal, appraisal and purchase costs of a conservation or land use restriction and other related costs as the authority in its discretion deems appropriate, incurred by a municipality on or before January 1, 2000, to ensure the environmental, recreational and scenic preservation of any reservoir located within this state created by a pump storage hydroelectric generating facility, and **[**(14)**]** (13) the residential furnace and boiler replacement program pursuant to subsection (k) of section 16-243v. As used in this subsection, "displaced worker protection costs" means the reasonable costs incurred, prior to January 1, 2008, (A) by an electric supplier, exempt wholesale generator, electric company, an operator of a nuclear power generating facility in this state or a generation entity or affiliate arising from the dislocation of any employee other than an officer, provided such dislocation is a result of (i) restructuring of the

electric generation market and such dislocation occurs on or after July 1, 1998, or (ii) the closing of a Title IV source or an exempt wholesale generator, as defined in 15 USC 79z-5a, on or after January 1, 2004, as a result of such source's failure to meet requirements imposed as a result of sections 22a-197 and 22a-198 and this section or those Regulations of Connecticut State Agencies adopted by the Department of Energy and Environmental Protection, as amended from time to time, in accordance with Executive Order Number 19, issued on May 17, 2000, and provided further such costs result from either the execution of agreements reached through collective bargaining for union employees or from the company's or entity's or affiliate's programs and policies for nonunion employees, and (B) by an electric distribution company or an exempt wholesale generator arising from the retraining of a former employee of an unaffiliated exempt wholesale generator, which employee was involuntarily dislocated on or after January 1, 2004, from such wholesale generator, except for cause. "Displaced worker protection costs" includes costs incurred or projected for severance, retraining, early retirement, outplacement, coverage for surviving spouse insurance benefits and related expenses.

Sec. 50. (NEW) (*Effective from passage*) The Public Utilities Regulatory Authority, in consultation with the Department of Public Health, may, upon application of a water company, as defined in section 16-1 of the general statutes, order such water company to extend its system to serve properties that the authority determines are served by a deficient well system, as described in subdivision (2) of subsection (a) of section 16-262n of the general statutes, as amended by this act, if the authority determines that the net costs of extending water service are reasonable. The cost recovery, rates and charges of such extension shall be treated in the same manner as provided for acquisitions pursuant to section 16-262o or 16-262s of the general statutes.

Sec. 51. Subsection (d) of section 16-19ww of the 2014 supplement to

the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) In reviewing the natural gas infrastructure expansion plan pursuant to subsection (c) of this section, in order to protect the interests of ratepayers and ensure revenue recovery for gas companies, and consistent with the recommendations of the Comprehensive Energy Strategy, the authority shall, in accordance with section 16-19oo, (1) establish a hurdle rate utilizing a twenty-five-year payback period to compare the revenue requirement of connecting new customers to the gas distribution system to determine the level of new business capital expenditures that will be recoverable through rates, taking into consideration any nonfirm margin credits pursuant to subparagraph (B) of subdivision (4) of this subsection that will offset the expansion costs of the gas companies, provided the authority shall develop a methodology that reasonably accounts for revenues that would be collected from new customers who signaled an intention to switch to natural gas over a period of at least three years within a common geographic location, (2) establish a new rate for new customers added pursuant to the natural gas infrastructure expansion plan to offset incremental costs of expanding natural gas infrastructure pursuant to such plan, (3) establish a rate mechanism for the gas companies to recover prudent investments made pursuant to the approved natural gas infrastructure expansion plan in a timely manner outside of a rate proceeding, provided such mechanism shall take into consideration the additional revenues that the gas companies will generate through implementation of such plan, and (4) notwithstanding the provisions of section 16-19b, effective for the period of the natural gas expansion plan, (A) assign at least half of the nonfirm margin credit to **[**offset the rate base**]** be credited to ratepayers of the gas companies through a purchased gas adjustment clause established pursuant to section 16-19b, and (B) assign the lesser of (i) an amount equal to half of the nonfirm margin credit, or (ii) an amount

equal to fifteen million dollars from the nonfirm margin credit annually for all gas companies in the aggregate, apportioned to each gas company in proportion to revenues of **[**and**]** the existing and new capacity contracted for by each gas company, to offset expansion costs, including, but not limited to, the costs of adding new state, municipal, residential, commercial and industrial customers. **[**where such additions provide societal benefits, including, but not limited to, increased or retained employment, local economic development, environmental benefits and transit-oriented development goals.**]**

Sec. 52. Section 16a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter:

**[**(a)**]** (1) "Department" means the Department of Energy and Environmental Protection;

**[**(b) "Board" means the Connecticut Energy Advisory Board;**]**

**[**(c)**]** (2) "Commissioner" means the Commissioner of Energy and Environmental Protection;

**[**(d)**]** (3) "Energy" means work or heat that is, or may be, produced from any fuel or source whatsoever;

**[**(e)**]** (4) "Energy emergency" means a situation where the health, safety or welfare of the citizens of the state is threatened by an actual or impending acute shortage in usable energy resources;

**[**(f)**]** (5) "Energy resource" means natural gas, petroleum products, coal and coal products, wood fuels, geothermal sources, radioactive materials and any other resource yielding energy;

**[**(g)**]** (6) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability

company, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind;

**[**(h)**]** (7) "Service area" means any geographic area serviced by the same energy-producing public service company, as defined in section 16-1;

**[**(i)**]** (8) "Renewable resource" means solar, wind, water, wood or other biomass source of energy and geothermal energy;

**[**(j)**]** (9) "Energy-related products" means **[**(1)**]** (A) energy systems and equipment that utilize renewable resources to provide space heating or cooling, water heating, electricity or other useful energy, **[**(2)**]** (B) insulation materials, and **[**(3)**]** (C) equipment designed to conserve energy or increase the efficiency of its use, including that used for residential, commercial, industrial and transportation purposes;

**[**(k)**]** (10) "Energy-related services" means **[**(1)**]** (A) the design, construction, installation, inspection, maintenance, adjustment or repair of energy-related products, **[**(2)**]** (B) inspection, adjustment, maintenance or repair of any conventional energy system, **[**(3)**]** (C) the performance of energy audits or the provision of energy management consulting services, and **[**(4)**]** (D) weatherization activities carried out under any federal, state or municipal program;

**[**(l)**]** (11) "Conventional energy system" means any system for supplying space heating or cooling, ventilation or domestic or commercial hot water which is not included in **[**subdivision (1) of subsection (j)**]** subparagraph (A) of subdivision (9) of this section;

**[**(m)**]** (12) "Energy supply" means any energy resource capable of being used to perform useful work and any form of energy such as electricity produced or derived from energy resources which may be so used; and

**[**(n)**]** (13) "Energy facility" means a structure that generates, transmits or stores electricity, natural gas, refined petroleum products, renewable fuels, coal and coal products, wood fuels, geothermal sources, radioactive material and other resources yielding energy.

Sec. 53. Subsection (a) of section 16-262n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, sections 16-262o to 16-262q, inclusive, and section 16-262s, "water company" means either (1) a corporation, company, association, joint stock association, partnership, municipality, other entity or person, or lessee thereof, owning, leasing, maintaining, operating, managing or controlling any pond, lake, reservoir, stream, well or distributing plant or system employed for the purpose of supplying water to not less than two service connections or twenty-five persons, or (2) a deficient well system serving existing properties within a defined geographic area with not less than twenty-five persons served by private wells that (A) do not meet public health standards for potable water, (B) have had funding discontinued for filters provided pursuant to subsection (a) of section 22a-471 to respond to documented groundwater contamination, (C) are otherwise unable to serve the existing properties with adequate water quality, volume or pressure, or (D) limit the on-site resolution of documented wastewater disposal issues in the system.

Sec. 54. (*Effective from passage*) The Public Utilities Regulatory Authority shall study the feasibility of allowing a nonprofit entity to aggregate electric meters that are billable to such entity. The study shall include, but not be limited to, potential costs and benefits to electric ratepayers for allowing such aggregation. On or before January 1, 2015, the authority shall report the findings of such study and any recommended statutory changes to the joint standing committee of the General Assembly having cognizance of matters relating to energy, in

accordance with the provisions of section 11-4a of the general statutes.

Sec. 55. Section 16a-7b of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

**[**(a) Not later than December 1, 2004, the Connecticut Energy Advisory Board shall develop infrastructure criteria guidelines for the evaluation process under subsection (f) of section 16a-7c, which guidelines shall be consistent with state environmental policy, state economic development policy, and the state's policy regarding the restructuring of the electric industry, as set forth in section 16-244, and shall include, but not be limited to, the following: (1) Environmental preference standards; (2) efficiency standards, including, but not limited to, efficiency standards for transmission, generation and demand-side management; (3) generation preference standards; (4) electric capacity, use trends and forecasted resource needs; (5) natural gas capacity, use trends and forecasted resource needs; and (6) national and regional reliability criteria applicable to the regional bulk power grid, as determined in consultation with the regional independent system operator, as defined in section 16-1. In developing environmental preference standards, the board shall consider the recommendations and findings of the task force established pursuant to section 25-157a and Executive Order Number 26 of Governor John G. Rowland.**]**

**[**(b)**]** No municipality other than a municipality operating a plant pursuant to chapter 101 or any special act and acting for purposes thereto may take an action to condemn, in whole or in part, or restrict the operation of any existing and currently operating energy facility, if such facility is first determined by the Public Utilities Regulatory Authority, following a contested case proceeding, held in accordance with the provisions of chapter 54, to comprise a critical, unique and unmovable component of the state's energy infrastructure, unless the

municipality first receives written approval from the Commissioner of Energy and Environmental Protection and the Connecticut Siting Council that such taking would not have a detrimental impact on the state's or region's ability to provide a particular energy resource to its citizens.

Sec. 56. Subparagraph (A) of subdivision (57) of section 12-81 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to assessment years commencing on and after October 1, 2014*):

(57) (A) (i) Any Class I renewable energy source, as defined in section 16-1, or hydropower facility described in subdivision (27) of subsection (a) of section 16-1, installed for the generation of electricity for private residential use or on a farm, as defined in subsection (q) of section 1-1, provided such installation occurs on or after October 1, 2007, and further provided such installation is for a single family dwelling, a multifamily dwelling consisting of two to four units or a farm, **[**or**]** (ii) any passive or active solar water or space heating system, or (iii) any geothermal energy resource. In the case of clause (ii) or (iii) of this subparagraph, such exemption shall apply only to the amount by which the assessed valuation of the real property equipped with such system or resource exceeds the assessed valuation of such real property equipped with the conventional portion of the system or resource;

Sec. 57. Subparagraph (D) of subdivision (57) of section 12-81 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to assessment years commencing on and after October 1, 2014*):

(D) For assessment years commencing on and after October 1, 2014, any (i) Class I renewable energy source, as defined in section 16-1, (ii) hydropower facility described in subdivision (27) of subsection (a) of

section 16-1, or (iii) solar thermal or geothermal renewable energy source, installed for generation or displacement of energy, provided **[**(i)**]** (I) such installation occurs on or after January 1, 2014, **[**(ii)**]** (II) is for commercial or industrial purposes, **[**and (iii)**]** (III) the nameplate capacity of such source or facility does not exceed the load for the location where such generation or displacement is located or the aggregated load of the beneficial accounts for any Class I renewable energy source participating in virtual net metering pursuant to section 16-244u, and (IV) in the case of clause (iii) of this subparagraph, such exemption shall apply only to the amount by which the assessed valuation of the real property equipped with such source exceeds the assessed valuation of such real property equipped with the conventional portion of the source;

Sec. 58. Subdivision (2) of subsection (c) of section 16-245d of the 2014 supplement to the general statutes, as amended by section 1 of public act 14-75, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) On or before July 1, 2014, the authority shall initiate a docket to redesign (A) the standard billing format for residential customers implemented pursuant to subdivision (1) of this subsection to better enable such residential customers to compare pricing policies and charges among electric suppliers, and (B) the account summary page of a residential customer located on the electric distribution company's Internet web site. The authority shall issue a final decision on such docket not later than six months after its initiation. Such final decision shall include the placement of the following items on the first page of each **[**residential customer's bill from an electric distribution company pursuant to subdivision (4) of this subsection**]** bill for each residential customer receiving electric generation service from an electric supplier: (i) The electric generation service rate; (ii) the term and expiration date of such rate; (iii) any change to such rate effective for the next billing

cycle; (iv) the cancellation fee, if applicable, provided there is such a change; (v) notification that such rate is variable, if applicable; (vi) the standard service rate; (vii) the term and expiration date of the standard service rate; (viii) the dollar amount that would have been billed for the electric generation services component had the customer been receiving standard service; and (ix) an electronic link or Internet web site address to the rate board Internet web site described in section 16-244d, as amended by **[**this act**]** public act 14-75, and the toll-free telephone number and other information necessary to enable the customer to obtain standard service. Such final decision shall also include the feasibility of (I) an electric distribution company transferring a residential customer receiving electric generation service from an electric supplier to a different electric supplier in a timely manner and ensuring that the electric distribution company and the relevant electric suppliers provide timely information to each other to facilitate such transfer, and (II) allowing residential customers to choose how to receive information related to bill notices, including United States mail, electronic mail, text message, an application on a cellular telephone or a third-party notification service approved by the authority. On or before July 1, 2015, the authority shall implement, or cause to be implemented, the redesigned standard billing format and Internet web site for a customer's account summary. On or before July 1, 2020, and every five years thereafter, the authority shall reopen such docket to ensure the standard billing format and Internet web site for a customer's account summary remains a useful tool for customers to compare pricing policies and charges among electric suppliers.

Sec. 59. Subsection (c) of section 16-245d of the 2014 supplement to the general statutes, as amended by section 1 of public act 14-75, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) From the effective date of this section, and until one year after

the effective date of this section, inclusive, each electric distribution company shall, on a quarterly basis, include the following items in a bill insert to each residential customer who obtains standard service or electric generation service from an electric supplier: (1) The **[**electric generation**]** standard service rate; (2) the term and expiration date of such rate; (3) any change to the standard service rate not later than forty-five days **[**after the standard rate is approved by the authority**]** before the standard service rate is effective; and (4) before any reference to the term "standard service", the name of the electric distribution company.

Sec. 60. Subsection (g) of section 16-245 of the 2014 supplement to the general statutes, as amended by section 2 of public act 14-75, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(g) As conditions of continued licensure, in addition to the requirements of subsection (c) of this section: (1) The licensee shall comply with the National Labor Relations Act and regulations, if applicable; (2) the licensee shall comply with the Connecticut Unfair Trade Practices Act and applicable regulations; (3) each generating facility operated by or under long-term contract to the licensee shall comply with regulations adopted by the Commissioner of Energy and Environmental Protection, pursuant to section 22a-174j; (4) the licensee shall comply with the portfolio standards, pursuant to section 16-245a; (5) the licensee shall be a member of the New England Power Pool or its successor or have a contractual relationship with one or more entities who are members of the New England Power Pool or its successor and the licensee shall comply with the rules of the regional independent system operator and standards and any other reliability guidelines of the regional independent systems operator; (6) the licensee shall agree to cooperate with the authority and other electric suppliers in the event of an emergency condition that may jeopardize

the safety and reliability of electric service; (7) the licensee shall comply with the code of conduct established pursuant to section 16-244h; (8) for a license to a participating municipal electric utility, the licensee shall provide open and nondiscriminatory access to its distribution facilities to other licensed electric suppliers; (9) the licensee or the entity or entities with whom the licensee has a contractual relationship to purchase power shall be in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission; (10) each generating facility operated by or under long-term contract to the licensee shall be in compliance with chapter 277a and state environmental laws and regulations; (11) the licensee shall comply with the renewable portfolio standards established in section 16-245a; (12) the licensee shall offer a time-of-use price option to customers. Such option shall include a two-part price that is designed to achieve an overall minimization of customer bills by encouraging the reduction of consumption during the most energy intense hours of the day. The licensee shall file its time-of-use rates with the Public Utilities Regulatory Authority; (13) the licensee shall acknowledge that it is subject to chapters 208, 212, 212a and 219, as applicable, and the licensee shall pay all taxes it is subject to in this state; (14) the licensee shall make available to the authority for posting on the authority's Internet web site and shall list on the licensee's own Internet web site, on a monthly basis, the highest and lowest electric generation service rate charged by the licensee as part of a variable rate offer in each of the preceding twelve months to any customer **[**eligible for standard service**]** with a peak demand of less than fifty kilowatts, cumulated of all such customer's meters, during a twelve-month period; and (15) any contract between a licensee and a residential customer eligible for standard service entered into on and after the effective date of this section shall provide for the same electric generation service rate that may not be exceeded for at least the first three billing cycles of the contract, provided the licensee may decrease such rate at any time. Also as a condition of licensure, the authority shall prohibit each

licensee from declining to provide service to customers for the reason that the customers are located in economically distressed areas. The authority may establish additional reasonable conditions to assure that all retail customers will continue to have access to electric generation services.

Sec. 61. Subdivision (1) of subsection (f) of section 16-245o of the 2014 supplement to the general statutes, as amended by section 4 of public act 14-75, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) Until **[**January 1, 2015**]** the standard summary form described in subsection (e) of this section is developed, each electric supplier shall, prior to the initiation of electric generation services, provide the potential residential customer with a written notice describing the rates, information on air emissions and resource mix of generation facilities operated by and under long-term contract to the supplier, terms and conditions of the service, and a notice describing the customer's right to cancel the service, as provided in this section. **[**On and after January 1, 2015**]** After development of such standard summary form, each electric supplier shall, prior to initiation of electric generation services, provide the potential residential customer with a completed standard summary form. **[**developed pursuant to subsection (e) of this section.**]** Each electric supplier shall, prior to the initiation of electric generation services, provide the potential commercial or industrial customer with a written notice describing the rates, information on air emissions and resource mix of generation facilities operated by and under long-term contract to the supplier, terms and conditions of the service, and a notice describing the customer's right to cancel the service, as provided in this section.

Sec. 62. Subdivision (3) of subsection (g) of section 16-245o of the 2014 supplement to the general statutes, as amended by section 4 of public act 14-75, is repealed and the following is substituted in lieu

thereof (*Effective from passage*):

(3) No electric supplier shall charge an electric generation service rate to a residential customer that is twenty-five per cent more than **[**(A)**]** the original contract price **[**, or (B) the last rate notification provided by the electric supplier,**]** of a contract entered into after the effective date of this section without **[**disclosing**]** notifying such customer of the rate change **[**described in subparagraphs (A) or (B) of this subdivision**]** fifteen days before it takes effect, provided such notice shall only be required for the first instance such rate is twenty-five per cent more than the original contract price. After such one-time notice, no electric supplier shall charge an electric generation service rate to a residential customer that is twenty-five per cent more than the most recent notice of the rate change without notifying such customer of the rate change fifteen days before it takes effect. **[**The**]** Any notification described in this subdivision shall be provided pursuant to the method agreed to by the customer in the contract and may include written notice through United States mail, electronic mail, text message, an application on a cellular telephone, or third-party notification service approved by the authority.

Sec. 63. Subsection (c) of section 32-80a of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) An energy improvement district board shall fund energy improvement district distributed resources in its district consistent with a comprehensive plan prepared for the district by said board for the development and financing of such resources, except on state or federally owned properties, with a view to increasing efficiency and reliability and the furtherance of commerce and industry in the energy improvement district, provided such district's plan shall be consistent with the **[**state-wide procurement and deployment plan prepared and approved pursuant to section 16a-7c and the**]** siting determinations of

the Connecticut Siting Council. The board may lease or acquire office space and equip the same with suitable furniture and supplies for the performance of work of the board and may employ such personnel as may be necessary for such performance. The board also shall have power to:

(1) Sue and be sued;

(2) Have a seal and alter the same;

(3) Confer with any body or official having to do with electric power distribution facilities within and without the district and hold public hearings as to such facilities;

(4) Confer with electric distribution companies with reference to the development of electric distribution facilities in such district and the coordination of the same;

(5) Determine the location, type, size and construction of energy improvement district distributed resources, subject to the approval of any department, commission or official of the United States, the state or the municipality where federal, state or municipal statute or regulation requires it;

(6) Make surveys, maps and plans for, and estimates of the cost of, the development and operation of requisite energy improvement district distributed resources and for the coordination of such facilities with existing agencies, both public and private, with the view of increasing the efficiency of the electric distribution system in the district and in the furtherance of commerce and industry in the district;

(7) Enter into contracts and leases, make loans and execute all instruments necessary to carry out their duties pursuant to this subsection and subsection (d) of this section, including the lending of proceeds of bonds to owners, lessees or occupants of facilities in the

energy improvement district;

(8) Fix fees, rates, rentals or other charges for the purpose of all energy improvement district distributed resources owned by the energy improvement district board and collect such fees, rates, rentals and other charges for such facilities owned by the board, which fees, rates, rentals or other charges shall be sufficient to comply with all covenants and agreements with the holders of any bonds issued pursuant to subsection (b) of this section;

(9) Operate and maintain all energy improvement district distributed resources owned or leased by the board and use the revenues from such resources for the corporate purposes of the board in accordance with any covenants or agreements contained in the proceedings authorizing the issuance of bonds pursuant to subsection (b) of this section;

(10) Accept gifts, grants, loans or contributions from the United States, the state or any agency or instrumentality of either, or a person or corporation, by conveyance, bequest or otherwise, and expend the proceeds for any purpose of the board and, as necessary, contract with the United States, the state or any agency or instrumentality of either to accept gifts, grants, loans or contributions on such terms and conditions as may be provided by the law authorizing the same;

(11) Maintain staff to promote and develop the movement of commerce through the energy improvement district; and

(12) Use the officers, employees, facilities and equipment of the municipality, with the consent of the municipality, and pay a proper portion of the compensation or cost.

Sec. 64. Section 8-31c of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2015*):

(a) (1) Wherever the term "regional planning agency" is used in the following general statutes, the term "regional council of governments" shall be substituted in lieu thereof; and (2) wherever the term "regional planning agencies" is used in the following general statutes, the term "regional councils of governments" shall be substituted in lieu thereof: 8-35b, 8-35c, 8-164, 8-166, 8-189, 8-336f, 8-384, 13b-38a, 13b-79*ll*, 16-32f, 16-50*l*, as amended by this act, 16-358, 16a-28, 16a-35c, 22-26dd, 22a-102, 22a-118, 22a-137, 22a-207, **[**22a-211,**]** 22a-352, 23-8, 25-33e to 25-33h, inclusive, 25-68d, 25-102qq and 25-233.

(b) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 65. Section 22a-260 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The following terms, as used in this chapter and chapter 103b, **[**shall**]** have the indicated meanings unless the context in which they are used demands a different meaning and intent:

(1) "Authority" means the Connecticut Resources Recovery Authority created and established pursuant to this chapter or any board, body, commission, department, officer, agency or other successor thereto;

(2) **[**"State solid waste management plan"**]** "State-wide solid waste management plan" means the administrative and financial plan developed by the Commissioner of Energy and Environmental Protection for solid waste disposal and resources recovery, pursuant to section **[**22a-211**]** 22a-228;

(3) "Resources recovery" means the processing of solid wastes to reclaim energy therefrom;

(4) "Recycling" means the processing of solid waste to reclaim material therefrom;

(5) "Person" means any individual, firm, partnership, association, limited liability company or corporation, public or private, organized or existing under the laws of the state or any other state, including federal corporations, but excluding municipalities, special districts having taxing powers or other political subdivisions of the state;

(6) "Waste management services" means actions taken to effectuate the receipt, storage, transportation and processing for resources recovery, recycling, reuse of recovered materials, or disposal of solid wastes, including the sale of products, materials or energy on behalf of the state, a region, a municipality or a person by the authority or by any person or persons acting under contract with the authority, pursuant to the provisions of this chapter;

(7) "Solid waste" means unwanted or discarded solid, liquid, semisolid or contained gaseous material, including but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility;

(8) "Solid waste facility" means any solid waste disposal area, volume reduction plant, transfer station, wood burning facility, or biomedical waste treatment facility;

(9) "Solid waste disposal area" means any location, including a landfill or other land disposal site, used for the disposal of more than ten cubic yards of solid waste;

(10) "Volume reduction plant" means any location or structure, whether located on land or water, where more than two thousand

pounds per hour of solid waste generated elsewhere may be reduced in volume, including but not limited to, resources recovery facilities and other incinerators, recycling facilities, pulverizers, compactors, shredders, balers and composting facilities;

(11) "Resources recovery facility" means a facility utilizing processes aimed at reclaiming the material or energy values from solid wastes;

(12) "Transfer station" means any location or structure, whether located on land or water, where more than ten cubic yards of solid waste, generated elsewhere, may be stored for transfer or transferred from transportation units and placed in other transportation units for movement to another location, whether or not such waste is stored at the location prior to transfer;

(13) "Recycling facility" or "recycling center" means land and appurtenances thereon and structures where recycling is conducted, including but not limited to, an intermediate processing center as defined in this section;

(14) "Solid waste planning region" means those municipalities or parts thereof within or forming an area defined in the **[**state**]** state-wide solid waste management plan;

(15) "Municipality" means any town, city or borough within the state;

(16) "Municipal authority" means the local governing body having legal jurisdiction over solid waste management within its corporate limits which shall be, in the case of any municipality which adopts a charter provision or ordinance pursuant to section 7-273aa, the municipal resource recovery authority;

(17) "Region" means two or more municipalities which have joined together by creating a district or signing an interlocal agreement or

signing a mutual contract for a definite period of time concerning solid waste management within such municipalities;

(18) "Regional authority" means the administrative body delegated the responsibility for solid waste management in a region;

(19) "Bonds" means bonds of the authority issued pursuant to the provisions of this chapter and the authorizing resolutions of said authority;

(20) "Notes" means notes of the authority issued pursuant to this chapter and the resolutions of the authority, either in anticipation of and pending the issuance of bonds by **[**said**]** the authority or otherwise;

(21) "Revenues" means moneys or income received by the authority in whatever form, including but not limited to fees, charges, lease payments, interest payments on investments, payments due and owing on account of any instrument, contract or agreement between the authority and any municipality, region, state agency or person, gifts, grants, bestowals or any other moneys or payments to which the authority is entitled under the provisions of this chapter or any other law, or of any agreement, contract or indenture of the authority;

(22) "Waste management project" means any solid waste disposal and resources recovery area, plant, works, system, facility or component of a facility, equipment, machinery or other element of a facility which the authority is authorized to plan, design, finance, construct, manage, operate or maintain under the provisions of this chapter, including real estate and improvements thereto and the extension or provision of utilities and other appurtenant facilities deemed necessary by the authority for the operation of a project or portion of a project, including all property rights, easements and interests required;

(23) "Solid waste management system" means that portion of the overall **[**state**]** state-wide solid waste management plan specifically designed to deal with the provision of waste management services and to effect resources recovery and recycling by means of a network of waste management projects and resources recovery facilities developed, established and operated by the authority by contract or otherwise, but not embracing or including any regulatory or enforcement activities of the Department of Energy and Environmental Protection in accordance with applicable provisions of the general statutes and as may be referred to in the **[**state**]** state-wide solid waste management plan as developed and promulgated by the Commissioner of Energy and Environmental Protection;

(24) "Costs" means the cost or fair market value, as determined by the authority, of construction, lands, property rights, utility extensions, disposal facilities, access roads, easements, franchises, financing charges, interest, engineering and legal services, plans, specifications, surveys, cost estimates, studies, transportation and other expenses necessary or incidental to the design, development, construction, financing, management and operation and maintenance of a waste management project, and such other costs or expenses of the authority, including administrative and operating costs, research and development, and operating capital, including fees, charges, loans, insurances, and the expense of purchasing real and personal property, including waste management projects;

(25) "Intermediate processing facility" means a facility where glass, metals, paper products, batteries, household hazardous waste, fertilizers and other items are removed from the waste stream for recycling or reuse;

(26) "Composting facility" means land, appurtenances, structures or equipment where organic materials originating from another process or location that have been separated at the point or source of

generation from nonorganic material are recovered using a process of accelerated biological decomposition of organic material under controlled aerobic or anaerobic conditions;

(27) "Source-separated organic material" means organic material, including, but not limited to, food scraps, food processing residue and soiled or unrecyclable paper that has been separated at the point or source of generation from nonorganic material.

Sec. 66. Section 22a-639 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Not later than October 1, 2010, and every three years thereafter, the commissioner shall prepare an electronics recycling plan that establishes state-wide per-capita collection and recycling goals and identifies any necessary actions to achieve such goals. Such report shall be posted on the department's Internet web site. **[**and a copy of such report submitted, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment.**]**

(b) Not later than October 1, 2010, and annually thereafter, the commissioner shall gather information from registrants and prepare a report regarding the status of the electronics recycling program. **[**The commissioner shall submit such report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment, in accordance with the provisions of section 11-4a.**]** Such report shall contain: (1) Sufficient data, as determined by the commissioner, and analysis of such data to evaluate the effectiveness of the state-wide recycling program and the components of such program, and (2) if at any time the federal government establishes a national program for the collection and recycling of electronic devices and the department determines that the federal law substantially meets or exceeds the requirements of sections 22a-629 to 22a-640,

inclusive, information on the federal law. Such report shall be posted on the department's Internet web site.

Sec. 67. Section 25-201 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of sections 25-200 to 25-210, inclusive:

(1) "Approved map" means a map approved by the commissioner pursuant to section 25-205;

(2) "Approved river corridor protection plan" means a river corridor protection plan approved by the commissioner pursuant to section 25-205;

(3) "Clear cutting" means removal of all standing woody vegetation greater than one inch diameter at breast height within a designated river corridor;

(4) "Commissioner" means the Commissioner of Energy and Environmental Protection or his agent;

(5) "Designation" means designation, by act of the General Assembly, of a river corridor for protection and preservation in accordance with an approved river corridor protection plan and the provisions of sections 25-200 to 25-210, inclusive;

(6) "Designated river corridor" means that portion of a river corridor defined on a map prepared in accordance with section 25-204 and which has been designated by the General Assembly pursuant to sections 25-200 to 25-210, inclusive;

(7) "Eligible river corridor" means a river corridor which is included on the list adopted by the commissioner pursuant to section 25-202;

(8) "Local drainage basin" means a local drainage basin referenced on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981;

(9) "Member municipality" means a municipality which is a member of a river committee established pursuant to section 25-203;

(10) "Major state plan" means the plan for development of outdoor recreation adopted pursuant to section 22a-21, the state-wide solid waste management plan adopted pursuant to section **[**22a-211**]** 22a-228, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, the state-wide environmental plan adopted pursuant to section 22a-8, the plan for the disposal of dredged material for Long Island Sound, the historic preservation plan adopted under the National Historic Preservation Act, as amended, the state-wide facility and capital plan adopted pursuant to section 4b-23, the water quality management plan adopted under the federal Clean Water Act, the marine resources management plan, the plan for managing forest resources, the wildlife management plans and the salmon restoration plan;

(11) "Person" means "person" as defined in section 22a-2;

(12) "River corridor" means any river, river segment or river system, together with its floodplains, wetlands and uplands, contributing overland runoff to such river, river segment or river system;

(13) "River committee" means a river committee established pursuant to section 25-203;

(14) "River system" means a river, its tributaries and any lands draining into such river or its tributaries;

(15) "Secretary" means the Secretary of the Office of Policy and Management or his agent;

(16) "State rivers assessment data base" means the state-wide assessment of the state's rivers prepared by the commissioner pursuant to subdivision (3) of subsection (c) of section 25-102qq;

(17) "State plan for conservation and development" means the state plan for conservation and development prepared pursuant to part I of chapter 297;

(18) "Subregional drainage basin" means a subregional drainage basin as depicted on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981; and

(19) "Water-dependent use" means a use which, by its nature or function, requires direct access to, or location in or immediately adjacent to, water and which therefore cannot be located upland and shall include such recreational uses as riverside trails and bicycle paths.

Sec. 68. Section 25-231 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 25-230 to 25-238, inclusive:

(1) "Approved river corridor management plan" means a river corridor management plan approved by the commissioner pursuant to section 25-235;

(2) "Commissioner" means the Commissioner of Energy and Environmental Protection or his agent;

(3) "Local drainage basin" means a local drainage basin as referenced on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection,

1981;

(4) "Major state plan" means any of the following: The plan for development of outdoor recreation adopted pursuant to section 22a-21, the state-wide solid waste management plan adopted pursuant to section **[**22a-211**]** 22a-228, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, the state-wide environmental plan adopted pursuant to section 22a-8, the historic preservation plan adopted under the National Historic Preservation Act, 16 USC 470 et seq., the state-wide facility and capital plan adopted pursuant to section 4b-23, the state's consolidated plan for housing and community development prepared pursuant to section 8-37t, the water quality management plan adopted under the federal Clean Water Act, 33 USC 1251 et seq., any plans for managing forest resources adopted pursuant to section 23-20 and the Connecticut River Atlantic Salmon Compact adopted pursuant to section 26-302;

(5) "Member municipality" means a municipality which is a member of a river commission established pursuant to section 25-232;

(6) "Person" means person, as defined in section 22a-2;

(7) "River advisory board" means any of the following: The Five Mile River Commission established pursuant to section 15-26a, the Connecticut River Gateway Commission established pursuant to section 25-102e, the Connecticut River Assembly established pursuant to section 25-102dd, the Bi-State Pawcatuck River Commission established pursuant to section 25-161, the Niantic River Gateway Commission established pursuant to section 25-109e, the Housatonic Estuary Commission established pursuant to section 25-170, the Farmington River Coordinating Committee established pursuant to the National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-Bantam River Board or a river committee established pursuant to section 25-203;

(8) "River corridor" means any river, river segment or river system, together with its floodplains, wetlands and uplands, contributing overland runoff to such river, river segment or river system;

(9) "River commission" means a river commission established pursuant to section 25-232;

(10) "River system" means a river, its tributaries and any lands draining into such river or its tributaries;

(11) "Secretary" means the Secretary of the Office of Policy and Management or his agent;

(12) "State rivers assessment database" means the state-wide assessment of the state's rivers prepared by the commissioner pursuant to subdivision (3) of subsection (c) of section 25-102qq;

(13) "State plan for conservation and development" means the state plan for conservation and development prepared pursuant to part I of chapter 297;

(14) "Subregional drainage basin" means a subregional drainage basin as referenced on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981;

(15) "Water-dependent use" means a use which, by its nature or function, requires direct access to, or location in or immediately adjacent to, water and which therefore cannot be located upland, and includes such recreational uses as riverside trails and bicycle paths;

(16) "Use" means agriculture, public and private water supply, power generation, waste assimilation, transportation, recreation, including, but not limited to, boating, swimming, fishing, camping and hiking and residential, commercial, industrial and other water-

dependent uses; and

(17) "Resource" means any riparian waters of the state, related fisheries and wildlife habitat and adjacent shorelands, both developed and undeveloped; any vegetation, fish and wildlife; endangered and threatened species, species of special concern and essential habitat identified by the commissioner pursuant to chapter 495; tidal and inland wetlands; unique geologic features; scenic areas; forest lands, as defined in section 23-65f; agricultural lands, as defined in section 22-26bb; and archaeological and other historical resources.

Sec. 69. Subsection (j) of section 22a-208a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(j) The Commissioner of Energy and Environmental Protection may issue an approval for a demonstration project for any activity regulated by the commissioner under this chapter provided the commissioner determines that such demonstration project (1) is necessary to research, develop or promote methods and technologies of solid waste management which are consistent with the goals of the **[**state**]** state-wide solid waste management plan; (2) does not pose a significant risk to human health or the environment; and (3) is not inconsistent with the federal Water Pollution Control Act, the federal Rivers and Harbors Act, the federal Clean Air Act or the federal Resource Conservation and Recovery Act. An application for such approval shall be on a form prescribed by the commissioner, be accompanied by a fee of one thousand dollars and shall provide such information as the commissioner deems necessary. Any person applying for such approval shall not commence the project prior to the commissioner's written approval. The commissioner may impose conditions upon such approval as deemed necessary to adequately protect human health and the environment or to ensure project success and such approval shall be valid for a period of not more than two

years. The commissioner may renew such approval provided the total period of approval does not exceed five years. The commissioner may order summary suspension of any such approval in accordance with subsection (c) of section 4-182. Notwithstanding the renewal process, any person may seek, or the commissioner may require, that the project obtain a general or individual permit pursuant to this chapter.

Sec. 70. Subsection (b) of section 22a-219b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) No grant shall be made under this section to a municipality unless the solid waste generated within such municipality is delivered to a facility that has been approved by the Commissioner of Energy and Environmental Protection for consistency with the **[**state**]** state-wide solid waste management plan and has not less than seventy-five per cent of its design capacity committed under long-term contractual agreements on the date of commercial operation. No grant shall be made unless the municipality has executed, on or before the date of commercial operation of such facility or system, a long-term contractual agreement to participate in the facility.

Sec. 71. Subsection (f) of section 22a-220 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) On and after January 1, 1991, each municipality shall, consistent with the requirements of section 22a-241b, make provisions for the separation, collection, processing and marketing of items generated within its boundaries as solid waste and designated for recycling by the commissioner pursuant to subsection (a) of section 22a-241b. It shall be the goal to recycle twenty-five per cent of the solid waste generated in each municipality provided it shall be the goal to reduce the weight of such waste by January 1, 2000, by an additional fifteen

per cent by source reduction as determined by reference to the **[**state**]** state-wide solid waste management plan established in 1991, or by recycling such additional percentage of waste generated, or both. The provisions of this subsection shall not be construed to require municipalities to enforce reduction in the quantity of solid waste. On or before January 1, 1991, each municipality shall: (1) Adopt an ordinance or other enforceable legal instrument setting forth measures to assure the compliance of persons within its boundaries with the requirements of subsection (c) of section 22a-241b and to assure compliance of collectors with the requirements of subsection (a) of section 22a-220c, and (2) provide the Commissioner of Energy and Environmental Protection with the name, address and telephone number of a person to receive information and respond to questions regarding recycling from the department on behalf of the municipality. The municipality shall notify the commissioner within thirty days of its designation of a new representative to undertake such responsibilities. A municipality may by ordinance or other enforceable legal instrument provide for and require the separation and recycling of other items in addition to those designated pursuant to subsection (a) of section 22a-241b.

Sec. 72. Subsection (a) of section 22a-222 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection shall make a grant for financial assistance to any resources recovery authority from the proceeds of the sale of any bonds authorized for such purpose for feasibility studies and development expenses as are determined to be appropriate by said commissioner which are incurred prior to permanent financing of a resource recovery system or an incinerator. Eligible activities shall include, but not be limited to, the costs of the preparation of financial, technical, legal and

engineering information for the system or incinerator and analysis of the impact of recycling on such system or incinerator. To be eligible for a grant, the system or incinerator shall be under study or proposed for a study and shall be consistent with the **[**state**]** state-wide solid waste management plan.

Sec. 73. Section 22a-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The following are declared to be policies of the state of Connecticut: (1) That maximum resources recovery from solid waste and maximum recycling and reuse of such resources in order to protect, preserve and enhance the environment of the state shall be considered environmental goals of the state; (2) that solid waste disposal and resources recovery facilities and projects are to be implemented either by the state of Connecticut or under state auspices, in furtherance of these goals; (3) that appropriate governmental structure, processes and support are to be provided so that effective state systems and facilities for solid waste management and large-scale resources recovery may be developed, financed, planned, designed, constructed and operated for the benefit of the people and municipalities of the state; (4) that private industry is to be utilized to the maximum extent feasible to perform planning, design, management, construction, operation, manufacturing and marketing functions related to solid waste disposal and resources recovery and to assist in the development of industrial enterprise based upon resources recovery, recycling and reuse; (5) that long-term negotiated contracts between the state and private persons and industries may be utilized as an incentive for the development of industrial and commercial enterprise based on resources recovery within the state; (6) that solid waste disposal services shall be provided for municipal and regional authorities and private persons in the state, at reasonable cost, by state systems and facilities where such services are considered necessary and desirable in accordance with the state-

wide solid waste management plan and that any revenues received from the payment of the costs of such services otherwise from the operation of state systems and facilities shall be redistributed to the users of such services provided that the authority has determined that all contractual obligations related to such systems and facilities have been met and that such revenues are surplus and not needed to provide necessary support for such systems and facilities; (7) that provision shall be made for planning, research and development, and appropriate innovation in the design, management and operation of the state's systems and facilities for solid waste management, in order to permit continuing improvement and provide adequate incentives and processes for lowering operating and other costs; (8) that the authority established pursuant to this chapter shall have responsibility for implementing solid waste disposal and resources recovery systems and facilities and solid waste management services where necessary and desirable throughout the state in accordance with the **[**state**]** state-wide solid waste management plan and applicable statutes and regulations; (9) that actions and activities performed or carried out by the authority or its contractors in accordance with the provisions of this chapter shall be in conformity with the **[**state**]** state-wide solid waste management plan and with other applicable policies and regulations of the state, as promulgated from time to time in law and by action of the Department of Energy and Environmental Protection and Connecticut Innovations, Incorporated; (10) that it being to the best interest of the state, municipalities, individual citizens and the environment to minimize the quantity of materials entering the waste stream that would require collection, transportation, processing, or disposal by any level of government, it is the intent of this legislation to promote the presegregation of recoverable or recyclable materials before they become mixed and included in the waste stream; and that this intent shall be reflected in the policy of the resources recovery authority and that no provision of this chapter or action of this authority shall either discourage or prohibit either voluntary or locally

ordained solid waste segregation programs or the sale of such segregated materials to private persons, unless the authority has determined based upon a feasibility report filed with the applicable municipal authority that the reduced user fees charged to it should result in its total cost of solid waste management including user fees paid to the authority to be less without presegregation than with it; and (11) that these policies and purposes are hereby declared to be in the public interest and the provisions of this chapter to be necessary and for the public benefit, as a matter of legislative determination.

Sec. 74. Section 22a-262 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The purposes of the authority shall be:

(1) The planning, design, construction, financing, management, ownership, operation and maintenance of solid waste disposal, volume reduction, recycling, intermediate processing and resources recovery facilities and all related solid waste reception, storage, transportation and waste-handling and general support facilities considered by the authority to be necessary, desirable, convenient or appropriate in carrying out the provisions of the **[**state**]** state-wide solid waste management plan and in establishing, managing and operating solid waste disposal and resources recovery systems and their component waste-processing facilities and equipment;

(2) The provision of solid waste management services to municipalities, regions and persons within the state by receiving solid wastes at authority facilities, pursuant to contracts between the authority and such municipalities, regions and persons; the recovery of resources and resource values from such solid wastes; and the production from such services and resources recovery operations of revenues sufficient to provide for the support of the authority and its operations on a self-sustaining basis, with due allowance for the

redistribution of any surplus revenues to reduce the costs of authority services to the users thereof provided such surplus revenues shall include any net revenue from activities undertaken pursuant to subdivisions (18) and (19) of subsection (a) of section 22a-266 and subdivision (8) of section 22a-267;

(3) The utilization, through contractual arrangements, of private industry for implementation of some or all of the requirements of the **[**state**]** state-wide solid waste management plan and for such other activities as may be considered necessary, desirable or convenient by the authority;

(4) Assistance with and coordination of efforts directed toward source separation for recycling purposes; and

(5) Assistance in the development of industries, technologies and commercial enterprises within the state of Connecticut based upon resources recovery, recycling, reuse and treatment or processing of solid waste.

(b) These purposes shall be considered to be operating responsibilities of the authority, in accordance with the **[**state**]** state-wide solid waste management plan, and are to be considered in all respects public purposes. It is the intention of this chapter that the authority shall be granted all powers necessary to fulfill these purposes and to carry out its assigned responsibilities and that the provisions of this chapter, itself, are to be construed liberally in furtherance of this intention.

Sec. 75. Section 22a-264 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The activities of the authority in providing or contracting to provide solid waste management services to the state, regions, municipalities and persons, in implementing the state resources recovery system and

in planning, designing, financing, constructing, managing or operating solid waste facilities, including their location, size and capabilities, shall be in conformity with applicable statutes and regulations and with the **[**state**]** state-wide solid waste management plan as promulgated by the Commissioner of Energy and Environmental Protection. The authority shall have power to assist in the preparation, revision, extension or amendment of the **[**state**]** state-wide solid waste management plan, and the Department of Energy and Environmental Protection is hereby authorized to utilize, by contract or other agreement, the capabilities of the authority for the carrying out of such planning functions. The authority shall have power to revise and update, as may be necessary to carry out the purposes of this chapter, that portion of the **[**state**]** state-wide solid waste management plan defined as the "solid waste management system". To effect such revision and updating, the authority shall prepare an annual plan of operations which shall be reviewed by the Commissioner of Energy and Environmental Protection for consistency with the **[**state**]** state-wide solid waste management plan. Upon approval by the Commissioner of Energy and Environmental Protection and by a two-thirds vote of the authority's full board of directors, the annual plan of operations shall be promulgated. Any activities of the authority carried out to assist in the development of industry and commerce based upon the availability of recovered resources for recycling and reuse shall be coordinated to the extent practicable with plans and activities of Connecticut Innovations, Incorporated with due consideration given to the secondary materials industries operating within the state of Connecticut.

Sec. 76. Subdivision (12) of section 22a-265 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(12) Otherwise, do all things necessary for the performance of its

duties, the fulfillment of its obligations, the conduct of its operations, the maintenance of its working relationships with municipalities, regions and persons, and the conduct of a comprehensive program for solid waste disposal and resources recovery, and for solid waste management services, in accordance with the provisions of the **[**state**]** state-wide solid waste management plan, applicable statutes and regulations and the requirements of this chapter;

Sec. 77. Subdivision (6) of section 22a-267 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(6) The directors of the authority may by resolution, in accordance with the provisions and stipulations of this chapter and the authority's general and other bond resolutions, authorize both the segregation of such authority revenues as may at any time be adjudged by said directors to be surplus to the needs of the authority to meet its contractual and other obligations and to provide for its operations or other business purposes, and the equitable redistribution of such segregated surplus revenues to some or all of the users of the system in accordance with applicable provisions of the **[**state**]** state-wide solid waste management plan;

Sec. 78. Section 22a-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The authority shall have the power to purchase, in accordance with the requirements of the **[**state**]** state-wide solid waste management plan, at such costs or prices as are mutually deemed agreeable by the authority and the seller, any solid waste disposal facility, volume reduction plant or solid waste disposal areas owned by a municipality or regional authority or by a person and to own and operate such facilities and plants when and as deemed necessary, convenient or desirable, by the authority, and in accordance with the

state plan, to carry out its purposes in accordance with this chapter; it may alter, reconstruct, improve, enlarge or extend any such facility, plant or disposal area at its own discretion to carry out the requirements of the **[**state**]** state-wide solid waste management plan; it may contract to plan, design, finance, construct and operate and maintain any solid waste management project, processing facility or disposal area on behalf of a municipal or regional authority, in accordance with such state plans; and may otherwise make the waste management services and capabilities of authority projects available by contract to any municipal or regional authority or private person or institution at reasonable fees or charges to be established by the authority for such services.

(b) Any municipal or regional authority having a solid waste management plan that is required, pursuant to the provisions of chapter 446b, to be in conformity with the **[**state**]** state-wide solid waste management plan, and which municipal or regional plan provides that the disposition of the solid wastes of said municipality or region shall be accomplished through the use of state or regional facilities providing adequate resources recovery and large-scale waste disposal processing, is hereby authorized to enter into a long-term contract for such services with the authority, to pay any reasonable fees and charges established by the authority for such services, and, further, to pledge the full faith and credit of the municipal or regional authority for the payment of such fees and charges.

(c) Prior to negotiating any such contract with a municipal or regional authority, the authority shall adopt procedures governing such contract negotiations and contracting processes in accordance with subsection (d) of this section. Such procedures shall include but not be limited to (1) specific procedures for resolving impasses, disputes or other controversies that may arise during contract negotiations, and (2) such other information, standards, analyses and

procedures as will facilitate the negotiation and establishment of equitable contracts.

(d) Prior to the adoption, amendment or repeal of any procedure prescribed in subsection (c) of this section, or of any procedure that would adversely affect the operations or affairs of any municipality or municipal or regional authority, the authority shall provide notice of and opportunity for a hearing on such intended action in accordance with subsection (e) of this section. Any municipality or municipal or regional authority may petition the authority with respect to the promulgation, amendment or repeal of such procedure, in accordance with a form and procedure prescribed by the authority for the submission, consideration and disposition of such petition, including adequate provision for notice and hearing. Within thirty days after the submission of such a petition the directors of the authority shall either deny said petition in writing, stating the reasons for such denial, or shall order the initiation of proceedings in accordance with subsection (e) of this section.

(e) In adopting, amending or repealing any procedure referred to in this section, the directors of the authority shall, at least sixty days prior to the effective date of such action, pass a resolution expressing their intent to adopt, amend or repeal such procedure, and shall within ten days cause a copy of such resolution to be printed in one daily and one weekly newspaper published within the state and the Connecticut Law Journal. Thereupon, any interested party so desiring may, within thirty days, petition the directors with respect to such action and offer evidence in support of such petition before a referee appointed by the chairman. Said referee shall not be an employee of the authority, and shall report his findings with respect to such petition and evidence to the directors at least ten days prior to the date established by the directors as the effective date of their action. Due consideration shall be given to such findings by the directors in determining their final

action with respect to such procedural adoption, amendment or repeal.

(f) Any municipal or regional authority is also authorized **[**hereby**]** under this section to borrow from the authority such sums of money as may be necessary to establish a solid waste management project or projects, or a disposal facility, volume reduction plant or disposal area whenever such municipal or regional authority, in accordance with its approved local plan conforming to the **[**state**]** state-wide solid waste management plan, is not required to utilize the services of a state or regional waste management project for the disposal of its wastes. Any such loan may be made on the basis of a long-term loan agreement or service contract between such municipal or regional authority and the solid waste authority, and as collateral for such loan a municipal or regional authority may pledge its full faith and credit, or an applicable portion of the charges levied or revenues received for municipal or regional waste disposal, or both. Any municipal or regional authority is also **[**hereby**]** under this section authorized to contract with the authority for planning, design, financing, construction and operation and maintenance services by the authority or by any person under contract with the authority, of a waste management project, facility or disposal area to be used to provide for the disposal of wastes and the recovery of resources within said municipality or region and to contract for any payment in lieu of taxes to be made with respect to such project, facility or disposal area in accordance with the intentions and provisions of this chapter and the **[**state**]** state-wide solid waste management plan. All required payments of fees and charges, interest on loans, principal of loans and necessary fees and assessments related thereto required under any contract or agreement entered into pursuant to the provisions of this section, are considered expenditures for public purposes by a municipal or regional authority and, notwithstanding the provisions of any other law, any necessary general or special taxes or cost-sharing or other assessments may be levied or collected by **[**said**]** such municipal or regional authority for

the purpose of making such required payments.

(g) Whenever the authority, by resolution of its board of directors, distributes surplus revenues of the authority to any municipal or regional authority or person who by virtue of the provisions of the **[**state**]** state-wide solid waste management plan or any contract or agreement with the authority may be entitled to participate in such distribution, such municipal or regional authority or person is entitled to receive and to have and to hold the proceeds of such distribution and to use the same for any lawful purpose, including but not limited to the reduction of local taxes or assessments levied or to be levied for the purpose of raising revenues to pay authority fees or service charges.

(h) The authority, when performing services on behalf of or providing a waste management project for any municipal or regional authority pursuant to this section, shall be considered eligible to receive on behalf of such municipal or regional authority any state grants for which **[**said**]** such municipal or regional authority may be ordinarily eligible under chapter 446d, or any other law, rule or regulation of the state. The proceeds of any such grant shall be applied by the authority to reduce the costs of the services or project being provided.

(i) When performing work at the direction of the Department of Energy and Environmental Protection, in furtherance of the objectives of the **[**state**]** state-wide solid waste management plan and pursuant **[**thereto**]** to such plan, the authority shall be entitled to receive any state grants or other assistance to which a municipal or regional authority would be entitled had the work been performed by such municipal or regional authority.

(j) Notwithstanding the provisions of any local law, ordinance or regulation, the authority, in carrying out its purposes according to this

chapter and in fulfilling the requirements of the state plan, shall have power to transport or to provide for the transportation of solid wastes and recovered resources anywhere within the state.

(k) Nothing in this chapter shall be deemed or interpreted to preclude or prohibit state financial assistance to municipal and regional authorities according to the provisions of chapter 446d, or of any other law, rule or regulation of the state relating to solid waste management planning, solid waste reduction and disposal operations, approved solid waste disposal facilities and equipment, per capita grants and the distribution of federal funds for the acquisition and development of lands by municipalities. Such assistance shall be provided to any municipal or regional authority having a solid waste management plan which has been adopted and approved pursuant to chapter 446d, and is in conformity with the **[**state**]** state-wide solid waste management plan, until such time as such municipal or regional authority contracts with the authority for and receives resource recovery or solid waste processing services.

Sec. 79. Section 22a-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner shall make grants for providing financial assistance to municipal and regional authorities for the preparation of solid waste management **[**plan**]** plans. The grant to each municipal authority shall equal ten per cent of the nonfederal portion of the cost of preparing the plans. An additional ten per cent shall be paid for each additional municipality included in the plan, but not more than seventy per cent of the total cost of the nonfederal portion being granted by the commissioner to a regional authority.

Sec. 80. Subdivision (12) of subsection (a) of section 7-273bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(12) Otherwise, do all things necessary for the performance of its duties, the fulfillment of its obligations, the conduct of its operations, the maintenance of its working relationships with the state, other municipalities, regions and persons, and the conduct of a comprehensive program for solid waste disposal and resources recovery, and for solid waste management services, in accordance with the provisions of the **[**state**]** state-wide or local solid waste management plan, applicable statutes and regulations and the requirements of this chapter;

Sec. 81. Subdivision (15) of subsection (a) of section 7-273bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(15) Purchase, receive by gift or otherwise, lease, exchange, or otherwise acquire and construct, reconstruct, improve, maintain, equip and furnish such waste management projects of the authority as are called for by the **[**state**]** state-wide or local solid waste management plan;

Sec. 82. Sections 16a-3, 16a-7c, 16a-8, 22a-208h and 22a-211 and 22a-285 to 22a-285k, inclusive, of the general statutes are repealed. (*Effective from passage*)

Approved June 6, 2014