



Senate

General Assembly

File No. 35

January Session, 2023

Substitute Senate Bill No. 73

Senate, March 8, 2023

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL FOR LOCAL PROJECTS.

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

1 Section 1. Section 16-50j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

6 (b) Except for proceedings under chapter 445, this subsection and
7 subsection (c) of this section, the council shall consist of: (1) The
8 Commissioner of Energy and Environmental Protection, or his
9 designee; (2) the chairperson of the Public Utilities Regulatory
10 Authority, or the chairperson's designee; (3) one designee of the speaker
11 of the House and one designee of the president pro tempore of the
12 Senate; and (4) five members of the public, to be appointed by the
13 Governor, at least two of whom shall be experienced in the field of

14 ecology, and not more than one of whom shall have affiliation, past or
15 present, with any utility or governmental utility regulatory agency, or
16 with any person owning, operating, controlling, or presently
17 contracting with respect to a facility, a hazardous waste facility, as
18 defined in section 22a-115, or an ash residue disposal area.

19 (c) For proceedings under chapter 445, subsection (b) of this section
20 and this subsection, the council shall consist of (1) the Commissioners of
21 Public Health and Emergency Services and Public Protection or their
22 designated representatives; (2) the designees of the speaker of the House
23 of Representatives and the president pro tempore of the Senate as
24 provided in subsection (b) of this section; (3) the five members of the
25 public as provided in subsection (b) of this section; and (4) four ad hoc
26 members, three of whom shall be electors from the municipality in
27 which the proposed facility is to be located and one of whom shall be an
28 elector from a neighboring municipality likely to be most affected by the
29 proposed facility. The municipality most affected by the proposed
30 facility shall be determined by the permanent members of the council.
31 If any one of the five members of the public or of the designees of the
32 speaker of the House of Representatives or the president pro tempore of
33 the Senate resides (A) in the municipality in which a hazardous waste
34 facility is proposed to be located for a proceeding concerning a
35 hazardous waste facility or in which a low-level radioactive waste
36 facility is proposed to be located for a proceeding concerning a low-level
37 radioactive waste facility, or (B) in the neighboring municipality likely
38 to be most affected by the proposed facility, the appointing authority
39 shall appoint a substitute member for the proceedings on such proposal.
40 If any appointee is unable to perform his duties on the council due to
41 illness, or has a substantial financial or employment interest which is in
42 conflict with the proper discharge of his duties under this chapter, the
43 appointing authority shall appoint a substitute member for proceedings
44 on such proposal. An appointee shall report any substantial financial or
45 employment interest which might conflict with the proper discharge of
46 his duties under this chapter to the appointing authority who shall
47 determine if such conflict exists. If any state agency is the applicant, an
48 appointee shall not be deemed to have a substantial employment

49 conflict of interest because of employment with the state unless such
50 appointee is directly employed by the state agency making the
51 application. Ad hoc members shall be appointed by the chief elected
52 official of the municipality they represent and shall continue their
53 membership until the council issues a letter of completion of the
54 development and management plan to the applicant.

55 (d) For any proceeding that occurs on or after the effective date of this
56 section, in addition to the membership provided for in subsection (b) or
57 (c) of this section, as applicable, the council shall consist of one elector
58 from the municipality in which such facility is proposed to be located,
59 as appointed by the chief elected official of such municipality. In the
60 event that such facility will be located in two or more municipalities,
61 one such elector shall be appointed by the applicable regional council of
62 governments for the affected municipalities. Each such member shall
63 serve as a nonvoting member for purposes of such proceeding and shall
64 abide by all applicable rules of confidentiality concerning such
65 proceeding.

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

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

77 [(f)] (g) The council shall, in addition to its other duties prescribed in
78 this chapter, adopt, amend, or rescind suitable regulations to carry out
79 the provisions of this chapter and the policies and practices of the
80 council in connection therewith, and appoint and prescribe the duties of
81 such staff as may be necessary to carry out the provisions of this chapter.

82 The chairman of the council, with the consent of five or more other
83 members of the council, may appoint an executive director, who shall
84 be the chief administrative officer of the Connecticut Siting Council. The
85 executive director shall be exempt from classified service.

86 [(g)] (h) Prior to commencing any hearing pursuant to section 16-50m,
87 the council shall consult with and solicit written comments from (1) the
88 Department of Energy and Environmental Protection, the Department
89 of Public Health, the Council on Environmental Quality, the
90 Department of Agriculture, the Public Utilities Regulatory Authority,
91 the Office of Policy and Management, the Department of Economic and
92 Community Development and the Department of Transportation, and
93 (2) in a hearing pursuant to section 16-50m, for a facility described in
94 subdivision (3) of subsection (a) of section 16-50i, the Department of
95 Emergency Services and Public Protection, the Department of
96 Administrative Services and the Labor Department. Copies of such
97 comments shall be made available to all parties prior to the
98 commencement of the hearing. Subsequent to the commencement of the
99 hearing, said departments and council may file additional written
100 comments with the council within such period of time as the council
101 designates. All such written comments shall be made part of the record
102 provided by section 16-50o. Said departments and council shall not
103 enter any contract or agreement with any party to the proceedings or
104 hearings described in this section or section 16-50p that requires said
105 departments or council to withhold or retract comments, refrain from
106 participating in or withdraw from said proceedings or hearings.

107 Sec. 2. Subsection (b) of section 16-50l of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective October*
109 *1, 2023*):

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

115 facility, which copy shall be served on the chief executive officer of each
116 such municipality and shall include notice of the date on or about which
117 the application is to be filed, and the zoning commissions, planning
118 commissions, planning and zoning commissions, conservation
119 commissions and inland wetlands agencies of each such municipality,
120 and the regional councils of governments which encompass each such
121 municipality; (2) the Attorney General; (3) each member of the
122 legislature in whose assembly or senate district the facility or any
123 alternative location listed in the application is to be located; (4) any
124 agency, department or instrumentality of the federal government that
125 has jurisdiction, whether concurrent with the state or otherwise, over
126 any matter that would be affected by such facility; (5) each state
127 department, agency and commission named in subsection [(g)] (h) of
128 section 16-50j, as amended by this act; and (6) such other state and
129 municipal bodies as the council may by regulation designate. A notice
130 of such application shall be given to the general public, in municipalities
131 entitled to receive notice under subdivision (1) of this subsection, by the
132 publication of a summary of such application and the date on or about
133 which it will be filed. Such notice shall be published under the
134 regulations to be promulgated by the council, in such form and in such
135 newspapers as will serve substantially to inform the public of such
136 application and to afford interested persons sufficient time to prepare
137 for and to be heard at the hearing prescribed in section 16-50m. Such
138 notice shall be published in not less than ten-point type. A notice of such
139 an application for a certificate for a facility described in subdivision (3),
140 (4), (5) or (6) of subsection (a) of section 16-50i shall also be sent, by
141 certified or registered mail, to each person appearing of record as an
142 owner of property which abuts the proposed primary or alternative sites
143 on which the facility would be located. Such notice shall be sent at the
144 same time that notice of such application is given to the general public.
145 Notice of an application for a certificate for a facility described in
146 subdivision (1) of subsection (a) of section 16-50i shall also be provided
147 to each electric distribution company customer in the municipality
148 where the facility is proposed to be placed. Such notice shall (A) be
149 provided on a separate enclosure with each customer's monthly bill for

150 one or more months, (B) be provided by the electric distribution
 151 company not earlier than sixty days prior to filing the application with
 152 the council, but not later than the date that the application is filed with
 153 the council, and (C) include: A brief description of the project, including
 154 its location relative to the affected municipality and adjacent streets; a
 155 brief technical description of the project including its proposed length,
 156 voltage, and type and range of heights of support structures or
 157 underground configuration; the reason for the project; the address and
 158 a toll-free telephone number of the applicant by which additional
 159 information about the project can be obtained; and a statement in print
 160 no smaller than twenty-four-point type size stating "NOTICE OF
 161 PROPOSED CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC
 162 TRANSMISSION LINE".

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	16-50j
Sec. 2	October 1, 2023	16-50l(b)

Statement of Legislative Commissioners:

Section 2 was added as a conforming change in accordance with standard practice.

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Siting Council, CT	CSCF - Cost	Approximately \$4,400	Approximately \$4,400

Note: CSCF= Connecticut Siting Council Fund

Municipal Impact: None

Explanation

The bill could result in a minimal, annual cost by expanding the number of public members in a siting council proceeding to include an elector from the municipality where a subject facility is being proposed. The Connecticut Siting Council appears to hold around twenty-two meetings per year, and per diem cost is capped at \$200 per proceeding.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of meetings held by the Connecticut Siting Council.

OLR Bill Analysis**sSB 73*****AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL FOR LOCAL PROJECTS.*****SUMMARY**

For any Connecticut Siting Council proceeding that occurs on or after October 1, 2023, this bill requires the council's membership to include an elector from the municipality where the subject facility is being proposed, in addition to the current membership (see BACKGROUND). Under the bill, the municipality's chief elected official appoints the elector. If the proposed facility will be located in more than one municipality, the applicable regional council of governments for the affected municipalities appoints the elector.

The bill requires the elector to serve as a nonvoting member and abide by all applicable confidentiality rules. By law, public members of the council must be compensated for their attendance at public hearings, executive sessions, or other council business at a rate of \$200 per activity, capped at \$200 a day.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

BACKGROUND***Siting Council Membership – Energy and Telecommunications***

For energy and telecommunications facility proceedings, the council currently consists of the following nine members:

1. the energy and environmental protection commissioner or her designee,

2. the Public Utilities Regulatory Authority chairperson or her designee,
3. one designee each from the House speaker and Senate president pro tempore, and
4. five members of the public appointed by the governor.

At least two of the public members must have ecology experience. Only one may have a past or present affiliation with a (1) utility; (2) utility regulatory agency; or (3) person owning, operating, controlling, or contracting with a facility, hazardous waste facility, or ash residue disposal area.

Siting Council Membership – Hazardous Waste

For hazardous waste facility proceedings, the council currently consists of the following 13 members:

1. the public health and emergency services and public protection commissioners or their designees;
2. the designees of the House speaker and Senate president pro tempore as described above;
3. the five members of the public appointed by the governor as described above; and
4. four ad hoc members, three of whom are electors from the municipality where the facility is being proposed and one from a neighboring municipality likely to be most affected by the proposed facility.

By law, if any of the governor's appointed public members or the House speaker's or Senate president pro tempore's designees live in the municipality where a hazardous or low-level radioactive waste facility is proposed or in the neighboring municipality most likely to be affected by the proposed facility, then the appointing authority must appoint a substitute member for the proceedings on that proposed facility.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 1 (02/17/2023)