



General Assembly

February Session, 2000

**Amendment**

LCO No. 3700

Offered by:

REP. BACKER, 121<sup>st</sup> Dist.

REP. MADDUX, 66<sup>th</sup> Dist.

To: Subst. House Bill No. 5754

File No. 308

Cal. No. 247

***"An Act Encouraging Fuel Cell Technology."***

1 Strike out everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Subsection (a) of section 16-50k of the general statutes is repealed  
4 and the following is substituted in lieu thereof:

5 (a) Except as provided in subsection (b) of section 16-50z, no person  
6 shall exercise any right of eminent domain in contemplation of,  
7 commence the preparation of the site for, or commence the  
8 construction or supplying of a facility, or any modification of a facility,  
9 that may, as determined by the council, have a substantial adverse  
10 environmental effect, in the state without having first obtained a  
11 certificate of environmental compatibility and public need, hereinafter  
12 referred to as a "certificate", issued with respect to such facility or  
13 modification by the council. Any facility with respect to which a  
14 certificate is required shall thereafter be built, maintained and operated  
15 in conformity with such certificate and any terms, limitations or  
16 conditions contained therein. Notwithstanding the provisions of this

17 subsection, the council shall, in the exercise of its jurisdiction over the  
18 siting of generating facilities, approve by declaratory ruling (1) the  
19 construction of a facility solely for the purpose of generating electricity  
20 other than an electric generating facility that uses nuclear materials or  
21 coal as fuel, at a site where an electric generating facility operated prior  
22 to July 1, 1998, and (2) the construction or location of any fuel cell over  
23 ten kilowatts, unless the council finds a substantial adverse  
24 environmental effect."