



Senate

General Assembly

File No. 95

January Session, 2025

Senate Bill No. 78

Senate, March 18, 2025

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

AN ACT PROVIDING FOR LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL.

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 Section 16-50j of the general statutes is repealed and the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, 2025*):

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

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

14 in the field of ecology, and all five of whom shall, consistent with the
15 provisions of section 4-9a, have no substantial financial interest in, not
16 be employed in or by, and not be professionally affiliated with any (A)
17 utility, (B) facility, (C) hazardous waste facility, as defined in section
18 22a-115, or (D) ash residue disposal area, and shall have had no
19 professional affiliation with any such utility, facility, hazardous waste
20 facility or ash residue disposal area for three years preceding such
21 public member's appointment to the council.

22 (c) For proceedings under chapter 445, the council shall consist of (1)
23 the Commissioners of Public Health and Emergency Services and Public
24 Protection or their designated representatives; (2) the designees of the
25 speaker of the House of Representatives and the president pro tempore
26 of the Senate as provided in subsection (b) of this section; (3) the five
27 public members as provided in subsection (b) of this section; and (4) four
28 ad hoc members, appointed by the chief elected official of the
29 municipality each such member represents, three of whom shall be
30 electors from the municipality in which the proposed facility is to be
31 located and one of whom shall be an elector from a neighboring
32 municipality likely to be most affected by the proposed facility.

33 (d) For any proceeding that occurs on or after the effective date of this
34 section, in addition to the membership provided for in subsection (b) or
35 (c) of this section, as applicable, the council shall consist of one elector
36 from the municipality in which such facility is proposed to be located,
37 as appointed by the chief elected official of such municipality. In the
38 event that such facility will be located in two or more municipalities,
39 one such elector shall be appointed by the applicable regional council of
40 governments for the affected municipalities. Each such member shall
41 serve as a nonvoting member for purposes of such proceeding and shall
42 abide by all applicable rules of confidentiality concerning such
43 proceeding.

44 [(d)] (e) For the appointment of ad hoc members in accordance with
45 subsection (c) of this section, the municipality most affected by the
46 proposed facility shall be determined by the permanent members of the

47 council. If any one of the five public members or of the designees of the
48 speaker of the House of Representatives or the president pro tempore of
49 the Senate resides (1) in the municipality in which a hazardous waste
50 facility is proposed to be located for a proceeding concerning a
51 hazardous waste facility or in which a low-level radioactive waste
52 facility is proposed to be located for a proceeding concerning a low-level
53 radioactive waste facility, or (2) in the neighboring municipality likely
54 to be most affected by the proposed facility, the appointing authority
55 shall appoint a substitute member for the proceedings on such proposal.
56 If any appointee is unable to perform such appointee's duties on the
57 council due to illness, or has a substantial financial or employment
58 interest which is in conflict with the proper discharge of the appointee's
59 duties under this chapter, the appointing authority shall appoint a
60 substitute member for proceedings on such proposal. An appointee
61 shall report any substantial financial or employment interest which
62 might conflict with the proper discharge of the appointee's duties under
63 this chapter to the appointing authority who shall determine if such
64 conflict exists. If any state agency is the applicant, an appointee shall not
65 be deemed to have a substantial employment conflict of interest because
66 of employment with the state unless such appointee is directly
67 employed by the state agency making the application. Ad hoc members
68 shall continue their membership until the council issues a letter of
69 completion of the development and management plan to the applicant.

70 [(e)] (f) The chairperson of the council shall be appointed by the
71 Governor from among the five public members appointed by the
72 Governor, with the advice and consent of the House or Senate, and shall
73 serve as chairperson at the pleasure of the Governor.

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

81 ~~[(g)]~~ [(h)] The council shall employ such employees as may be
82 necessary to carry out the provisions of this chapter, and such
83 employees shall, in the aggregate, have sufficient expertise in
84 engineering and financial analysis to carry out the provisions of this
85 chapter.

86 ~~[(h)]~~ [(i)] The council shall, in addition to its other duties prescribed in
87 this chapter, adopt, amend, or rescind suitable regulations to carry out
88 the provisions of this chapter and the policies and practices of the
89 council in connection therewith, and appoint and prescribe the duties of
90 such staff as may be necessary to carry out the provisions of this chapter.
91 The chairperson of the council, with the consent of five or more other
92 members of the council, may appoint an executive director, who shall
93 be the chief administrative officer of the Connecticut Siting Council. The
94 executive director shall be exempt from classified service.

95 ~~[(i)]~~ [(j)] Prior to commencing any hearing pursuant to section 16-50m,
96 the council shall consult with and solicit written comments from (1) the
97 Departments of Energy and Environmental Protection, Public Health,
98 Agriculture, Economic and Community Development and
99 Transportation and the Council on Environmental Quality, the Public
100 Utilities Regulatory Authority, the Office of Policy and Management
101 and the Office of Consumer Counsel, and (2) in a hearing pursuant to
102 section 16-50m, for a facility described in subdivision (3) of subsection
103 (a) of section 16-50i, the Department of Emergency Services and Public
104 Protection, the Department of Administrative Services, the Labor
105 Department and the Office of Consumer Counsel. Copies of such
106 comments shall be made available to all parties prior to the
107 commencement of the hearing. Subsequent to the commencement of the
108 hearing, said departments, Council on Environmental Quality,
109 authority and offices may file additional written comments with the
110 Connecticut Siting Council within such period of time as the
111 Connecticut Siting Council designates. All such written comments shall
112 be made part of the record, as provided in section 16-50o. Said
113 departments, Council on Environmental Quality, authority and offices
114 shall not enter any contract or agreement with any party to the

115 proceedings or hearings described in this section or section 16-50p that
116 requires said departments, Council on Environmental Quality,
117 authority or offices to withhold or retract comments, refrain from
118 participating in or withdraw from said proceedings or hearings.

119 Sec. 2. Subsection (b) of section 16-50l of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective October*
121 *1, 2025*):

122 (b) Each application shall be accompanied by proof of service of a
123 copy of such application on: (1) Each municipality in which any portion
124 of such facility is to be located, both as primarily proposed and in the
125 alternative locations listed, and any adjoining municipality having a
126 boundary not more than two thousand five hundred feet from such
127 facility, which copy shall be served on the chief executive officer of each
128 such municipality and shall include notice of the date on or about which
129 the application is to be filed, and the zoning commissions, planning
130 commissions, planning and zoning commissions, conservation
131 commissions and inland wetlands agencies of each such municipality,
132 and the regional councils of governments which encompass each such
133 municipality; (2) the Attorney General; (3) each member of the
134 legislature in whose assembly or senate district the facility or any
135 alternative location listed in the application is to be located; (4) any
136 agency, department or instrumentality of the federal government that
137 has jurisdiction, whether concurrent with the state or otherwise, over
138 any matter that would be affected by such facility; (5) each state
139 department and agency named in subsection [(i)] (j) of section 16-50j, as
140 amended by this act; and (6) such other state and municipal bodies as
141 the council may by regulation designate. A notice of such application
142 shall be given to the general public, in municipalities entitled to receive
143 notice under subdivision (1) of this subsection, by the publication of a
144 summary of such application and the date on or about which it will be
145 filed. Such notice shall be published under the regulations to be
146 promulgated by the council, in such form and in such newspapers as
147 will serve substantially to inform the public of such application and to
148 afford interested persons sufficient time to prepare for and to be heard

149 at the hearing prescribed in section 16-50m. Such notice shall be
 150 published in not less than ten-point type. A notice of such an application
 151 for a certificate for a facility described in subdivision (3), (4), (5) or (6) of
 152 subsection (a) of section 16-50i shall also be sent, by certified or
 153 registered mail, to each person appearing of record as an owner of
 154 property which abuts the proposed primary or alternative sites on
 155 which the facility would be located. Such notice shall be sent at the same
 156 time that notice of such application is given to the general public. Notice
 157 of an application for a certificate for a facility described in subdivision
 158 (1) of subsection (a) of section 16-50i shall also be provided to each
 159 electric distribution company customer in the municipality where the
 160 facility is proposed to be placed. Such notice shall (A) be provided on a
 161 separate enclosure with each customer's monthly bill for one or more
 162 months, (B) be provided by the electric distribution company not earlier
 163 than sixty days prior to filing the application with the council, but not
 164 later than the date that the application is filed with the council, and (C)
 165 include: A brief description of the project, including its location relative
 166 to the affected municipality and adjacent streets; a brief technical
 167 description of the project including its proposed length, voltage, and
 168 type and range of heights of support structures or underground
 169 configuration; the reason for the project; the address and a toll-free
 170 telephone number of the applicant by which additional information
 171 about the project can be obtained; and a statement in print no smaller
 172 than twenty-four-point type size stating "NOTICE OF PROPOSED
 173 CONSTRUCTION OF A HIGH VOLTAGE ELECTRIC
 174 TRANSMISSION LINE".

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2025	16-50j
Sec. 2	October 1, 2025	16-50l(b)

Section 1	October 1, 2025	16-50j
Sec. 2	October 1, 2025	16-50l(b)

ENV *Joint Favorable*

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 26 \$	FY 27 \$
CT Siting Council	SCF ¹ - Cost	See Below	See Below

Note: SCF=Siting Council Fund

Municipal Impact: None

Explanation

The bill results in a cost to the Connecticut Siting Council, as it requires (on or after October 1, 2025), any Connecticut Siting Council proceeding to include a local electorate from the municipality where a subject facility is being proposed.

In FY 24, the Connecticut Siting Council held 23 regular meetings and 22 public hearings. It is estimated that at each regularly held meeting there could be an additional five to ten local representatives in attendance, resulting in an additional cost of approximately \$1,000-\$2,000 per meeting² (\$23,000 - \$46,000 annually). Additional costs may occur if local representatives also attend the public hearings. The total cost to the fund would be dependent upon the total number of regular meetings and public hearings held, and the total number of local representatives in attendance.

¹ Pursuant to Connecticut General Statutes (C.G.S.) §16-50r and §16-50v, the Council's budget is financed by fees and assessments paid to the Siting Council Fund.

² Public members of the council are 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 Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of meetings and hearings held and the number of compensated representatives in attendance.

OLR Bill Analysis**SB 78*****AN ACT PROVIDING FOR LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL.*****SUMMARY**

For any Connecticut Siting Council proceeding occurring on or after October 1, 2025, this bill requires the council's membership to include an elector from the municipality where the proposed facility would be located, in addition to the existing membership (see BACKGROUND). Under the bill, the municipality's chief elected official generally must appoint the elector. However, if the proposed facility would be in more than one municipality, the applicable regional council of governments for the affected municipalities must appoint 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, 2025

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

For energy and telecommunications facility proceedings, the existing council membership includes 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 public members appointed by the governor.

By law, at least two of the public members must have ecology experience. Additionally, all five public members must have no substantial financial interest in, not be employed in or by, and not be professionally affiliated with any utility or facility under the council's jurisdiction, including hazardous waste facilities and ash residue disposal areas. The law further prohibits the public members from having had a professional affiliation with any utility or these facilities for three years before their appointment to the council.

Siting Council Membership — Hazardous Waste

For hazardous waste facility proceedings, the existing council membership 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 must be electors from the municipality where the facility is being proposed and one who must be from a neighboring municipality likely to be most affected by the proposed facility, appointed by their municipality's chief elected officer.

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

Yea 30 Nay 5 (02/28/2025)