



General Assembly

February Session, 2024

Substitute Bill No. 383



AN ACT CONCERNING THE EFFECT OF OFFSHORE WIND FACILITIES ON STATE FISHERIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16a-3n of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2024*):

4 (a) (1) The Commissioner of Energy and Environmental Protection,
5 in consultation with the procurement manager identified in subsection
6 (l) of section 16-2, the Office of Consumer Counsel and the Attorney
7 General, may, in coordination with other states in the control area of the
8 regional independent system operator, as defined in section 16-1, in
9 coordination with states in a neighboring control area or on behalf of
10 Connecticut alone, solicit proposals, in one solicitation or multiple
11 solicitations, from providers of energy derived from offshore wind
12 facilities that are Class I renewable energy sources, as defined in section
13 16-1, and any associated transmission, provided the commissioner shall
14 initiate a solicitation not later than fourteen days after the effective date
15 of this section for projects that have a total nameplate capacity rating of
16 up to two thousand megawatts in the aggregate. Any such solicitation
17 or solicitations issued pursuant to this section on and after January 1,
18 2020, shall be for quantities of energy and within the timing and
19 schedule determined by the commissioner, and may be informed by the
20 Integrated Resources Plan prepared on or before January 1, 2020,

21 pursuant to subsections (b) and (j) of section 16a-3a, provided such
22 schedule shall provide for the solicitation of resources with a nameplate
23 capacity rating of two thousand megawatts in the aggregate by
24 December 31, 2030.

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

34 (3) (A) On and after July 1, 2024, the Commissioner of Energy and
35 Environmental Protection shall include requirements for contract
36 commitments in selected bids that require bidders selected pursuant to
37 subsection (b) of this section, including any providers of associated
38 transmission, to make payments into a mitigation fund to mitigate
39 adverse consequences to wildlife, fisheries and any other aspects of the
40 fishing industry that result from activities connected with the
41 development and operation of offshore wind facilities by the selected
42 bidders.

43 (B) Any providers of energy derived from offshore wind facilities that
44 submit bids selected pursuant to subsection (b) of this section on or after
45 July 1, 2024, shall make an initial payment of two million dollars into the
46 mitigation fund established pursuant to this subdivision not later than
47 the date such providers first enter into any power purchase agreement
48 pursuant to subsection (c) of this section. Thereafter, such providers and
49 any providers of associated transmission shall jointly make payments
50 for each kilowatt hour of electricity generated by such providers'
51 offshore wind facilities for the duration of such power purchase
52 agreement. The amount of such payments shall be determined by the
53 mitigation fund manager selected pursuant to subparagraph (D) of this

54 subdivision and shall be approved by the Public Utilities Regulatory
55 Authority pursuant to 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 consist of the following members: (i) The Division
60 Director of the Wildlife Division of the Department of Energy and
61 Environmental Protection, or the division director's designee; (ii) the
62 Division Director of the Fisheries Division of the Department of Energy
63 and Environmental Protection, or the division director's designee; (iii) a
64 member of the commission on environmental standards established
65 pursuant to subdivision (5) of this subsection, who shall be appointed
66 by the Commissioner of Energy and Environmental Protection; (iv) the
67 Secretary of the Office of Policy and Management, or the secretary's
68 designee; (v) a representative of a provider of energy derived from
69 offshore wind facilities, who shall be appointed by the speaker of the
70 House of Representatives; (vi) a representative of a company that
71 provides electric transmission, who shall be appointed by the president
72 pro tempore of the Senate; (vii) a representative of the fishing industry,
73 who shall be appointed by the minority leader of the House of
74 Representatives; and (viii) a representative of a nonprofit organization
75 that advocates for the protection of wildlife, who shall be appointed by
76 the minority leader of the Senate. The committee shall oversee the
77 mitigation fund manager selected pursuant to subparagraph (D) of this
78 subdivision and shall develop the duties and qualifications of such
79 mitigation fund manager. Such qualifications shall include, but need not
80 be limited to, having: (I) Knowledge of offshore fishing; (II) knowledge
81 of fishing rules and regulations; (III) expertise concerning wildlife; (IV)
82 a general knowledge of the offshore wind energy industry; (V) financial
83 fund management experience; and (VI) an ability to manage claims.

84 (D) Not later than October 1, 2024, the Commissioner of
85 Administrative Services shall issue a request for proposals to hire an
86 independent contractor that shall serve as mitigation fund manager for
87 the mitigation fund established pursuant to this subdivision. The

88 request for proposals shall describe the qualifications and duties for the
89 position developed by the Offshore Wind Energy Mitigation Fund
90 Oversight Committee pursuant to subparagraph (C) of this subdivision
91 and shall describe and specify the oversight relationship between said
92 committee and the mitigation fund manager. In such request for
93 proposals, the Commissioner of Administrative Services may require
94 that such mitigation fund manager be a nonprofit organization. The
95 Commissioner of Administrative Services shall establish deadlines for
96 the submission and selection of proposals pursuant to this
97 subparagraph, provided the commissioner selects the mitigation fund
98 manager before the date of the first required payment into such
99 mitigation fund by any provider of energy derived from offshore wind
100 facilities.

101 (E) The mitigation fund manager selected pursuant to subparagraph
102 (D) of this subdivision shall determine a required payment per kilowatt
103 hour that is sufficient to meet anticipated distributions, as determined
104 by the mitigation fund manager. Such required payment per kilowatt
105 hour shall be subject to review and approval by the Public Utilities
106 Regulatory Authority. The mitigation fund manager shall determine the
107 method of collecting such required payment per kilowatt hour.

108 (F) The mitigation fund manager shall determine the manner of
109 distributing funds from the mitigation fund. Such mitigation fund
110 manager may make distributions from the mitigation fund to any
111 person or entity harmed by the adverse consequences to wildlife,
112 fisheries and any other aspects of the fishing industry from activities
113 connected with the development and operation of the offshore wind
114 facilities, as determined by the mitigation fund manager.

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

118 [(3)] (4) (A) In responding to any solicitations issued pursuant to this
119 section, a bidder shall include an environmental and fisheries mitigation

120 plan for the construction and operation of such offshore wind facilities,
121 provided such plan shall include, but not be limited to, an explicit
122 description of the best management practices the bidder will employ
123 that are informed by the latest science at the time the proposal is made
124 that will avoid, minimize and mitigate any impacts to wildlife, natural
125 resources, ecosystems and traditional or existing water-dependent uses,
126 including, but not limited to, commercial fishing.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	16a-3n(a)

Statement of Legislative Commissioners:

Subsec. (a)(3) was rewritten for clarity.

ET *Joint Favorable Subst. -LCO*