



General Assembly

February Session, 2020

Raised Bill No. 5343

LCO No. 1551



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE
CONNECTICUT SITING COUNCIL FOR CERTAIN 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 Section 16-50j of the general statutes is repealed and the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, 2020*):

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

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

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

76 ~~[(f)]~~ (g) The council shall, in addition to its other duties prescribed in
77 this chapter, adopt, amend, or rescind suitable regulations to carry out
78 the provisions of this chapter and the policies and practices of the
79 council in connection therewith, and appoint and prescribe the duties of

80 such staff as may be necessary to carry out the provisions of this chapter.
81 The chairman of the council, with the consent of five or more other
82 members of the council, may appoint an executive director, who shall
83 be the chief administrative officer of the Connecticut Siting Council. The
84 executive director shall be exempt from classified service.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	16-50j

Statement of Purpose:

To allow for local representation on the Siting Council for certain proceedings involving electric distribution companies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]