

General Assembly

Raised Bill No. 5232

February Session, 2024

LCO No. 1742



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:

(ET)

AN ACT CONCERNING SOLAR PROJECTS THROUGHOUT THE STATE.

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

- 1 Section 1. Subdivision (57) of section 12-81 of the 2024 supplement to
- 2 the general statutes is repealed and the following is substituted in lieu
- 3 thereof (*Effective October 1, 2024*):
- 4 (57) (A) (i) Any Class I renewable energy source, as defined in section
- 5 16-1, or hydropower facility described in subdivision (21) of subsection
- 6 (a) of section 16-1, installed for the generation of electricity where such
- 7 electricity is intended for private residential use or on a farm, as defined
- 8 in subsection (q) of section 1-1, provided (I) such installation occurs on
- 9 or after October 1, 2007, (II) the estimated annual production of such
- source or facility does not exceed the estimated annual load for the
- 11 location where such source or facility is located, where such load and
- 12 production are estimated as of the date of installation of the source or
- 13 facility as indicated in the written application filed pursuant to
- subparagraph [(E)] (F) of this subdivision, and (III) such installation is
- 15 for a single family dwelling, a multifamily dwelling consisting of two to

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four units or a farm; (ii) any passive or active solar water or space heating system; or (iii) any geothermal energy resource. In the case of clause (i) of this subparagraph, the utilization of or participation in any net metering or tariff policy or program implemented by the state or ownership of such source or facility by a party other than the owner of the real property upon which such source or facility is installed shall not disqualify such source or facility from exemption pursuant to this section. In the case of clause (ii) or (iii) of this subparagraph, such exemption shall apply only to the amount by which the assessed valuation of the real property equipped with such system or resource exceeds the assessed valuation of such real property equipped with the conventional portion of the system or resource;

(B) For assessment years commencing on and after October 1, 2013, any Class I renewable energy source, as defined in section 16-1, hydropower facility described in subdivision (21) of subsection (a) of section 16-1, or solar thermal or geothermal renewable energy source, installed for generation or displacement of energy, provided (i) such installation occurs on or after January 1, 2010, (ii) such installation is for commercial or industrial purposes, (iii) the nameplate capacity of such source or facility does not exceed the load for the location where such generation or displacement is located, and (iv) such source or facility is located in a distressed municipality, as defined in section 32-9p, with a population between one hundred twenty-five thousand and one hundred thirty-five thousand;

(C) For assessment years commencing on and after October 1, 2013, any municipality may, upon approval by its legislative body or in any town in which the legislative body is a town meeting, by the board of selectmen, abate up to one hundred per cent of property tax for any Class I renewable energy source, as defined in section 16-1, hydropower facility described in subdivision (21) of subsection (a) of section 16-1, or solar thermal or geothermal renewable energy source, installed for generation or displacement of energy, provided (i) such installation occurs between January 1, 2010, and December 31, 2013, (ii) such installation is for commercial or industrial purposes, (iii) the nameplate

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capacity of such source or facility does not exceed the load for the location where such generation or displacement is located, and (iv) such source or facility is not located in a municipality described in subparagraph (B) of this subdivision;

(D) For assessment years commencing on and after October 1, 2014, any (i) Class I renewable energy source, as defined in section 16-1, other than a nuclear power generating facility, (ii) hydropower facility described in subdivision (21) of subsection (a) of section 16-1, or (iii) solar thermal or geothermal renewable energy source, installed for generation or displacement of energy, provided (I) such installation occurs on or after January 1, 2014, (II) is for commercial or industrial purposes, (III) the nameplate capacity of such source or facility does not exceed the load for the location where such generation or displacement is located or the aggregated load of the beneficial accounts for any Class I renewable energy source participating in virtual net metering pursuant to section 16-244u, and (IV) in the case of clause (iii) of this subparagraph, such exemption shall apply only to the amount by which the assessed valuation of the real property equipped with such source exceeds the assessed valuation of such real property equipped with the conventional portion of the source;

(E) For assessment years commencing on and after October 1, 2024, any Class I renewable energy source consisting of equipment and devices that have the primary purpose of collecting solar energy and generating electricity by photovoltaic effect.

[(E)] (F) Any person claiming [the] an exemption provided in this subdivision for any assessment year shall, on or before the first day of November in such assessment year, file with the assessor or board of assessors in the town in which such hydropower facility, Class I renewable energy source, solar thermal or geothermal renewable energy source or passive or active solar water or space heating system or geothermal energy resource is located, a written application claiming such exemption. Such application shall be made on a form prepared for such purpose by the Secretary of the Office of Policy and Management,

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in consultation with the Connecticut Association of Assessing Officers and the Connecticut Green Bank established pursuant to section 16-245n, as amended by this act, and shall include, but not be limited to, a statement of the estimated annual load and production of a source or facility described in clause (i) of subparagraph (A) of this subdivision as of the date of the installation of such source or facility. Said secretary shall make such application available to the public on the Internet web site of the Office of Policy and Management. Failure to file such application in the manner and form as provided by the secretary within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such hydropower facility, Class I renewable energy source, solar thermal or geothermal renewable energy source or passive or active solar water or space heating system or geothermal energy resource is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered source, is filed and the right to such exemption is established as required initially. [In the event that] If a person owns more than one such source or facility in a municipality, such person may file a single application identifying each source or facility. On and after October 1, 2024, the provisions of this subparagraph shall not apply to any owner of any Class I renewable energy source consisting of equipment and devices that have the primary purpose of collecting solar energy and generating electricity by photovoltaic effect;

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[(F)] (G) For assessment years commencing on and after October 1, 2015, any municipality may, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, abate up to one hundred per cent of the property taxes due for any tax year, for not longer than the term of the power purchase agreement, with respect to any Class I renewable energy source, as defined in section 16-1, that is the subject of such power purchase agreement approved by the Public Utilities Regulatory

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- 117 Authority pursuant to section 16a-3f;
- (H) On and after October 1, 2024, the exemptions in subparagraphs
- 119 (D)(i) and (E) of this subdivision shall apply only to equipment and
- devices that have the primary purpose of generating electricity. Such
- 121 exemptions shall not apply to any real property on which such
- 122 equipment and devices are located or installed. In the case of equipment
- and devices that have the primary purpose of collecting solar energy
- and generating electricity by photovoltaic effect, on and after October 1,
- 125 2024, all such equipment and facilities shall be considered tangible
- 126 personal property under section 12-41;
- 127 Sec. 2. (NEW) (Effective October 1, 2024) (a) As used in this section:
- 128 (1) "Solar photovoltaic system" means equipment and devices that
- 129 (A) have the primary purpose of collecting solar energy and generating
- electricity by photovoltaic effect, (B) have a nameplate capacity greater
- than two megawatts of electricity, (C) are approved on or after October
- 132 1, 2024, by (i) the Connecticut Siting Council, or (ii) the zoning
- 133 commission or other final zoning authority of each municipality in
- which such equipment and devices are located, if such equipment and
- devices are not subject to approval by the Connecticut Siting Council,
- and (D) the nameplate capacity of such equipment and devices exceeds
- the load for the location where such generation is located;
- 138 (2) "Municipality" means any town, city, consolidated town and city
- or consolidated town and borough; and
- 140 (3) "Uniform solar capacity tax year" means the annual accounting
- 141 period used to calculate the tax under this section, consisting of a
- twelve-month period commencing on October first and ending the
- 143 following September thirtieth.
- (b) Except as provided in subsection (h) of this section, for uniform
- solar capacity tax years commencing on and after October 1, 2024, each
- person that owns a solar photovoltaic system in the state for generation
- or displacement of energy shall pay an annual tax to the department of

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- finance of each municipality in which the system or any part thereof is 149 located, or, if the municipality does not have a department of finance, to 150 the tax collector for such municipality. The tax shall be the product of 151 eight thousand dollars multiplied by the number of megawatts of
- 152 nameplate capacity for each such system. If a solar photovoltaic system
- 153 has multiple owners, each owner shall be jointly and severally liable for
- 154 the tax owed pursuant to this section.

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- 155 (c) Not later than October 31, 2024, the department of finance in each 156 municipality, or, for any municipality that does not have a department 157 of finance, the tax collector of such municipality, shall prescribe and 158 furnish a form for such tax. The tax imposed under this section shall be 159 due and payable on the due date or due dates of such return, as 160 determined by the department of finance or tax collector, as applicable. 161 The department of finance or tax collector, as applicable, may require a 162 single annual payment of the tax imposed under this section or may 163 require semiannual or quarterly installments of such payment.
- 164 (d) The revenues produced by the tax imposed under this section 165 shall become part of the general revenue of the municipality in which 166 the tax is paid.
 - (e) If a solar photovoltaic system is located in more than one municipality, the tax shall be allocated between or among the municipalities in proportion to the nameplate capacity of the solar photovoltaic system located in each municipality.
 - (f) Whenever the tax imposed under this section is not paid when due to the department of finance or tax collector, as applicable, in a municipality, interest at the rate of one and one-half per cent per month or fraction thereof shall accrue on such tax from the due date of such tax until the date of payment.
 - (g) Any person claiming to be aggrieved by the action of a department of finance or tax collector under this section may appeal the tax to the Superior Court. Any person appealing the tax that pays a portion of such tax during the pendency of such appeal and indicates

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- (h) (1) Any municipality acting through its board of selectmen, town council, court of common council or other legislative body shall have the power to enter into an agreement to freeze or stabilize the tax imposed under this section for any owner of a solar photovoltaic system located in such municipality, as provided in this subsection.
- (2) With respect to any photovoltaic system located in more than one municipality, such agreement shall only pertain to the tax that is allocated to the municipality that enters into such agreement, in accordance with the provisions of subsection (e) of this section.
- (i) For purposes of calculating the nameplate capacity of a solar photovoltaic system, the following shall be deemed to be part of the same solar photovoltaic system: (1) All equipment and devices that have the primary purpose of collecting solar energy and generating electricity by photovoltaic effect that are located on the same parcel; (2) all equipment and devices that have the primary purpose of collecting solar energy and generating electricity by photovoltaic effect that are located on land that the current owner of any part of such land subdivided into multiple parcels but was part of the same parcel prior to such subdivision; and (3) all equipment and devices that have the primary purpose of collecting solar energy and generating electricity by photovoltaic effect that are located on adjoining parcels. Nothing in this subsection shall be construed to limit tax liability or the definitions in subsection (a) of this section.
- Sec. 3. Subsection (a) of section 31-53d of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):
- 211 (a) As used in this section, unless the context otherwise requires:

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- 212 (1) "Covered project" means a renewable energy project with a total 213 nameplate capacity of [two megawatts] one megawatt or more that is 214 situated on land in the state, or, on and after January 1, 2025, a hydrogen 215 project. "Covered project" does not include (A) any renewable energy 216 project (i) selected in a competitive solicitation conducted by (I) the 217 Department of Energy and Environmental Protection, or (II) an electric 218 distribution company, as defined in section 16-1, and (ii) approved by 219 the Public Utilities Regulatory Authority prior to January 1, 2022, (B) 220 any renewable energy project under contract with another entity and 221 approved by the relevant regulatory authority, as applicable, prior to 222 January 1, 2022, or (C) any renewable energy project that commenced 223 construction before July 1, 2021;
- 224 (2) "Renewable energy project" means a Class I renewable energy 225 source, as defined in section 16-1. "Renewable energy project" does not 226 include any offshore wind facility procured pursuant to section 16a-3h, 227 16a-3m or 16a-3n;
- 228 (3) "Hydrogen project" means any project that produces, processes, 229 transports, stores or uses hydrogen;

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- (4) "Community benefits agreement" means an agreement between (A) the developer of a covered project, and (B) community-based organizations or a coalition of such organizations, that details the project's contributions to the community in which it is or will be sited and the aspects of the project that will mitigate adverse conditions of such community and create opportunities for local businesses, communities and workers;
- (5) "Labor organization" means any organization, other than a company union, that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection, including, but not limited to, (A) bona fide labor organizations that are certified or recognized as the organization of jurisdiction representing the workers involved, (B) bona fide building

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and construction trades councils or district councils, and (C) state and local labor federations comprised of local unions certified or recognized as the representative of the workers; and

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- (6) "Workforce development program" means a program pursuant to which newly hired employees and existing employees are given the opportunity to develop skills that will enable such employees to qualify for higher paying jobs on a covered project. A workforce development includes: (A) Apprenticeship training through apprenticeship program registered with the Labor Department or a federally recognized state apprenticeship agency that complies with the requirements under 29 CFR 29 and 29 CFR 30, as each may be amended from time to time, and (B) preapprenticeship training that will enable students to qualify for registered apprenticeship training.
- 257 Sec. 4. (Effective from passage) The Commissioner of Energy and 258 Environmental Protection shall conduct a study regarding community 259 solar programs in the state. Such study shall include, but need not be 260 limited to, a review of existing programs to promote community solar projects and any recommendations for new programs or initiatives to 262 promote community solar. The commissioner shall report the results of 263 the study, including any recommendations, to the joint standing 264 committee of the General Assembly having cognizance of matters 265 relating to energy and technology not later than January 1, 2025.
 - Sec. 5. (NEW) (Effective October 1, 2024) The state shall achieve: (1) Commencing January 1, 2025, and annually thereafter, the installation of not less than five hundred megawatts of capacity from new solar photovoltaic systems, with a priority of installing residential solar photovoltaic systems for low-income residents and residents of distressed municipalities, as defined in section 32-9p of the general statutes; and (2) not later than January 1, 2035, the installation of solar photovoltaic systems on the rooftops of two hundred fifty thousand residences or more.
- 275 Sec. 6. (NEW) (Effective July 1, 2024) (a) Notwithstanding any

LCO 1742 **9** of 15 provision of any municipal charter or ordinance, the planning commission, zoning commission or combined planning and zoning commission of each municipality shall amend any regulations adopted pursuant to subsection (a) of section 8-2 of the general statutes to establish a simplified approval process for any application to build a solar canopy, as defined in section 16-50i of the general statutes, in such municipality.

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- (b) Notwithstanding any provision of any municipal charter or ordinance, the planning commission, zoning commission or combined planning and zoning commission of each municipality shall approve or deny any land use application to build a solar canopy, as defined in section 16-50i of the general statutes, in such municipality not later than six months after the filing date of such application.
- Sec. 7. (Effective from passage) On or before January 1, 2025, the Department of Energy and Environmental Protection shall develop and approve a solar canopy strategic plan. The plan shall identify opportunities and potential sites for solar canopies in the state and shall prioritize the development of solar canopies in environmental justice communities, as defined in section 22a-20a of the general statutes. Such potential sites may include, but need not be limited to, parking lots in the state. The plan shall include an examination of different ways to promote solar canopies, including at schools, government buildings and parking lots, and shall include recommendations for policies, programs or regulations to promote the construction of solar canopies in the state, consistent with the greenhouse gas reduction goals established in section 22a-200a of the general statutes, the Integrated Resources Plan approved pursuant to section 16a-3a of the general statutes and the Comprehensive Energy Strategy prepared pursuant to section 16a-3d of the general statutes.
- Sec. 8. Subsection (c) of section 16-245n of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

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(c) (1) There is hereby created a Clean Energy Fund which shall be within the Connecticut Green Bank. The fund may receive any amount required by law to be deposited into the fund and may receive any federal funds as may become available to the state for clean energy investments. Upon authorization of the Connecticut Green Bank established pursuant to subsection (d) of this section, any amount in said fund may be used for expenditures that promote investment in clean energy in accordance with a comprehensive plan developed by it to foster the growth, development and commercialization of clean energy sources, related enterprises and stimulate demand for clean energy and deployment of clean energy sources that serve end use customers in this state and for the further purpose of supporting operational demonstration projects for advanced technologies that reduce energy use from traditional sources. Such expenditures may include, but not be limited to, providing low-cost financing and credit enhancement mechanisms for clean energy projects and technologies, reimbursement of the operating expenses, including administrative expenses incurred by the Connecticut Green Bank and capital costs incurred by the Connecticut Green Bank in connection with the operation of the fund, the implementation of the plan developed pursuant to subsection (d) of this section or the other permitted activities of the Connecticut Green Bank, disbursements from the fund to develop and carry out the plan developed pursuant to subsection (d) of this section, grants, direct or equity investments, contracts or other actions which support research, development, manufacture, commercialization, deployment and installation of clean energy technologies, and actions which expand the expertise of individuals, businesses and lending institutions with regard to clean energy technologies. No amount in the fund shall be used to offer, advertise, market or provide any financing or development services concerning any commercial project if companies or persons, as such terms are defined in section 12-1, in the private sector currently provide such services for such a project, unless such project is developed pursuant to the commercial sustainable energy program under section 16a-40g, as amended by this act.

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(2) (A) There is hereby created an Environmental Infrastructure Fund which shall be within the Connecticut Green Bank. The fund may receive any amount required by law to be deposited into the fund and may receive any federal funds as may become available to the state for environmental infrastructure investments, except that the fund shall not receive: (i) Ratepayer or Regional Greenhouse Gas Initiative funds, (ii) funds that have been deposited in, or are required to be deposited in, an account of the Clean Water Fund pursuant to sections 22a-475 to 22a-483f, inclusive, or (iii) funds collected from a water company, as defined in section 25-32a.

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(B) Upon authorization of the Connecticut Green Bank established pursuant to subsection (d) of this section, any amount in said fund may be used for expenditures that promote investment in environmental infrastructure in accordance with a comprehensive plan developed by it to foster the growth, development, commercialization and, where applicable, preservation of environmental infrastructure and related enterprises, except any project or purpose eligible for funding pursuant to sections 22a-475 to 22a-483f, inclusive. Such expenditures may include, but not be limited to, providing low-cost financing and credit mechanisms enhancement for projects and technologies, reimbursement of the operating expenses, including administrative expenses incurred by the Connecticut Green Bank, and capital costs incurred by the Connecticut Green Bank in connection with the operation of the fund, the implementation of the plan developed pursuant to subsection (d) of this section or the other permitted activities of the Connecticut Green Bank, disbursements from the fund to develop and carry out the plan developed pursuant to subsection (d) of this section, grants, direct or equity investments, contracts or other actions which support research, development, manufacture, commercialization, deployment and installation of environmental infrastructure and actions which expand the expertise of individuals, businesses and lending institutions with regard to environmental infrastructure. No amount in the fund shall be used to offer, advertise, market or provide any financing or development services concerning

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- 376 any commercial project if companies in the private sector currently
- 377 provide such services for such a project, unless such project is developed
- 378 pursuant to the commercial sustainable energy program under section
- 379 <u>16a-40g</u>, as amended by this act.
- Sec. 9. Subsection (b) of section 16a-40g of the general statutes is
- repealed and the following is substituted in lieu thereof (*Effective October*)
- 382 1, 2024):
- 383 (b) (1) The bank shall establish a commercial sustainable energy
- 384 program in the state, and in furtherance thereof, is authorized to make
- appropriations for and issue bonds, notes or other obligations for the
- 386 purpose of financing, (A) energy improvements; (B) related energy
- audits; (C) renewable energy system feasibility studies; and (D)
- 388 verification reports of the installation and effectiveness of such
- improvements. The bonds, notes or other obligations shall be issued in
- accordance with legislation authorizing the bank to issue bonds, notes
- 391 or other obligations generally. Such bonds, notes or other obligations
- may be secured as to both principal and interest by a pledge of revenues
- 393 to be derived from the commercial sustainable energy program,
- including revenues from benefit assessments on qualifying commercial
- real property, as authorized in this section.
- 396 (2) When the bank has made appropriations for energy
- 397 improvements for qualifying commercial real property or other costs of
- 398 the commercial sustainable energy program, including interest costs
- 399 and other costs related to the issuance of bonds, notes or other
- 400 obligations to finance the appropriation, the bank may require the
- 401 participating municipality in which the qualifying commercial real
- 402 property is located to levy a benefit assessment against the qualifying
- 403 commercial real property especially benefited thereby.
- 404 (3) The bank (A) shall develop program guidelines governing the
- 405 terms and conditions under which state and third-party capital provider
- 406 financing may be made available to the commercial sustainable energy
- 407 program, including, in consultation with representatives from the

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banking industry, municipalities and property owners, developing the parameters for consent by existing mortgage holders and may serve as an aggregating entity for the purpose of securing state or private thirdparty capital provider financing for energy improvements pursuant to this section, (B) shall establish the position of commercial sustainable energy program liaison within the bank, (C) may establish a loan loss reserve or other credit enhancement program for qualifying commercial real property, (D) may use the services of one or more private, public or quasi-public third-party administrators to administer, provide support or obtain financing for the commercial sustainable energy program, (E) shall adopt standards to determine whether the combined projected energy cost savings and other associated savings of the energy improvements over the useful life of such improvements exceed the costs of such improvements, except that such standards shall not apply to the installation of refueling infrastructure for zero-emission vehicles, [or] resilience improvements adopted under this section or expansions or upgrades to an existing renewable energy system, and (F) may encourage third-party capital providers to provide financing, leases and power purchase agreements directly to benefited property owners in lieu of or in addition to the bank providing such loans.

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(4) The bank shall consult with the Department of Energy and Environmental Protection and the Connecticut Institute for Resilience and Climate Adaptation to develop program eligibility criteria for financing of resilience improvements, consistent with state environmental resource protection and community resilience goals.

Sec. 10. (*Effective from passage*) The Department of Energy and Environmental Protection, in consultation with the Department of Administrative Services, shall study the feasibility of adapting the Lead by Example program established pursuant to section 16a-37x of the general statutes, to establish a standardized contract process for the installation of solar photovoltaic systems by state agencies and municipalities and to make resources available to assist municipalities that want to deploy solar photovoltaic systems at publicly owned sites in such municipalities. The commissioner shall report, in accordance

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with the provisions of section 11-4a of the general statutes, the results of the study, including any recommendations, to the joint standing committee of the General Assembly having cognizance of matters relating to energy and technology not later than January 1, 2025.

Sec. 11. Section 16-245aa of the general statutes is repealed. (*Effective October 1, 2024*)

| This act shall take effect as follows and shall amend the following sections: | | |
|---|-----------------|------------------|
| Section 1 | October 1, 2024 | 12-81(57) |
| Sec. 2 | October 1, 2024 | New section |
| Sec. 3 | October 1, 2024 | 31-53d(a) |
| Sec. 4 | from passage | New section |
| Sec. 5 | October 1, 2024 | New section |
| Sec. 6 | July 1, 2024 | New section |
| Sec. 7 | from passage | New section |
| Sec. 8 | October 1, 2024 | 16-245n(c) |
| Sec. 9 | October 1, 2024 | 16a-40g(b) |
| Sec. 10 | from passage | New section |
| Sec. 11 | October 1, 2024 | Repealer section |

ET Joint Favorable

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