



General Assembly

Amendment

January Session, 2023

LCO No. **9182**



Offered by:
SEN. SOMERS, 18th Dist.

To: Subst. Senate Bill No. **1146**

File No. 517

Cal. No. 313

**"AN ACT CONCERNING REVISIONS TO VARIOUS PROGRAMS OF
THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 16a-3n of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*
5 *2023*):

6 (a) (1) The Commissioner of Energy and Environmental Protection,
7 in consultation with the procurement manager identified in subsection
8 (l) of section 16-2, the Office of Consumer Counsel and the Attorney
9 General, may, in coordination with other states in the control area of the
10 regional independent system operator, as defined in section 16-1, in
11 coordination with states in a neighboring control area or on behalf of
12 Connecticut alone, solicit proposals, in one solicitation or multiple
13 solicitations, from providers of energy derived from offshore wind
14 facilities that are Class I renewable energy sources, as defined in section

15 16-1, and any associated transmission, provided the commissioner shall
16 initiate a solicitation not later than fourteen days after the effective date
17 of this section for projects that have a total nameplate capacity rating of
18 up to two thousand megawatts in the aggregate. Any such solicitation
19 or solicitations issued pursuant to this section on and after January 1,
20 2020, shall be for quantities of energy and within the timing and
21 schedule determined by the commissioner, and may be informed by the
22 Integrated Resources Plan prepared on or before January 1, 2020,
23 pursuant to subsections (b) and (j) of section 16a-3a, provided such
24 schedule shall provide for the solicitation of resources with a nameplate
25 capacity rating of two thousand megawatts in the aggregate by
26 December 31, 2030.

27 (2) In developing any solicitations pursuant to this section, the
28 commissioner shall include requirements for contract commitments in
29 selected bids that (A) require payment of not less than the prevailing
30 wage, as described in section 31-53, for laborers, workmen and
31 mechanics performing construction activities within the United States
32 with respect to the project, and (B) require selected bidders to engage in
33 a good faith negotiation of a project labor agreement. Any solicitation
34 issued pursuant to this section shall specify the minimum terms that
35 such project labor agreements shall address.

36 (3) (A) On and after July 1, 2023, the Commissioner of Energy and
37 Environmental Protection shall include requirements for contract
38 commitments in selected bids that require selected bidders, including
39 any providers of associated transmission, to make payments into a
40 mitigation fund to mitigate adverse consequences to wildlife, fisheries
41 and any other aspects of the fishing industry that result from activities
42 connected with the development and operation of the offshore wind
43 facilities by such selected bidders.

44 (B) Any providers of energy derived from offshore wind facilities that
45 submit bids selected on or after July 1, 2023, shall make an initial
46 payment of two million dollars into the mitigation fund established
47 pursuant to this subdivision not later than the date such providers first

48 enter into any power purchase agreement pursuant to subsection (c) of
49 this section. Thereafter such providers and any providers of associated
50 transmission shall jointly make payments for each kilowatt hour of
51 electricity generated by such providers' offshore wind facilities for the
52 duration of such power purchase agreement. The amount of such
53 payments shall be determined by the mitigation fund manager and
54 approved by the Public Utilities Regulatory Authority pursuant to
55 subparagraph (E) of this subdivision.

56 (C) There is established an Offshore Wind Energy Mitigation Fund
57 Oversight Committee, which shall be an independent body within the
58 Office of Policy and Management for administrative purposes only. The
59 committee shall develop the qualifications and duties of the mitigation
60 fund manager, including, but not limited to, knowledge of offshore
61 fishing, knowledge of fishing rules and regulations, expertise
62 concerning wildlife, a general knowledge of the offshore wind energy
63 industry, financial fund management experience and an ability to
64 manage claims, and shall oversee such mitigation fund manager. The
65 committee shall consist of the following members: (i) The Division
66 Director of the Wildlife Division of the Department of Energy and
67 Environmental Protection, or the division director's designee; (ii) the
68 Division Director of the Fisheries Division of the Department of Energy
69 and Environmental Protection, or the division director's designee; (iii) a
70 member of the commission on environmental standards established
71 pursuant to subdivision (5) of this subsection, who shall be appointed
72 by the Commissioner of Energy and Environmental Protection; (iv) the
73 Secretary of the Office of Policy and Management, or the secretary's
74 designee; (v) a representative of a provider of energy derived from
75 offshore wind facilities, who shall be appointed by the speaker of the
76 House of Representatives; (vi) a representative of a company that
77 provides electric transmission, who shall be appointed by the president
78 pro tempore of the Senate; (vii) a representative of the fishing industry,
79 who shall be appointed by the minority leader of the House of
80 Representatives; and (viii) a representative of a nonprofit organization
81 that advocates for the protection of wildlife, who shall be appointed by

82 the minority leader of the Senate.

83 (D) Not later than October 1, 2023, the Commissioner of
84 Administrative Services shall issue a request for proposals to hire an
85 independent contractor who shall serve as mitigation fund manager for
86 the fund established pursuant to this subdivision. The request for
87 proposals shall describe the qualifications and duties for the position
88 developed by the Offshore Wind Energy Mitigation Fund Oversight
89 Committee pursuant to subparagraph (C) of this subdivision and shall
90 describe and specify the oversight relationship between said committee
91 and the mitigation fund manager. In such request for proposals, the
92 Commissioner of Administrative Services may require that such
93 mitigation fund manager be a nonprofit organization. The
94 Commissioner of Administrative Services shall establish deadlines for
95 the submission and selection of proposals pursuant to this
96 subparagraph, provided the commissioner selects the mitigation fund
97 manager before the date of the first required payment into such fund by
98 any provider of energy derived from offshore wind facilities.

99 (E) The mitigation fund manager selected pursuant to subparagraph
100 (D) of this subdivision shall determine (i) the required payment per
101 kilowatt hour, provided the amount is approved by the Public Utilities
102 Regulatory Authority and is sufficient to meet anticipated distributions,
103 as determined by the mitigation fund manager, (ii) the method of
104 collecting such payment, and (iii) the manner of distributing funds from
105 the mitigation fund. Such mitigation fund manager may make
106 distributions from the mitigation fund to any person or entity harmed
107 by the adverse consequences to wildlife, fisheries and any other aspects
108 of the fishing industry from activities connected with the development
109 and operation of the offshore wind facilities.

110 (F) The mitigation fund manager selected pursuant to subparagraph
111 (D) of this subdivision shall be subject to audit by the Auditors of Public
112 Accounts in accordance with the provisions of section 2-90.

113 [(3)] (4) (A) In responding to any solicitations issued pursuant to this

114 section, a bidder shall include an environmental and fisheries mitigation
115 plan for the construction and operation of such offshore wind facilities,
116 provided such plan shall include, but not be limited to, an explicit
117 description of the best management practices the bidder will employ
118 that are informed by the latest science at the time the proposal is made
119 that will avoid, minimize and mitigate any impacts to wildlife, natural
120 resources, ecosystems and traditional or existing water-dependent uses,
121 including, but not limited to, commercial fishing.

122 (B) In responding to any solicitations issued pursuant to this section,
123 a bidder may include such bidder's plans for the use of skilled labor,
124 including, but not limited to, for any construction and manufacturing
125 components of the proposal including any outreach, hiring and referral
126 systems, or any combination thereof, that are affiliated with an
127 apprenticeship training program registered with the Labor Department
128 pursuant to section 31-22r.

129 (C) In responding to any solicitations issued pursuant to this section
130 in calendar year 2019, each bidder shall submit at least one proposal for
131 resources eligible pursuant to this section with a nameplate capacity
132 rating of four hundred megawatts. The commissioner may not consider
133 or select any proposals from a bidder that does not submit at least one
134 proposal for resources with a nameplate capacity of four hundred
135 megawatts for any solicitation issued pursuant to this section in
136 calendar year 2019.

137 [(4)] (5) For each solicitation issued pursuant to this section, the
138 commissioner shall establish a commission on environmental standards
139 to provide input on best practices for avoiding, minimizing and
140 mitigating any impacts to wildlife, natural resources, ecosystems and
141 traditional or existing water-dependent uses, including, but not limited
142 to, commercial fishing, during the construction and operation of
143 facilities eligible pursuant to this section."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	July 1, 2023	16a-3n(a)
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