



General Assembly

January Session, 2019

**Committee Bill No. 5318**

LCO No. 3392



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 Section 16-50j of the general statutes is repealed and the  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, 2019*):

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  
6 only.

7 (b) Except for proceedings under chapter 445, this subsection and  
8 subsection (c) of this section, the council shall consist of: (1) The  
9 Commissioner of Energy and Environmental Protection, or his  
10 designee; (2) the chairperson of the Public Utilities Regulatory  
11 Authority, or the chairperson's designee; (3) one designee of the  
12 speaker of the House and one designee of the president pro tempore of  
13 the Senate; and (4) five members of the public, to be appointed by the  
14 Governor, at least two of whom shall be experienced in the field of  
15 ecology, and not more than one of whom shall have affiliation, past or

16 present, with any utility or governmental utility regulatory agency, or  
17 with any person owning, operating, controlling, or presently  
18 contracting with respect to a facility, a hazardous waste facility, as  
19 defined in section 22a-115, or an ash residue disposal area.

20 (c) For proceedings under chapter 445, subsection (b) of this section  
21 and this subsection, the council shall consist of (1) the Commissioners  
22 of Public Health and Emergency Services and Public Protection or their  
23 designated representatives; (2) the designees of the speaker of the  
24 House of Representatives and the president pro tempore of the Senate  
25 as provided in subsection (b) of this section; (3) the five members of the  
26 public as provided in subsection (b) of this section; and (4) four ad hoc  
27 members, three of whom shall be electors from the municipality in  
28 which the proposed facility is to be located and one of whom shall be  
29 an elector from a neighboring municipality likely to be most affected  
30 by the proposed facility. The municipality most affected by the  
31 proposed facility shall be determined by the permanent members of  
32 the council. If any one of the five members of the public or of the  
33 designees of the speaker of the House of Representatives or the  
34 president pro tempore of the Senate resides (A) in the municipality in  
35 which a hazardous waste facility is proposed to be located for a  
36 proceeding concerning a hazardous waste facility or in which a low-  
37 level radioactive waste facility is proposed to be located for a  
38 proceeding concerning a low-level radioactive waste facility, or (B) in  
39 the neighboring municipality likely to be most affected by the  
40 proposed facility, the appointing authority shall appoint a substitute  
41 member for the proceedings on such proposal. If any appointee is  
42 unable to perform his duties on the council due to illness, or has a  
43 substantial financial or employment interest which is in conflict with  
44 the proper discharge of his duties under this chapter, the appointing  
45 authority shall appoint a substitute member for proceedings on such  
46 proposal. An appointee shall report any substantial financial or  
47 employment interest which might conflict with the proper discharge of  
48 his duties under this chapter to the appointing authority who shall  
49 determine if such conflict exists. If any state agency is the applicant, an

50 appointee shall not be deemed to have a substantial employment  
51 conflict of interest because of employment with the state unless such  
52 appointee is directly employed by the state agency making the  
53 application. Ad hoc members shall be appointed by the chief elected  
54 official of the municipality they represent and shall continue their  
55 membership until the council issues a letter of completion of the  
56 development and management plan to the applicant.

57 (d) For proceedings involving any electric distribution company, in  
58 addition to the membership provided for in subsection (b) of this  
59 section, the council shall consist of one elector from each municipality  
60 in which such facility is proposed to be located. Each such member  
61 shall serve as a nonvoting member for purposes of such proceeding.

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

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

73 ~~[(f)]~~ (g) The council shall, in addition to its other duties prescribed in  
74 this chapter, adopt, amend, or rescind suitable regulations to carry out  
75 the provisions of this chapter and the policies and practices of the  
76 council in connection therewith, and appoint and prescribe the duties  
77 of such staff as may be necessary to carry out the provisions of this  
78 chapter. The chairman of the council, with the consent of five or more  
79 other members of the council, may appoint an executive director, who  
80 shall be the chief administrative officer of the Connecticut Siting  
81 Council. The executive director shall be exempt from classified service.

82 [(g)] (h) Prior to commencing any hearing pursuant to section 16-  
83 50m, the council shall consult with and solicit written comments from  
84 (1) the Department of Energy and Environmental Protection, the  
85 Department of Public Health, the Council on Environmental Quality,  
86 the Department of Agriculture, the Public Utilities Regulatory  
87 Authority, the Office of Policy and Management, the Department of  
88 Economic and Community Development and the Department of  
89 Transportation, and (2) in a hearing pursuant to section 16-50m, for a  
90 facility described in subdivision (3) of subsection (a) of section 16-50i,  
91 the Department of Emergency Services and Public Protection, the  
92 Department of Consumer Protection, the Department of  
93 Administrative Services and the Labor Department. Copies of such  
94 comments shall be made available to all parties prior to the  
95 commencement of the hearing. Subsequent to the commencement of  
96 the hearing, said departments and council may file additional written  
97 comments with the council within such period of time as the council  
98 designates. All such written comments shall be made part of the record  
99 provided by section 16-50o. Said departments and council shall not  
100 enter any contract or agreement with any party to the proceedings or  
101 hearings described in this section or section 16-50p that requires said  
102 departments or council to withhold or retract comments, refrain from  
103 participating in or withdraw from said proceedings or hearings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	16-50j

**Statement of Purpose:**

To establish local representation via nonvoting members of the Siting Council for certain projects.

*[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.]*

Co-Sponsors: REP. HARDING, 107th Dist.; REP. ALLIE-BRENNAN, 2nd Dist.

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