



General Assembly

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Governor's Bill No. 7

LCO No. 235



Referred to Committee on ENVIRONMENT

Introduced by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

AN ACT CONCERNING CLIMATE CHANGE PLANNING AND RESILIENCY.

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

1 Section 1. Subsection (d) of section 8-23 of the 2018 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (d) In preparing such plan, the commission or any special
5 committee shall consider the following: (1) The community
6 development action plan of the municipality, if any, (2) the need for
7 affordable housing, (3) the need for protection of existing and potential
8 public surface and ground drinking water supplies, (4) the use of
9 cluster development and other development patterns to the extent
10 consistent with soil types, terrain and infrastructure capacity within
11 the municipality, (5) the state plan of conservation and development
12 adopted pursuant to chapter 297, (6) the regional plan of conservation

13 and development adopted pursuant to section 8-35a, (7) physical,
14 social, economic and governmental conditions and trends, (8) the
15 needs of the municipality including, but not limited to, human
16 resources, education, health, housing, recreation, social services, public
17 utilities, public protection, transportation and circulation and cultural
18 and interpersonal communications, (9) the objectives of energy-
19 efficient patterns of development, the use of solar and other renewable
20 forms of energy and energy conservation, (10) protection and
21 preservation of agriculture, (11) [sea level change scenarios published
22 by the National Oceanic and Atmospheric Administration in Technical
23 Report OAR CPO-1] the most recent sea level change scenario updated
24 pursuant to subsection (b) of section 25-68o, as amended by this act,
25 and (12) the need for technology infrastructure in the municipality.

26 Sec. 2. Subsection (a) of section 16a-3a of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective from*
28 *passage*):

29 (a) The Commissioner of Energy and Environmental Protection, in
30 consultation with the electric distribution companies, shall review the
31 state's energy and capacity resource assessment and approve the
32 Integrated Resources Plan for the procurement of energy resources,
33 including, but not limited to, conventional and renewable generating
34 facilities, energy efficiency, load management, demand response,
35 combined heat and power facilities, distributed generation and other
36 emerging energy technologies to meet the projected requirements of
37 customers in a manner that minimizes the cost of all energy resources
38 to customers over time and maximizes consumer benefits consistent
39 with the state's environmental goals and standards, including, but not
40 limited to, the state's greenhouse gas reduction goals established in
41 section 22a-200a, as amended by this act. The Integrated Resources
42 Plan shall seek to lower the cost of electricity while meeting such
43 environmental goals and standards in the most cost-effective manner.

44 Sec. 3. Section 16a-3d of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective from passage*):

46 (a) On or before October 1, [2016] 2020, and every [three] four years
47 thereafter, the Commissioner of Energy and Environmental Protection
48 shall prepare a Comprehensive Climate and Energy Strategy. Said
49 strategy shall reflect the legislative findings and policy stated in
50 section 16a-35k₂ [and shall] provide any analysis and
51 recommendations necessary to guide the state's energy policy to meet
52 greenhouse gas emission reduction requirements, as established in
53 section 22a-200a, as amended by this act, in the most cost-effective
54 manner and incorporate (1) an assessment and plan for all energy
55 needs in the state, including, but not limited to, electricity, heating,
56 cooling, and transportation, (2) the findings of the Integrated
57 Resources Plan, (3) the findings of the plan for energy efficiency
58 adopted pursuant to section 16-245m, (4) the findings of the plan for
59 renewable energy adopted pursuant to section 16-245n, [and] (5) the
60 Energy Assurance Plan developed for the state of Connecticut
61 pursuant to the American Recovery and Reinvestment Act of 2009, P.L.
62 111-5, or any successor Energy Assurance Plan developed within a
63 reasonable time prior to the preparation of any Comprehensive
64 Climate and Energy Strategy, and (6) the findings of any report
65 prepared pursuant to section 22a-200a, as amended by this act. Said
66 strategy shall further include, but not be limited to, (A) an assessment
67 of current energy supplies, demand and costs, (B) identification and
68 evaluation of the factors likely to affect future energy supplies,
69 demand and costs, (C) a statement of progress made toward achieving
70 the goals and milestones set in the preceding Comprehensive Climate
71 and Energy Strategy, (D) a statement of energy policies and long-range
72 energy planning objectives and strategies appropriate to achieve,
73 [among other things] the state's greenhouse gas reduction goals
74 established in section 22a-200a, as amended by this act, a sound
75 economy, the least-cost mix of energy supply sources to meet said
76 goals and measures that reduce demand for energy, giving due regard
77 to such factors as consumer price impacts, security and diversity of
78 fuel supplies and energy generating methods, protection of public
79 health and safety, environmental goals and standards, conservation of
80 energy and energy resources and the ability of the state to compete

81 economically, (E) recommendations for administrative and legislative
82 actions to implement such policies, objectives and strategies, (F) an
83 assessment of the potential costs savings and benefits to ratepayers,
84 including, but not limited to, carbon dioxide emissions reductions or
85 voluntary joint ventures to repower some or all of the state's coal-fired
86 and oil-fired generation facilities built before 1990, [and] (G) the
87 benefits, costs, obstacles and solutions related to the expansion and use
88 and availability of natural gas in Connecticut, and (H) a strategy for
89 ensuring the state's energy efficiency goals are met. [If the department
90 finds that such expansion is in the public interest, it shall develop a
91 plan to increase the use and availability of natural gas.]

92 (b) In adopting the Comprehensive Climate and Energy Strategy,
93 the Commissioner of Energy and Environmental Protection shall
94 conduct a proceeding that shall not be considered a contested case
95 under chapter 54, but shall include not less than one public meeting
96 and one technical meeting at which technical personnel shall be
97 available to answer questions. Such meetings shall be transcribed and
98 posted on the department's Internet web site. Said commissioner shall
99 give not less than fifteen days' notice of such proceeding by electronic
100 publication on the department's Internet web site. Not later than
101 fifteen days prior to any such public meeting and not less than thirty
102 days prior to any such technical meeting, the commissioner shall
103 publish notice of either such meeting and post the text of the proposed
104 Comprehensive Climate and Energy Strategy on the department's
105 Internet web site. Notice of such public meeting or technical meeting
106 may also be published in one or more newspapers having state-wide
107 circulation if deemed necessary by the commissioner. Such notice shall
108 state the date, time, and place of the meeting, the subject matter of the
109 meeting, the manner and time period during which comments may be
110 submitted to said commissioner, the statutory authority for the
111 proposed strategy and the location where a copy of the proposed
112 strategy may be obtained or examined in addition to posting the
113 proposed strategy on the department's Internet web site. Said
114 commissioner shall provide a time period of not less than sixty days

115 from the date the notice is published on the department's Internet web
116 site for public review and comment. During such time period, any
117 person may provide comments concerning the proposed strategy to
118 said commissioner. Said commissioner shall consider fully all written
119 and oral comments concerning the proposed strategy after all public
120 meetings and technical meetings and before approving the final
121 strategy. Said commissioner shall (1) notify by electronic mail each
122 person who requests such notice, and (2) post on the department's
123 Internet web site the electronic text of the final strategy and a report
124 summarizing all public comments and the changes made to the final
125 strategy in response to such comments and the reasons therefor. The
126 Public Utilities Regulatory Authority shall comment on the strategy's
127 impact on natural gas and electric rates.

128 (c) The Commissioner of Energy and Environmental Protection shall
129 submit the final Comprehensive Climate and Energy Strategy
130 electronically to the joint standing committees of the General Assembly
131 having cognizance of matters relating to energy and the environment.

132 (d) The Commissioner of Energy and Environmental Protection may
133 modify the Comprehensive Climate and Energy Strategy in accordance
134 with the procedures outlined in subsections (b) and (c) of this section.

135 Sec. 4. Section 16a-3e of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective from passage*):

137 The Integrated Resources Plan, as described in section 16a-3a, as
138 amended by this act, shall (1) indicate specific options to reduce
139 electric rates and costs while achieving the state's greenhouse gas
140 emission reduction requirements established in section 22a-200a, as
141 amended by this act. Such options may include the procurement of
142 new sources of generation. In the review of new sources of generation,
143 the Integrated Resources Plan shall indicate whether the private
144 wholesale market can supply such additional sources or whether state
145 financial assistance, long-term purchasing of electricity contracts or
146 other interventions are needed to achieve the goal; (2) analyze in-state

147 renewable sources of electricity in comparison to transmission line
148 upgrades or new projects and out-of-state renewable energy sources,
149 provided such analysis also considers the benefits of additional jobs
150 and other economic impacts and how they are created and subsidized;
151 (3) include an examination of average consumption and other states'
152 best practices to determine why electricity rates are lower elsewhere in
153 the region; (4) assess and compare the cost of transmission line
154 projects, new power sources, renewable sources of electricity,
155 conservation and distributed generation projects to ensure the state
156 pursues only the least-cost alternative projects; (5) analyze the
157 potential for electric vehicles, as defined in section 16-19eee, to provide
158 energy storage and other services to the electric grid and identify
159 strategies to ensure that the grid is prepared to support increased
160 electric vehicle charging, based on projections of sales of electric
161 vehicles; (6) continually monitor supply and distribution systems to
162 identify potential need for transmission line projects early enough to
163 identify alternatives; and (7) assess the least-cost alternative to address
164 reliability concerns, including, but not limited to, lowering electricity
165 demand through conservation and distributed generation projects
166 before an electric distribution company submits a proposal for
167 transmission lines or transmission line upgrades to the independent
168 system operator or the Federal Energy Regulatory Commission,
169 provided no provision of such plan shall be deemed to prohibit an
170 electric distribution company from making any filing required by law
171 or regulation.

172 Sec. 5. Subsection (h) of section 16a-27 of the general statutes is
173 repealed and the following is substituted in lieu thereof (*Effective from*
174 *passage*):

175 (h) Any revision made after October 1, [2013] 2019, shall (1) take into
176 consideration risks associated with increased coastal flooding and
177 erosion, depending on site topography, as anticipated in [sea level
178 change scenarios published by the National Oceanic and Atmospheric
179 Administration in Technical Report OAR CPO-1] the most recent sea

180 level change scenario updated pursuant to subsection (b) of section 25-
181 68o, as amended by this act, (2) identify the impacts of such increased
182 flooding and erosion on infrastructure and natural resources, [and] (3)
183 make recommendations for the siting of future infrastructure and
184 property development to minimize the use of areas prone to such
185 flooding and erosion, and (4) take into consideration the state's
186 greenhouse gas reduction goals established pursuant to section 22a-
187 200a, as amended by this act.

188 Sec. 6. Subsection (a) of section 22a-92 of the general statutes is
189 repealed and the following is substituted in lieu thereof (*Effective from*
190 *passage*):

191 (a) The following general goals and policies are established by this
192 chapter:

193 (1) To ensure that the development, preservation or use of the land
194 and water resources of the coastal area proceeds in a manner
195 consistent with the rights of private property owners and the
196 capability of the land and water resources to support development,
197 preservation or use without significantly disrupting either the natural
198 environment or sound economic growth;

199 (2) To preserve and enhance coastal resources in accordance with
200 the policies established by chapters 439, 440, 446i, 446k, 447, 474 and
201 477;

202 (3) To give high priority and preference to uses and facilities which
203 are dependent upon proximity to the water or the shorelands
204 immediately adjacent to marine and tidal waters;

205 (4) To resolve conflicts between competing uses on the shorelands
206 adjacent to marine and tidal waters by giving preference to uses that
207 minimize adverse impacts on natural coastal resources while
208 providing long term and stable economic benefits;

209 (5) To consider [in the planning process] the potential impact of a

210 rise in sea level, coastal flooding and erosion patterns on coastal
211 development so as to minimize damage to and destruction of life and
212 property and minimize the necessity of public expenditure and
213 shoreline armoring to protect future new development from such
214 hazards;

215 (6) To encourage public access to the waters of Long Island Sound
216 by expansion, development and effective utilization of state-owned
217 recreational facilities within the coastal area that are consistent with
218 sound resource conservation procedures and constitutionally
219 protected rights of private property owners;

220 (7) To conduct, sponsor and assist research in coastal matters to
221 improve the data base upon which coastal land and water use
222 decisions are made;

223 (8) To coordinate the activities of public agencies to ensure that state
224 expenditures enhance development while affording maximum
225 protection to natural coastal resources and processes in a manner
226 consistent with the state plan for conservation and development
227 adopted pursuant to part I of chapter 297;

228 (9) To coordinate planning and regulatory activities of public
229 agencies at all levels of government to ensure maximum protection of
230 coastal resources while minimizing conflicts and disruption of
231 economic development; and

232 (10) To ensure that the state and the coastal municipalities provide
233 adequate planning for facilities and resources which are in the national
234 interest as defined in section 22a-93, as amended by this act, and to
235 ensure that any restrictions or exclusions of such facilities or uses are
236 reasonable. Reasonable grounds for the restriction or exclusion of a
237 facility or use in the national interest shall include a finding that such a
238 facility or use: (A) May reasonably be sited outside the coastal
239 boundary; (B) fails to meet any applicable federal and state
240 environmental, health or safety standard; or (C) unreasonably restricts

241 physical or visual access to coastal waters. This policy does not exempt
242 any nonfederal facility in use from any applicable state or local
243 regulatory or permit program nor does it exempt any federal facility or
244 use from the federal consistency requirements of Section 307 of the
245 federal Coastal Zone Management Act.

246 Sec. 7. Subdivision (7) of section 22a-93 of the general statutes is
247 repealed and the following is substituted in lieu thereof (*Effective from*
248 *passage*):

249 (7) "Coastal resources" means the coastal waters of the state, their
250 natural resources, related marine and wildlife habitat and adjacent
251 shorelands, both developed and undeveloped, that together form an
252 integrated terrestrial and estuarine ecosystem; coastal resources
253 include the following: (A) "Coastal bluffs and escarpments" means
254 naturally eroding shorelands marked by dynamic escarpments or sea
255 cliffs which have slope angles that constitute an intricate adjustment
256 between erosion, substrate, drainage and degree of plant cover; (B)
257 "rocky shorefronts" means shorefront composed of bedrock, boulders
258 and cobbles that are highly erosion-resistant and are an insignificant
259 source of sediments for other coastal landforms; (C) "beaches and
260 dunes" means beach systems including barrier beach spits and
261 tombolos, barrier beaches, pocket beaches, land contact beaches and
262 related dunes and sandflats; (D) "intertidal flats" means very gently
263 sloping or flat areas located between high and low tides composed of
264 muddy, silty and fine sandy sediments and generally devoid of
265 vegetation; (E) "tidal wetlands" means "wetland" as defined by section
266 22a-29; (F) "freshwater wetlands and watercourses" means "wetlands"
267 and "watercourses" as defined by section 22a-38; (G) "estuarine
268 embayments" means a protected coastal body of water with an open
269 connection to the sea in which saline sea water is measurably diluted
270 by fresh water including tidal rivers, bays, lagoons and coves; (H)
271 "coastal hazard areas" means those land areas inundated during
272 coastal storm events or subject to erosion induced by such events,
273 including flood hazard areas as defined and determined by the

274 National Flood Insurance Act, as amended (USC 42 Section 4101, P.L.
275 93-234), all areas subject to inundation as determined by the most
276 recent sea level change scenario updated pursuant to subsection (b) of
277 section 25-680, as amended by this act, and all erosion hazard areas as
278 determined by the commissioner; (I) "developed shorefront" means
279 those harbor areas which have been highly engineered and developed
280 resulting in the functional impairment or substantial alteration of their
281 natural physiographic features or systems; (J) "island" means land
282 surrounded on all sides by water; (K) "nearshore waters" means the
283 area comprised of those waters and their substrates lying between
284 mean high water and a depth approximated by the ten meter contour;
285 (L) "offshore waters" means the area comprised of those waters and
286 their substrates lying seaward of a depth approximated by the ten
287 meter contour; (M) "shorelands" means those land areas within the
288 coastal boundary exclusive of coastal hazard areas, which are not
289 subject to dynamic coastal processes and which are comprised of
290 typical upland features such as bedrock hills, till hills and drumlins;
291 (N) "shellfish concentration areas" means actual, potential or historic
292 areas in coastal waters, in which one or more species of shellfish
293 aggregate;

294 Sec. 8. Subdivision (19) of section 22a-93 of the general statutes is
295 repealed and the following is substituted in lieu thereof (*Effective from*
296 *passage*):

297 (19) "Rise in sea level" means the [arithmetic mean of the most
298 recent equivalent per decade rise in the surface level of the tidal and
299 coastal waters of the state, as documented in National Oceanic and
300 Atmospheric Administration online or printed publications for said
301 agency's Bridgeport and New London tide gauges] most recent sea
302 level change scenario updated pursuant to subsection (b) of section 25-
303 680, as amended by this act.

304 Sec. 9. Section 22a-94 of the general statutes is repealed and the
305 following is substituted in lieu thereof (*Effective from passage*):

306 (a) The Connecticut coastal area shall include the land and water
307 within the area delineated by the following: The westerly, southerly
308 and easterly limits of the state's jurisdiction in Long Island Sound; the
309 towns of Greenwich, Stamford, Darien, Norwalk, Westport, Fairfield,
310 Bridgeport, Stratford, Shelton, Milford, Orange, West Haven, New
311 Haven, Hamden, North Haven, East Haven, Branford, Guilford,
312 Madison, Clinton, Westbrook, Deep River, Chester, Essex, Old
313 Saybrook, Lyme, Old Lyme, East Lyme, Waterford, New London,
314 Montville, Norwich, Preston, Ledyard, Groton and Stonington.

315 (b) Within the coastal area, there shall be a coastal boundary which
316 shall be a continuous line delineated on the landward side by the
317 interior contour elevation of the one hundred year frequency coastal
318 flood zone, as defined and determined by the National Flood
319 Insurance Act, as amended (USC 42 Section 4101, P.L. 93-234), plus the
320 elevation of the most recent sea level change scenario updated
321 pursuant to subsection (b) of section 25-68o, as amended by this act, or
322 a one thousand foot linear setback measured from the mean high
323 water mark in coastal waters that shall be determined from the
324 elevation of the most recent sea level change scenario updated
325 pursuant to subsection (b) of section 25-68o, as amended by this act, or
326 a one thousand foot linear setback measured from the inland boundary
327 of tidal wetlands, [mapped under section 22a-20,] whichever is farthest
328 inland; and shall be delineated on the seaward side by the seaward
329 extent of the jurisdiction of the state.

330 (c) The coastal boundary as defined in subsection (b) of this section
331 shall be shown on maps or photographs prepared by the commissioner
332 which supplement flood hazard rate maps prepared by the United
333 States Department of Housing and Urban Development under the
334 National Flood Insurance Act. Such maps shall be sufficiently precise
335 to demonstrate whether the holdings of a property owner, or portions
336 thereof, lie within the coastal boundary. Copies of such maps or
337 photographs shall be filed with the commissioner and with the clerk of
338 each coastal municipality.

339 (d) The maps described in subsection (c) of this section shall be
340 promulgated not later than July 1, 1980. Prior to final adoption of any
341 map, the commissioner shall hold a public hearing in accordance with
342 the provisions of chapter 54 within the applicable coastal town. The
343 commissioner may use interim maps prepared on United States
344 Geological Survey Topographic base at a scale of one to twenty-four
345 thousand or their metric equivalent. In preparing such interim maps,
346 the commissioner may use any man-made structure, natural feature,
347 property line, preliminary flood hazard boundary maps as prepared
348 by the United States Department of Housing and Urban Development,
349 or a combination thereof which most closely approximates the
350 landward side of the boundary. Further, the commissioner may use
351 city or town property tax maps or aerial photographs, state tidal
352 wetlands photographs, or similar maps of property delineation as they
353 are available.

354 (e) The commissioner may, from time to time, amend such maps
355 described in subsection (c) of this section. Prior to the adoption of an
356 amendment to any map, the commissioner shall hold a public hearing
357 in the affected municipality in accordance with the provisions of
358 chapter 54. The commissioner shall consider for amendment changes
359 in the boundary petitioned by the coastal municipality, by any person
360 owning real property within the boundary, or by twenty-five residents
361 of such municipality. The commissioner shall approve, deny or modify
362 such petition within sixty days of receipt and shall state, in writing, the
363 reasons for his action. All amendments to the boundary shall be
364 consistent with subsection (b) of this section.

365 (f) A municipal coastal boundary may be adopted or amended by
366 the municipal planning commission of each coastal municipality in
367 accordance with the notice, hearing and other procedural requirements
368 of section 8-24. Not later than one year after the most recent sea level
369 change scenario updated pursuant to subsection (b) of section 25-68o,
370 as amended by this act, the municipal planning commission of each
371 coastal municipality shall adopt or amend a municipal coastal

372 boundary, in accordance with the notice, hearing and other procedural
373 requirements of section 8-24, to reflect the landward extent of the
374 interior contour elevation of the coastal boundary established in
375 accordance with subsection (b) of this section. Such boundary may be
376 delineated by roads, property lines or other identifiable natural or
377 man-made features, provided such boundary shall approximate and in
378 no event diminish the area within the coastal boundary as [defined]
379 established in accordance with subsection (b) of this section and as
380 mapped under subsection (d) of this section. Such boundary shall be
381 sufficiently precise to demonstrate whether the holdings of a property
382 owner, or portions thereof, lie within the boundary. Upon adoption,
383 such boundary shall be submitted to the commissioner, [for mapping
384 in accordance with subsection (c) of this section] in electronic and
385 paper form, as specified by the commissioner, for the commissioner's
386 review and approval and shall be effective upon receipt of the
387 commissioner's written approval. The municipal planning commission
388 may, at its own discretion or upon request of a property owner, amend
389 the coastal boundary in accordance with the procedures and criteria of
390 this subsection.

391 (g) All property lying within the coastal boundary shall be subject to
392 the regulatory, development and planning requirements of this
393 chapter.

394 Sec. 10. Subsection (a) of section 22a-200a of the general statutes is
395 repealed and the following is substituted in lieu thereof (*Effective from*
396 *passage*):

397 (a) The state shall reduce the level of emissions of greenhouse gas:

398 (1) Not later than January 1, 2020, to a level at least ten per cent
399 below the level emitted in 1990; [and]

400 (2) Not later than January 1, 2030, to a level at least forty-five per
401 cent below the level emitted in 2001; and

402 ~~[(2)]~~ (3) Not later than January 1, 2050, to a level at least eighty per

403 cent below the level emitted in 2001.

404 [(3)] (4) All of the levels referenced in this subsection shall be
405 determined by the Commissioner of Energy and Environmental
406 Protection.

407 Sec. 11. Subsection (a) of section 22a-478 of the general statutes is
408 repealed and the following is substituted in lieu thereof (*Effective from*
409 *passage*):

410 (a) The commissioner shall maintain a priority list of eligible water
411 quality projects and shall establish a system setting the priority for
412 making project grants, grant account loans and project loans. In
413 establishing such priority list and ranking system, the commissioner
414 shall consider all factors he deems relevant, including but not limited
415 to the following: (1) The public health and safety; (2) protection of
416 environmental resources; (3) population affected; (4) attainment of
417 state water quality goals and standards; (5) consistency with the state
418 plan of conservation and development; (6) state and federal
419 regulations; (7) the formation in municipalities of local housing
420 partnerships pursuant to the provisions of section 8-336f; and (8) the
421 necessity and feasibility of implementing measures designed to
422 mitigate the impact of a rise in sea level, as defined in section 22a-93, as
423 amended by this act, over the projected life span of such project. The
424 priority list of eligible water quality projects shall include a description
425 of each project and its purpose, impact, cost and construction schedule,
426 and an explanation of the manner in which priorities were established.
427 The commissioner shall adopt an interim priority list of eligible water
428 quality projects for the purpose of making project grants, grant account
429 loans and project loans prior to adoption of final regulations, which
430 priority list shall be the priority list currently in effect under subsection
431 (c) of section 22a-439.

432 Sec. 12. Section 25-68b of the general statutes is repealed and the
433 following is substituted in lieu thereof (*Effective from passage*):

434 As used in sections 25-68b to 25-68h, inclusive:

435 (1) "Activity" means any proposed state action in a floodplain or any
436 proposed state action that impacts natural or man-made storm
437 drainage facilities that are located on property that the commissioner
438 determines to be controlled by the state;

439 (2) "Base flood" means that flood which has a one per cent chance of
440 being equaled or exceeded in any year, as defined in regulations of the
441 National Flood Insurance Program (44 CFR 59 et seq.), or that flood
442 designated by the commissioner pursuant to section 25-68c. Any flood
443 so designated by the commissioner shall have at least a one per cent
444 chance of being equaled or exceeded in any year. Such flood may be
445 designated as the A or V zones on maps published by the National
446 Flood Insurance Program. The "base flood for a critical activity" means
447 the flood that has at least a .2 per cent chance of being equaled or
448 exceeded in any year. Such flood may be designated as the B zone on
449 maps published for the National Flood Insurance Program;

450 (3) "Commissioner" means the Commissioner of Energy and
451 Environmental Protection;

452 (4) "Critical activity" means any activity, including, but not limited
453 to, the treatment, storage and disposal of hazardous waste and the
454 siting of hospitals, housing for the elderly, schools or residences, in the
455 .2 per cent floodplain in which the commissioner determines that a
456 slight chance of flooding is too great;

457 (5) "Floodplain" means that area located within the real or
458 theoretical limits of the base flood or base flood for a critical activity;

459 (6) "Flood-proofing" means any combination of structural or
460 nonstructural additions, changes or adjustments which reduce or
461 eliminate flood damage to real estate or improved real property, to
462 water and sanitary facilities, and to structures and their contents,
463 including, but not limited to, for properties within the coastal
464 boundary, as established pursuant to subsection (b) of section 22a-94,

465 as amended by this act, not less than an additional two feet of
466 freeboard above base flood and any additional freeboard necessary to
467 account for the most recent sea level change scenario updated
468 pursuant to subsection (b) of section 25-68o, as amended by this act;

469 (7) "Freeboard" means a safety factor, expressed in feet above a
470 calculated flood level, that compensates for unknown factors
471 contributing to flood heights greater than the calculated height,
472 including, but not limited to, ice jams, debris accumulations, wave
473 actions, obstructions of bridge openings and floodways, the effects of
474 urbanization on the hydrology of a watershed, loss of flood storage
475 due to development and sedimentation of a watercourse bed;

476 (8) "Proposed state action" means individual activities or a sequence
477 of planned activities proposed to be undertaken by a state department,
478 institution or agency, any state or federal grant or loan proposed to be
479 used to fund a project that affects land use, or proposed transfer of real
480 property belonging to the state.

481 Sec. 13. Subsection (h) of section 25-68d of the 2018 supplement to
482 the general statutes is repealed and the following is substituted in lieu
483 thereof (*Effective from passage*):

484 (h) The provisions of subsections (a) to (d), inclusive, and (f) and (g)
485 of this section shall not apply to the following critical activities above
486 [the one-hundred-year flood elevation] base flood that involve state
487 funded housing reconstruction, rehabilitation or renovation, provided
488 the state agency that provides funding for such activity certifies that it
489 complies with the provisions of the National Flood Insurance Program
490 and the requirements of this subsection: (1) Projects involving the
491 renovation or rehabilitation of existing housing on the Department of
492 Housing's most recent affordable housing appeals list; (2) construction
493 of minor structures to an existing building for the purpose of
494 providing accessibility to persons with disabilities pursuant to the
495 State Building Code; (3) construction of open decks attached to
496 residential structures, properly anchored in accordance with the State

497 Building Code; (4) the demolition and reconstruction of existing
498 housing for persons and families of low and moderate income,
499 provided there is no increase in the number of dwelling units and (A)
500 such reconstruction is limited to the footprint of the existing
501 foundation of the building or buildings used for such purpose, or
502 which could be used for such purpose subsequent to reconstruction, or
503 (B) such reconstruction is on a parcel of land where the elevation of
504 such land is above the one-hundred-year flood elevation, provided
505 there is no placement of fill within an adopted Federal Emergency
506 Management Agency flood zone.

507 Sec. 14. Section 25-68o of the general statutes is repealed and the
508 following is substituted in lieu thereof (*Effective from passage*):

509 (a) On and after October 1, [2013] 2019, in the preparation of any
510 municipal evacuation plan or hazard mitigation plan, such
511 municipality shall consider [sea level change scenarios published by
512 the National Oceanic and Atmospheric Administration in Technical
513 Report OAR CPO-1] the most recent sea level change scenario updated
514 pursuant to subsection (b) of this section.

515 (b) Within available resources and not less than once every ten
516 years, the Marine Sciences Division of The University of Connecticut
517 shall update the sea level change scenarios published by the National
518 Oceanic and Atmospheric Administration in Technical Report OAR
519 CPO-1. Within available resources and not less than ninety days prior
520 to any update of such sea level change scenarios by said Marine
521 Sciences Division, the division shall conduct not less than one public
522 hearing concerning such update. Not later than sixty days after the last
523 public hearing conducted by the Marine Sciences Division on any such
524 update, the Commissioner of Energy and Environmental Protection
525 shall post such update on the Internet web site of the Department of
526 Energy and Environmental Protection along with a notice that any
527 previous updates are superseded.

528 Sec. 15. Subsection (g) of section 28-5 of the general statutes is

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

531 (g) On and after October 1, [2013] 2019, the state civil preparedness
532 plan and program established pursuant to subsection (b) of this section
533 shall consider [sea level change scenarios published by the National
534 Oceanic and Atmospheric Administration in Technical Report OAR
535 CPO-1] the most recent sea level change scenario updated pursuant to
536 subsection (b) of section 25-680, as amended by this act.

537 Sec. 16. (NEW) (*Effective from passage*) (a) There is established a
538 Connecticut Council on Climate Change that shall facilitate and
539 coordinate efforts among state agencies, businesses, municipalities and
540 nongovernmental organizations to reduce greenhouse gas emissions
541 and make Connecticut more resilient to the effects of climate change.

542 (b) The Connecticut Council on Climate Change shall:

543 (1) Meet not less than biannually;

544 (2) Monitor climate change science and the state's progress in
545 meeting the greenhouse gas reduction requirements established in
546 section 22a-200a of the general statutes, as amended by this act;

547 (3) Review existing state and municipal policies, statutes,
548 ordinances and regulations, as applicable, and recommend emission
549 reduction measures to meet state-wide greenhouse gas reduction
550 requirements established in section 22a-200a of the general statutes, as
551 amended by this act, in a manner that minimizes costs and maximizes
552 benefits for Connecticut's economy, improves and modernizes
553 Connecticut's energy infrastructure, maintains electric system
554 reliability and complements the state's efforts to improve air quality;

555 (4) For each agency that is represented on the Connecticut Council
556 on Climate Change:

557 (A) Include in any agency planning strategies, measures to support

558 the greenhouse gas reduction requirements established in section 22a-
559 200a of the general statutes, as amended by this act; and

560 (B) Report annually to the Connecticut Council on Climate Change
561 on its progress in implementing measures to support the greenhouse
562 gas reduction requirements established in section 22a-200a of the
563 general statutes, as amended by this act; and

564 (5) Report any findings and recommendations made pursuant to
565 this section to the Governor and the joint standing committees of the
566 General Assembly having cognizance of matters relating to the
567 environment, energy and technology and transportation not later than
568 October 1, 2020, and biennially thereafter.

569 (c) The Department of Energy and Environmental Protection and
570 the Office of Policy and Management shall coordinate the Connecticut
571 Council on Climate Change, which shall consist of the following
572 members: (1) The Secretary of the Office of Policy and Management, or
573 the secretary's designee, who shall serve as cochairperson, (2) the
574 Commissioner of Energy and Environmental Protection, or the
575 commissioner's designee, who shall serve as cochairperson, (3) the
576 chairperson of the Public Utilities Regulatory Authority, or the
577 chairperson's designee, (4) the Commissioner of Economic and
578 Community Development, or the commissioner's designee, (5) the
579 Commissioner of Administrative Services, or the commissioner's
580 designee, (6) the Insurance Commissioner, or the commissioner's
581 designee, (7) the Commissioner of Housing, or the commissioner's
582 designee, (8) the Commissioner of Transportation, or the
583 commissioner's designee, (9) the commissioner of any other state
584 agency, as appointed by the Governor, (10) the president of the
585 Connecticut Green Bank, (11) the Executive Director of the Connecticut
586 Institute for Resilience and Climate Adaptation, (12) the Executive
587 Director of the Connecticut Conference of Municipalities, (13) the
588 Executive Director of the Connecticut Council of Small Towns, and
589 (14) any other individual who represents business and industry, a
590 nongovernmental organization, or a local government, as appointed by

591 the Governor.

592 (d) All appointed members of the Connecticut Council on Climate
593 Change shall serve a two-year term from May first in the year in which
594 such members are appointed or until a successor is appointed. All
595 appointed members shall serve at the pleasure of the Governor.

596 Sec. 17. Subsection (m) of section 16-2 of the general statutes is
597 repealed and the following is substituted in lieu thereof (*Effective from*
598 *passage*):

599 (m) Notwithstanding any provision of the general statutes, the
600 decisions of the Public Utilities Regulatory Authority, including, but
601 not limited to, decisions relating to rate amendments arising from the
602 Comprehensive Climate and Energy Strategy, the Integrated Resources
603 Plan, the Conservation and Load Management Plan and policies
604 established by the Department of Energy and Environmental
605 Protection, shall be guided by said strategy and plans and such
606 policies.

607 Sec. 18. Subsections (b) and (c) of section 16-19e of the general
608 statutes are repealed and the following is substituted in lieu thereof
609 (*Effective from passage*):

610 (b) The Public Utilities Regulatory Authority shall promptly
611 undertake a separate, general investigation of, and shall hold at least
612 one public hearing on new pricing principles and rate structures for
613 electric distribution companies and for gas companies to consider,
614 without limitation, long run incremental cost of marginal cost pricing,
615 peak load or time of day pricing and proposals for optimizing the
616 utilization of energy and restraining its wasteful use and encouraging
617 energy conservation, and any other matter with respect to pricing
618 principles and rate structures as the authority shall deem appropriate.
619 The authority shall determine whether existing or future rate
620 structures place an undue burden upon those persons of poverty
621 status and shall make such adjustment in the rate structure as is

622 necessary or desirable to take account of their indigency. The authority
623 shall require the utilization of such new principles and structures to
624 the extent that the authority determines that their implementation is in
625 the public interest, as identified by the Department of Energy and
626 Environmental Protection in the Integrated Resources Plan and the
627 Comprehensive Climate and Energy Strategy, and necessary or
628 desirable to accomplish the purposes of this provision without being
629 unfair or discriminatory or unduly burdensome or disruptive to any
630 group or class of customers, and determines that such principles and
631 structures are capable of yielding required revenues. In reviewing the
632 rates and rate structures of electric and gas companies, the authority
633 shall be guided by the goals of the Department of Energy and
634 Environmental Protection, as described in section 22a-2d, the
635 Comprehensive Climate and Energy Strategy, the Integrated Resources
636 Plan and the Conservation and Load Management Plan. The authority
637 shall issue its initial findings on such investigation by December 1,
638 1976, and its final findings and order by June 1, 1977; provided that
639 after such final findings and order are issued, the authority shall at
640 least once every two years undertake such further investigations as it
641 deems appropriate with respect to new developments or desirable
642 modifications in pricing principles and rate structures and, after
643 holding at least one public hearing thereon, shall issue its findings and
644 order thereon.

645 (c) The Department of Energy and Environmental Protection shall
646 coordinate and integrate its actions, decisions and policies pertaining
647 to gas and electric distribution companies, so far as possible, with the
648 actions, decisions and policies of other agencies and instrumentalities
649 in order to further the development and optimum use of the state's
650 energy resources and conform to the greatest practicable extent with
651 the state energy policy as stated in section 16a-35k, the Comprehensive
652 Climate and Energy Strategy and the Integrated Resources Plan taking
653 into account prudent management of the natural environment and
654 continued promotion of economic development within the state. The
655 department shall defer, as appropriate, to any actions taken by other

656 agencies and instrumentalities on matters within their respective
657 jurisdictions.

658 Sec. 19. Subsection (a) of section 16-19ff of the general statutes is
659 repealed and the following is substituted in lieu thereof (*Effective from*
660 *passage*):

661 (a) Notwithstanding any provisions of the general statutes to the
662 contrary, each electric distribution company shall allow the installation
663 of submeters at (1) a recreational campground, (2) individual slips at
664 marinas for metering the electric use by individual boat owners, (3)
665 commercial, industrial, multifamily residential or multiuse buildings
666 where the electric power or thermal energy is provided by a Class I
667 renewable energy source, as defined in section 16-1, or a combined
668 heat and power system, as defined in section 16-1, or (4) in any other
669 location as approved by the authority where submetering promotes
670 the state's energy goals, as described in the Comprehensive Climate
671 and Energy Strategy, while protecting consumers against termination
672 of residential utility service or other related issues. Each entity
673 approved to submeter by the Public Utilities Regulatory Authority,
674 pursuant to subsection (c) of this section, shall provide electricity to
675 any allowed facility, as described in this subsection, at a rate no greater
676 than the rate charged to that customer class for the service territory in
677 which such allowed facility is located, provided nothing in this section
678 shall permit such entity to charge a submetered account for (A) usage
679 for any common areas of a commercial, industrial or multifamily
680 residential building, or (B) other usage not solely for use by such
681 account.

682 Sec. 20. Section 16-244y of the 2018 supplement to the general
683 statutes is repealed and the following is substituted in lieu thereof
684 (*Effective from passage*):

685 An electric distribution company may submit to the Public Utilities
686 Regulatory Authority for approval one or more plans to acquire new
687 fuel cell electricity generation that began operation on or after July 1,

688 2017. Any such plan shall utilize a competitive process for the purpose
689 of providing distribution system benefits, including, but not limited to,
690 avoiding or deferring distribution capacity upgrades, and enhancing
691 distribution system reliability, including, but not limited to, voltage or
692 frequency improvements. Any such plan shall give preference to
693 proposals that make efficient use of existing sites and supply
694 infrastructure. In the event that the authority approves such plan, an
695 electric distribution company may submit to the authority (1) one or
696 more proposals to build, own and operate new fuel cell generation, (2)
697 proposed power purchase agreements negotiated with persons to
698 build, own and operate new fuel cell generation, or (3) proposals to
699 provide financial incentives for the installation of combined heat and
700 power systems powered by fuel cells, provided any such incentives
701 shall be consistent with the Comprehensive Climate and Energy
702 Strategy pursuant to section 16a-3d, as amended by this act. The
703 facilities acquired, built pursuant to said power purchase agreements
704 and that receive said financial incentives under this section shall not
705 exceed a total nameplate capacity rating of thirty megawatts in the
706 aggregate. Any proposal submitted by an electric distribution
707 company to build, own and operate a fuel cell shall include the electric
708 distribution company's full projected costs and shall demonstrate to
709 the authority that such facility is not supported in any form of cross
710 subsidization by affiliated entities. The authority shall evaluate any
711 proposal submitted pursuant to this section in a manner that is
712 consistent with the principles of sections 16-19 and 16-19e, as amended
713 by this act, and may approve one or more proposals if it finds that
714 such proposal (A) was developed in a manner that is consistent with
715 the acquisition plan approved by the authority, (B) serves the long-
716 term interests of ratepayers, and (C) cost-effectively avoids or defers
717 distribution system costs. The costs incurred by an electric distribution
718 company under this section shall be recovered from all customers of
719 the electric distribution company through a fully reconciling
720 component of electric rates for all customers of the electric distribution
721 company, until the electric distribution company's next rate case, at
722 which time any costs and investments for new fuel cell generation

723 owned by the electric distribution company pursuant to subdivision
724 (1) of this section shall be recoverable through base distribution rates.
725 Nothing in this section shall preclude the resale or other disposition of
726 any energy products, capacity and associated environmental attributes
727 purchased by the electric distribution company, provided the electric
728 distribution company shall net the cost of payments made to projects
729 under any long-term contracts entered into pursuant to subdivision (2)
730 of this section against the proceeds of the sale of any energy products,
731 capacity and environmental attributes and the difference thereof plus
732 any net costs incurred pursuant to subdivision (3) of this section shall
733 be credited or charged to distribution customers through a reconciling
734 component of electric rates, as determined by the authority, that is
735 nonbypassable when switching electric suppliers. The electric
736 distribution company may use any energy products, capacity and
737 environmental attributes produced by such facility to meet the needs
738 of customers served pursuant to section 16-244c. Notwithstanding the
739 provisions of subdivision (1) of subsection (h) of section 16-244c,
740 certificates issued by the New England Power Pool Generation
741 Information System for any Class I renewable energy source acquired
742 pursuant to this section may be retained by the electric distribution
743 company to meet the requirements of section 16-245a.

744 Sec. 21. Subsection (a) of section 16-258e of the 2018 supplement to
745 the general statutes is repealed and the following is substituted in lieu
746 thereof (*Effective from passage*):

747 (a) In furtherance of the Comprehensive Climate and Energy
748 Strategy established pursuant to section 16a-3d, as amended by this
749 act, relating to the evaluation of district heating and thermal loops in
750 high-density areas, on or before January 1, 2018, an electric distribution
751 company serving customers located in a distressed municipality, as
752 defined in section 32-9p, that has a population in excess of one
753 hundred twenty-seven thousand, shall conduct a procurement for
754 electricity and renewable energy credits from a combined heat and
755 power system located in such municipality that (1) has a nameplate

756 capacity of not more than ten megawatts, (2) is in a configuration that
757 is compatible for use with a district heating system, as defined in
758 section 16-258, (3) is owned by a thermal energy transportation
759 company, and (4) may include fuel cells. Such combined heat and
760 power system shall be (A) procured by a thermal energy
761 transportation company through a competitive bidding process, (B) in
762 a configuration compatible for use with a district heating system, and
763 (C) installed at a location that will maximize the efficient use of the
764 thermal energy from the combined heat and power system by a
765 thermal energy transportation company. The thermal energy produced
766 by such combined heat and power system shall be subject to firm
767 customer commitments to subscribe to thermal energy services from
768 such thermal energy transportation company, as demonstrated by
769 such thermal energy transportation company, for the term of the
770 power purchase agreement entered into pursuant to this section. After
771 reviewing any proposals submitted in response to such procurement,
772 the electric distribution company may enter into a power purchase
773 agreement with a thermal energy distribution company for the
774 purchase of electricity and renewable energy credits for a period of not
775 more than twenty years.

776 Sec. 22. Section 16a-3f of the general statutes is repealed and the
777 following is substituted in lieu thereof (*Effective from passage*):

778 On or after January 1, 2013, the Commissioner of Energy and
779 Environmental Protection, in consultation with the procurement
780 manager identified in subsection (l) of section 16-2, the Office of
781 Consumer Counsel and the Attorney General, shall, in coordination
782 with other states in the region of the regional independent system
783 operator, as defined in section 16-1, or on the commissioner's own,
784 solicit proposals, in one solicitation or multiple solicitations, from
785 providers of Class I renewable energy sources, as defined in section 16-
786 1, constructed on or after January 1, 2013. If the commissioner finds
787 such proposals to be in the interest of ratepayers including, but not
788 limited to, the delivered price of such sources, and consistent with the

789 requirements to reduce greenhouse gas emissions in accordance with
790 section 22a-200a, as amended by this act, and in accordance with the
791 policy goals outlined in the Comprehensive Climate and Energy
792 Strategy, adopted pursuant to section 16a-3d, as amended by this act,
793 the commissioner may select proposals from such resources to meet up
794 to four per cent of the load distributed by the state's electric
795 distribution companies. The commissioner may direct the electric
796 distribution companies to enter into power purchase agreements for
797 energy, capacity and environmental attributes, or any combination
798 thereof, for periods of not more than twenty years. Certificates issued
799 by the New England Power Pool Generation Information System for
800 any Class I renewable energy sources procured under this section shall
801 be sold in the New England Power Pool Generation Information
802 System renewable energy credit market to be used by any electric
803 supplier or electric distribution company to meet the requirements of
804 section 16-245a. Any such agreement shall be subject to review and
805 approval by the Public Utilities Regulatory Authority, which review
806 shall commence upon the filing of the signed power purchase
807 agreement with the authority. The authority shall issue a decision on
808 such agreement not later than thirty days after such filing. In the event
809 the authority does not issue a decision within thirty days after such
810 agreement is filed with the authority, the agreement shall be deemed
811 approved. The net costs of any such agreement, including costs
812 incurred by the electric distribution companies under the agreement
813 and reasonable costs incurred by the electric distribution companies in
814 connection with the agreement, shall be recovered through a fully
815 reconciling component of electric rates for all customers of electric
816 distribution companies.

817 Sec. 23. Section 16a-3g of the general statutes is repealed and the
818 following is substituted in lieu thereof (*Effective from passage*):

819 On or after July 1, 2013, the Commissioner of Energy and
820 Environmental Protection, in consultation with the procurement
821 manager identified in subsection (l) of section 16-2, the Office of

822 Consumer Counsel and the Attorney General, may, in coordination
823 with other states in the region of the regional independent system
824 operator, as defined in section 16-1, or on the commissioner's own,
825 solicit proposals, in one solicitation or multiple solicitations, from
826 providers of Class I renewable energy sources, as defined in section 16-
827 1, or verifiable large-scale hydropower, as defined in section 16-1. If
828 the commissioner finds such proposals to be in the interest of
829 ratepayers, including, but not limited to, the delivered price of such
830 sources, and consistent with the requirements to reduce greenhouse
831 gas emissions in accordance with section 22a-200a, as amended by this
832 act, and in accordance with the policy goals outlined in the
833 Comprehensive Climate and Energy Strategy, adopted pursuant to
834 section 16a-3d, as amended by this act, and section 129 of public act 11-
835 80, including, but not limited to, base load capacity, peak load shaving
836 and promotion of wind, solar and other renewable and low carbon
837 energy technologies, the commissioner may select proposals from such
838 resources to meet up to five per cent of the load distributed by the
839 state's electric distribution companies. The commissioner may on
840 behalf of all customers of electric distribution companies, direct the
841 electric distribution companies to enter into power purchase
842 agreements for energy, capacity and any environmental attributes, or
843 any combination thereof, for periods of not more than (1) fifteen years,
844 if any such agreement is with a provider of verifiable large-scale
845 hydropower, or (2) twenty years, if any such agreement is with a
846 provider of a Class I renewable energy source. Certificates issued by
847 the New England Power Pool Generation Information System for any
848 Class I renewable energy sources procured under this section shall be
849 sold in the New England Power Pool Generation Information System
850 renewable energy credit market to be used by any electric supplier or
851 electric distribution company to meet the requirements of section 16-
852 245a. Any such agreement shall be subject to review and approval by
853 the Public Utilities Regulatory Authority, which review shall (A)
854 include a public hearing, and (B) be completed not later than sixty
855 days after the date on which such agreement is filed with the
856 authority. The net costs of any such agreement, including costs

857 incurred by the electric distribution companies under the agreement
858 and reasonable costs incurred by the electric distribution companies in
859 connection with the agreement, shall be recovered through a fully
860 reconciling component of electric rates for all customers of electric
861 distribution companies.

862 Sec. 24. Section 16a-3h of the 2018 supplement to the general statutes
863 is repealed and the following is substituted in lieu thereof (*Effective*
864 *from passage*):

865 On or after October 1, 2013, the Commissioner of Energy and
866 Environmental Protection, in consultation with the procurement
867 manager identified in subsection (l) of section 16-2, the Office of
868 Consumer Counsel and the Attorney General, may solicit proposals, in
869 one solicitation or multiple solicitations, from providers of the
870 following resources or any combination of the following resources:
871 Run-of-the-river hydropower, landfill methane gas, biomass, fuel cell,
872 offshore wind or anaerobic digestion, provided such source meets the
873 definition of a Class I renewable energy source pursuant to section 16-
874 1, or energy storage systems. In making any selection of such
875 proposals, the commissioner shall consider factors, including, but not
876 limited to (1) whether the proposal is in the interest of ratepayers,
877 including, but not limited to, the delivered price of such sources, (2)
878 the emissions profile of a relevant facility, (3) any investments made by
879 a relevant facility to improve the emissions profile of such facility, (4)
880 the length of time a relevant facility has received renewable energy
881 credits, (5) any positive impacts on the state's economic development,
882 (6) whether the proposal is consistent with requirements to reduce
883 greenhouse gas emissions in accordance with section 22a-200a, as
884 amended by this act, including, but not limited to, the development of
885 combined heat and power systems, (7) whether the proposal is
886 consistent with the policy goals outlined in the Comprehensive
887 Climate and Energy Strategy adopted pursuant to section 16a-3d, as
888 amended by this act, (8) whether the proposal promotes electric
889 distribution system reliability and other electric distribution system

890 benefits, including, but not limited to, microgrids, (9) whether the
891 proposal promotes the policy goals outlined in the state-wide solid
892 waste management plan developed pursuant to section 22a-241a, and
893 (10) the positive reuse of sites with limited development opportunities,
894 including, but not limited to, brownfields or landfills, as identified by
895 the commissioner in any solicitation issued pursuant to this section.
896 The commissioner may select proposals from such resources to meet
897 up to four per cent of the load distributed by the state's electric
898 distribution companies, provided the commissioner shall not select
899 proposals for more than three per cent of the load distributed by the
900 state's electric distribution companies from offshore wind resources.
901 The commissioner may direct the electric distribution companies to
902 enter into power purchase agreements for energy, capacity and
903 environmental attributes, or any combination thereof, for periods of
904 not more than twenty years on behalf of all customers of the state's
905 electric distribution companies. Certificates issued by the New
906 England Power Pool Generation Information System for any Class I
907 renewable energy sources procured under this section may be: (A)
908 Sold in the New England Power Pool Generation Information System
909 renewable energy credit market to be used by any electric supplier or
910 electric distribution company to meet the requirements of section 16-
911 245a, provided the revenues from such sale are credited to all
912 customers of the contracting electric distribution company; or (B)
913 retained by the electric distribution company to meet the requirements
914 of section 16-245a. In considering whether to sell or retain such
915 certificates, the company shall select the option that is in the best
916 interest of such company's ratepayers. Any such agreement shall be
917 subject to review and approval by the Public Utilities Regulatory
918 Authority, which review shall be completed not later than sixty days
919 after the date on which such agreement is filed with the authority. The
920 net costs of any such agreement, including costs incurred by the
921 electric distribution companies under the agreement and reasonable
922 costs incurred by the electric distribution companies in connection
923 with the agreement, shall be recovered through a fully reconciling
924 component of electric rates for all customers of electric distribution

925 companies. All reasonable costs incurred by the Department of Energy
926 and Environmental Protection associated with the commissioner's
927 solicitation and review of proposals pursuant to this section shall be
928 recoverable through the nonbypassable federally mandated congestion
929 charges, as defined in section 16-1.

930 Sec. 25. Subsection (d) of section 16a-3i of the general statutes is
931 repealed and the following is substituted in lieu thereof (*Effective from*
932 *passage*):

933 (d) In the event there is such a presumption pursuant to subsection
934 (a) of this section and the commissioner finds a material shortage of
935 Class I renewable energy sources pursuant to subsection (b) of this
936 section, and in addition to determining the adequacy pursuant to
937 subsection (c) of this section, the commissioner shall, in consultation
938 with the procurement manager identified in subsection (l) of section
939 16-2, the Office of Consumer Counsel and the Attorney General, solicit
940 proposals from providers of Class I renewable energy sources, as
941 defined in section 16-1, operational as of the date that such solicitation
942 is issued. If the commissioner, in consultation with the procurement
943 manager identified in subsection (l) of section 16-2, finds such
944 proposals to be in the interest of ratepayers including, but not limited
945 to, the delivered price of such sources, and consistent with the
946 requirements to reduce greenhouse gas emissions in accordance with
947 section 22a-200a, as amended by this act, and in accordance with the
948 policy goals outlined in the Comprehensive Climate and Energy
949 Strategy, adopted pursuant to section 16a-3d, as amended by this act,
950 the commissioner, in consultation with the procurement manager
951 identified in subsection (l) of section 16-2, may select proposals from
952 such sources to meet up to the amount necessary to ensure an
953 adequate incremental supply of Class I renewable energy sources to
954 rectify any projected shortage of Class I renewable energy supply
955 identified pursuant to subsection (c) of this section. The commissioner
956 shall direct the electric distribution companies to enter into power
957 purchase agreements for energy, capacity and environmental

958 attributes, or any combination thereof, from such selected proposals
959 for periods of not more than ten years. Certificates issued by the New
960 England Power Pool Generation Information System for any Class I
961 renewable energy sources procured under this section shall be sold in
962 the New England Power Pool Generation Information System
963 renewable energy credit market to be used by any electric supplier or
964 electric distribution company to meet the requirements of section 16-
965 245a. Any such agreement shall be subject to review and approval by
966 the Public Utilities Regulatory Authority, which review shall
967 commence upon the filing of the signed power purchase agreement
968 with the authority. The authority shall issue a decision on such
969 agreement not later than thirty days after such filing. In the event the
970 authority does not issue a decision within thirty days after such
971 agreement is filed with the authority, the agreement shall be deemed
972 approved. The net costs of any such agreement, including costs
973 incurred by the electric distribution companies under the agreement
974 and reasonable costs incurred by the electric distribution companies in
975 connection with the agreement, shall be recovered through a fully
976 reconciling component of electric rates for all customers of electric
977 distribution companies.

978 Sec. 26. Subsection (a) of section 16a-3j of the general statutes is
979 repealed and the following is substituted in lieu thereof (*Effective from*
980 *passage*):

981 (a) In order to secure cost-effective resources to provide more
982 reliable electric service for the benefit of the state's electric ratepayers
983 and to meet the state's energy and environmental goals and policies
984 established in the Integrated Resources Plan, pursuant to section 16a-
985 3a, as amended by this act, and the Comprehensive Climate and
986 Energy Strategy, pursuant to section 16a-3d, as amended by this act,
987 the Commissioner of Energy and Environmental Protection, in
988 consultation with the procurement manager identified in subsection (l)
989 of section 16-2, the Office of Consumer Counsel and the Attorney
990 General, may, in coordination with other states in the control area of

991 the regional independent system operator, as defined in section 16-1,
992 or on behalf of Connecticut alone, issue multiple solicitations for long-
993 term contracts from providers of resources described in subsections
994 (b), (c) and (d) of this section.

995 Sec. 27. Subsection (e) of section 16a-3j of the general statutes is
996 repealed and the following is substituted in lieu thereof (*Effective from*
997 *passage*):

998 (e) The Commissioner of Energy and Environmental Protection, in
999 consultation with the procurement manager identified in subsection (l)
1000 of section 16-2, the Office of Consumer Counsel and the Attorney
1001 General, shall evaluate project proposals received under any
1002 solicitation issued pursuant to subsection (b), (c) or (d) of this section,
1003 based on factors including, but not limited to, (1) improvements to the
1004 reliability of the electric system, including during winter peak
1005 demand; (2) whether the benefits of the proposal outweigh the costs to
1006 ratepayers; (3) fuel diversity; (4) the extent to which the proposal
1007 contributes to meeting the requirements to reduce greenhouse gas
1008 emissions and improve air quality in accordance with sections 16-245a,
1009 22a-174 [J] and 22a-200a, as amended by this act; (5) whether the
1010 proposal is in the best interest of ratepayers; and (6) whether the
1011 proposal is aligned with the policy goals outlined in the Integrated
1012 Resources Plan, pursuant to section 16a-3a, as amended by this act,
1013 and the Comprehensive Climate and Energy Strategy, pursuant to
1014 section 16a-3d, as amended by this act, including, but not limited to,
1015 environmental impacts. In conducting such evaluation, the
1016 commissioner may also consider the extent to which project proposals
1017 provide economic benefits for the state. In evaluating project proposals
1018 received under any solicitation issued pursuant to subsection (b), (c) or
1019 (d) of this section, the commissioner shall compare the costs and
1020 benefits of such proposals relative to the expected or actual costs and
1021 benefits of other resources eligible to respond to the other
1022 procurements authorized pursuant to this section.

1023 Sec. 28. Subsection (a) of section 16a-3m of the 2018 supplement to

1024 the general statutes is repealed and the following is substituted in lieu
1025 thereof (*Effective from passage*):

1026 (a) For the purposes of this section:

1027 (1) "Best interest of ratepayers" means the benefits of a contract or
1028 proposal outweigh the costs to electric ratepayers, based on whether
1029 the delivered prices of sources included in such contract or proposal
1030 are less than the forecasted price of energy and capacity, as determined
1031 by the commissioner or the commissioner's designee, and based on a
1032 consideration of the following factors, as determined by the
1033 commissioner or the commissioner's designee: (A) Impacts on electric
1034 system operations and reliability; (B) the extent to which such contract
1035 or proposal will contribute to (i) the local sourcing requirement set by
1036 the regional independent system operator, as defined in section 16-1,
1037 and (ii) meeting the requirements to reduce greenhouse gas emissions
1038 and improve air quality in accordance with sections 16-245a, 22a-174
1039 and 22a-200a, as amended by this act; (C) fuel diversity; and (D)
1040 whether the proposal is aligned with the policy goals outlined in the
1041 Integrated Resources Plan developed pursuant to section 16a-3a, as
1042 amended by this act, and the Comprehensive Climate and Energy
1043 Strategy developed pursuant to section 16a-3d, as amended by this act,
1044 including, but not limited to, environmental impacts; and

1045 (2) "Eligible nuclear power generating facility" means a nuclear
1046 power generating facility that is located in the control area of the
1047 regional independent system operator, as defined in section 16-1, and
1048 is licensed to operate through January 1, 2030, or later.

1049 Sec. 29. Subsections (b) and (c) of section 22a-200a of the general
1050 statutes are repealed and the following is substituted in lieu thereof
1051 (*Effective from passage*):

1052 (b) On or before January 1, 2010, and biannually thereafter, the state
1053 agencies that are members of the [Governor's Steering Committee]
1054 Connecticut Council on Climate Change shall submit a report to the

1055 Secretary of the Office of Policy and Management and the
 1056 Commissioner of Energy and Environmental Protection. The report
 1057 shall identify existing and proposed activities and improvements to
 1058 the facilities of such agencies that are designed to meet state agency
 1059 energy savings goals established by the Governor. The report shall also
 1060 identify policies and regulations that could be adopted in the near
 1061 future by such agencies to reduce greenhouse gas emissions in
 1062 accordance with subsection (a) of this section.

1063 (c) Not later than January 1, 2012, and every three years thereafter,
 1064 the Commissioner of Energy and Environmental Protection shall, in
 1065 consultation with the Secretary of the Office of Policy and
 1066 Management and the [Governor's Steering Committee] Connecticut
 1067 Council on Climate Change, report, in accordance with the provisions
 1068 of section 11-4a, to the joint standing committees of the General
 1069 Assembly having cognizance of matters relating to the environment,
 1070 energy and transportation on the quantifiable emissions reductions
 1071 achieved pursuant to subsection (a) of this section. The report shall
 1072 include a schedule of proposed regulations, policies and strategies
 1073 designed to achieve the limits of greenhouse gas emissions imposed by
 1074 said subsection, an assessment of the latest scientific information and
 1075 relevant data regarding global climate change and the status of
 1076 greenhouse gas emission reduction efforts in other states and
 1077 countries.

1078 Sec. 30. Section 22a-200e of the general statutes is repealed. (*Effective*
 1079 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-23(d)
Sec. 2	<i>from passage</i>	16a-3a(a)
Sec. 3	<i>from passage</i>	16a-3d
Sec. 4	<i>from passage</i>	16a-3e
Sec. 5	<i>from passage</i>	16a-27(h)
Sec. 6	<i>from passage</i>	22a-92(a)

Sec. 7	<i>from passage</i>	22a-93(7)
Sec. 8	<i>from passage</i>	22a-93(19)
Sec. 9	<i>from passage</i>	22a-94
Sec. 10	<i>from passage</i>	22a-200a(a)
Sec. 11	<i>from passage</i>	22a-478(a)
Sec. 12	<i>from passage</i>	25-68b
Sec. 13	<i>from passage</i>	25-68d(h)
Sec. 14	<i>from passage</i>	25-68o
Sec. 15	<i>from passage</i>	28-5(g)
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	16-2(m)
Sec. 18	<i>from passage</i>	16-19e(b) and (c)
Sec. 19	<i>from passage</i>	16-19ff(a)
Sec. 20	<i>from passage</i>	16-244y
Sec. 21	<i>from passage</i>	16-258e(a)
Sec. 22	<i>from passage</i>	16a-3f
Sec. 23	<i>from passage</i>	16a-3g
Sec. 24	<i>from passage</i>	16a-3h
Sec. 25	<i>from passage</i>	16a-3i(d)
Sec. 26	<i>from passage</i>	16a-3j(a)
Sec. 27	<i>from passage</i>	16a-3j(e)
Sec. 28	<i>from passage</i>	16a-3m(a)
Sec. 29	<i>from passage</i>	22a-200a(b) and (c)
Sec. 30	<i>from passage</i>	Repealer section

ENV *Joint Favorable*