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## OLR Bill Analysis

### SB 1496

#### ***AN ACT CONCERNING MINOR REVISIONS TO DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION RELATED STATUTES.***

#### **SUMMARY**

This bill makes numerous changes to statutes affecting the Department of Energy and Environmental Protection (DEEP). Principally, the bill:

1. expands the list of real assets under DEEP's control that it may build or repair on its own or with the administrative services commissioner's approval;
2. expands the types of "by-product materials" subject to the state's atomic energy laws to include certain materials made with fusion machines, to align with changes in federal law;
3. extends the duration of the declarations DEEP issues to comply with interstate fishery management plans;
4. limits the duration of commercial fishing licenses temporarily transferred due to certain medical situations and requires related documentation;
5. changes the requirements for prioritizing rebates and vouchers issued under the Connecticut hydrogen and electric automobile purchase rebate (CHEAPR) program; and
6. eliminates certain defunct programs and obsolete statutes and makes related conforming changes.

EFFECTIVE DATE: Upon passage

**§ 1 — DEEP CONSTRUCTION PROJECTS**

The bill expands the list of real assets under DEEP’s control that it may independently construct or repair, rather than being administered by the Department of Administrative Services (DAS) or requiring the DAS commissioner’s prior approval. Under current law, DEEP may independently construct or repair any dam or flood and erosion control system under its control and management.

The bill instead allows it to construct or repair service roads; trails; greenways; bridges; dams; flood prevention, climate resilience, and erosion control systems; and other civil or natural resource infrastructure under the department’s control and management. By law and under the bill, “flood prevention, climate resilience and erosion control systems” include dams, dikes, berms, piping, jetties, sea walls, and nonstructural and nature-based measures like removing, modifying, or relocating existing structures to prevent or ameliorate flood or erosion damage.

Under current law, the DEEP commissioner may alter, repair, or add to any other real asset she controls and manages, including rented or leased premises, involving the expenditure of (1) up to \$500,000 or (2) between \$500,000 and \$1 million, with the DAS commissioner’s prior approval. The bill (1) increases these thresholds to \$1 million and between \$1 million and \$3 million, respectively, and (2) requires that they be annually adjusted for inflation beginning July 1, 2028.

Specifically, DAS must annually adjust the thresholds by the percentage change in the U.S. Department of Labor’s Producer Price Index by Commodity: Construction (Partial) (WPU80), not seasonally adjusted, or its successor index. DAS must round the adjustment to the nearest multiple of \$100 and post it on its website.

**§§ 2 & 3 — DEFINITIONS OF BY-PRODUCT MATERIAL AND FUSION MACHINE**

The bill modifies the definition of “by-product material” under the state laws on atomic energy and ionizing radiation, which concern DEEP’s coordination and supervision of atomic activities in the state

and regulation of certain radioactive materials, according to federal law.

Under current law, “by-product material” includes any material that was made radioactive with a particle accelerator for commercial medical, or research uses. Under the bill, it also includes any material made radioactive with a fusion machine, regardless of use. Under the bill, as under federal law, a “fusion machine” is a machine capable of (1) transforming atomic nuclei through fusion processes into different particles and (2) directly capturing and using the resulting products, including particles, heat, or other electromagnetic radiation.

#### **§ 4 — DECLARATIONS MADE TO COMPLY WITH INTERSTATE FISHERY MANAGEMENT PLANS**

Existing DEEP regulations authorize the commissioner to issue declarations setting or adjusting closed seasons and length, creel, and trip limits to comply with interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or U.S. Department of Commerce (Conn. Agencies Regs., § 26-159a-22). Currently, the regulations limit these declarations’ maximum duration to 120 days (or 240 days if the commissioner has published a notice of intent to amend the regulation). The bill instead requires that these declarations remain in effect until new ones are made or the regulation is amended.

#### **§ 5 — COMMERCIAL FISHING LICENSE TRANSFERS**

Existing law allows the DEEP commissioner to temporarily reissue certain commercial fishing licenses (i.e. principal or general commercial fishing licenses and commercial lobster pot fishing licenses) if (1) the license holder either becomes temporarily incapacitated and unable to fish or operate a vessel or (2) an immediate family member’s medical situation prevents the licensee from fishing. The bill requires the licensee to submit a written request for the reissuance and include a medical note from the applicable treating practitioner. The bill also defines “temporary incapacitation” as a reported physical or mental illness or injury that will affect a person for a limited period.

Under current law, the temporary license is valid for the duration of the licensee’s incapacity or family member’s medical situation. Under

the bill, the temporary license is instead valid for the remainder of the calendar year in which it is issued and the licensee may renew the license and reapply for a temporary transfer license if the incapacity or medical situation continues.

The bill also makes a clarifying change to the law that allows the DEEP commissioner to permanently transfer a commercial fishing license to another person if the original licensee, among other requirements, reported landings to the commissioner for at least 30 fishing days in each year. The bill specifies that these landings must be license-specific.

## **§ 6 — CHEAPR PROGRAM**

By law, the CHEAPR program gives rebates and vouchers to residents, municipalities, businesses, nonprofits, and tribal entities that buy or lease new or used battery electric vehicles, plug-in hybrid vehicles, and fuel cell electric vehicles. CHEAPR rebate or voucher amounts are set administratively by DEEP, subject to certain statutory parameters.

Under current law, DEEP must prioritize the rebates or vouchers to residents (1) of environmental justice communities, (2) with household incomes at or below 300% of the federal poverty level, or (3) who participate in specified state and federal assistance programs. Current law also requires the rebate or voucher amounts for environmental justice community residents to be at least triple the standard amount (200% more than the standard).

The bill (1) eliminates the requirement that the rebates and vouchers be prioritized for residents of environmental justice communities and (2) requires the rebate or voucher amounts for income-qualified residents be at least double the standard amount (200% of the standard). Under the bill, after prioritizing income-qualified residents, the commissioner may then prioritize rebates or vouchers to environmental justice community residents, so long as those rebates or vouchers are less than those provided to income-qualified residents.

By law, an “environmental justice community” is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality (CGS § 22a-20a).

## **§§ 7-14 — REPEAL OF DEFUNCT OR OBSOLETE PROGRAMS**

The bill eliminates the following defunct programs and statutes:

1. the Face of Connecticut account for acquiring, restoring, or managing specific types of property and related Face of Connecticut Steering Committee which determines how the commissioner spends the account’s funds;
2. the municipal solid waste recycling program (which among other things authorizes grants to municipalities and regional organizations for recycling facilities) and the related advisory council charged with helping the DEEP commissioner implement the program;
3. the Lobster Restoration Advisory Committee, charged with advising the DEEP commissioner on developing a lobster v-notch conservation program to enhance the Long Island Sound’s lobster stock; and
4. the Natural Area Preserves Advisory Committee, charged with advising the DEEP commissioner on acquiring, designating, and maintaining natural preserve areas, among other things.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 32      Nay 0      (03/24/2025)