



General Assembly

Substitute Bill No. 154

February Session, 2002

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2 amended by section 7 of public act 01-49, is repealed and the following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 from passage*):

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 municipality in which the tower is
30 located before December 17, 2001, unless the council finds that the
31 telecommunications tower would have a substantial adverse
32 environmental effect, there is insufficient public need for the
33 telecommunications tower, as provided in section 16-50g, or the site
34 municipality's decision conflicts with the tower sharing policies
35 provided for in section 16-50aa.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

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Joint Favorable Subst. C/R

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