



General Assembly

February Session, 2002

**Raised Bill No. 154**

LCO No. 516

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

**AN ACT CONCERNING STATE APPROVAL OF MUNICIPALLY APPROVED TELECOMMUNICATIONS TOWERS.**

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

1 Section 1. Subsection (a) of section 16-50k of the general statutes, as  
2 amended by section 7 of public act 01-49, is repealed and the following  
3 is substituted in lieu thereof (*Effective July 1, 2002*):

4 (a) Except as provided in subsection (b) of section 16-50z, no person  
5 shall exercise any right of eminent domain in contemplation of,  
6 commence the preparation of the site for, or commence the  
7 construction or supplying of a facility, or commence any modification  
8 of a facility, that may, as determined by the council, have a substantial  
9 adverse environmental effect in the state without having first obtained  
10 a certificate of environmental compatibility and public need,  
11 hereinafter referred to as a "certificate", issued with respect to such  
12 facility or modification by the council, except fuel cells with a  
13 generating capacity of ten kilowatts or less which shall not require  
14 such certificate. Any facility with respect to which a certificate is  
15 required shall thereafter be built, maintained and operated in  
16 conformity with such certificate and any terms, limitations or

17 conditions contained therein. Notwithstanding the provisions of this  
18 subsection, the council shall, in the exercise of its jurisdiction over the  
19 siting of generating facilities, approve by declaratory ruling (1) the  
20 construction of a facility solely for the purpose of generating  
21 electricity, other than an electric generating facility that uses nuclear  
22 materials or coal as fuel, at a site where an electric generating facility  
23 operated prior to July 1, 1998, and (2) the construction or location of  
24 any fuel cell, unless the council finds a substantial adverse  
25 environmental effect. Notwithstanding the provisions of this  
26 subsection, the council shall, in the exercise of its jurisdiction over the  
27 siting of telecommunications facilities, approve by declaratory ruling  
28 the construction of a telecommunications tower that had been  
29 approved or permitted by the site municipality prior to the effective  
30 date of this act, unless the council finds that the facility would have a  
31 substantial adverse environmental effect, there is insufficient public  
32 need for telecommunications tower, as provided in section 16-50g, or  
33 the site municipality's decision conflicts with the tower sharing policies  
34 pursuant to section 16-50aa.

This act shall take effect as follows:	
Section 1	July 1, 2002

**Statement of Purpose:**

To authorize the siting council to use a streamlined regulatory petition mechanism to approve telecommunications towers that have been previously approved by municipal regulators.

*[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.]*