



General Assembly

Amendment

January Session, 2007

LCO No. 7129

HB0592707129HDO

Offered by:

REP. FONTANA, 87th Dist.
REP. WILLIAMS, 68th Dist.
REP. MUSHINSKY, 85th Dist.
REP. FRITZ, 90th Dist.

To: House Bill No. 5927

File No. 128

Cal. No. 162

"AN ACT CONCERNING CELLULAR TOWERS IN RESIDENTIAL ZONES."

-
- 1 In line 6, after "and" insert "shall contain"
 - 2 Strike lines 17 and 18 in their entirety
 - 3 In line 19, strike "(a)"
 - 4 In line 20, strike "16-50p" and insert "16-50l" in lieu thereof
 - 5 Strike lines 25 to 30 in their entirety
 - 6 After the last section, add the following and renumber sections and
 - 7 internal references accordingly:
 - 8 "Sec. 501. Subsection (a) of section 16-50x of the general statutes is
 - 9 repealed and the following is substituted in lieu thereof (*Effective from*
 - 10 *passage*):

11 (a) Notwithstanding any other provision of the general statutes, [to
12 the contrary,] except as provided in section 16-243, the council shall
13 have exclusive jurisdiction over the location and type of facilities and
14 over the location and type of modifications of facilities subject to the
15 provisions of subsection (d) of this section. When evaluating an
16 application for a telecommunication tower within a particular
17 municipality, the council shall consider any location preferences or
18 criteria (1) provided to the council pursuant to section 2 of this act, or
19 (2) that may exist in the zoning regulations of said municipality as of
20 the submission date of the application to the council. In ruling on
21 applications for certificates or petitions for a declaratory ruling for
22 facilities and on requests for shared use of facilities, the council shall
23 give such consideration to other state laws and municipal regulations
24 as it shall deem appropriate. Whenever the council certifies a facility
25 pursuant to this chapter, such certification shall satisfy and be in lieu of
26 all certifications, approvals and other requirements of state and
27 municipal agencies in regard to any questions of public need,
28 convenience and necessity for such facility.

29 Sec. 502. (NEW) (*Effective from passage*) As part of its supervision of
30 construction activity in connection with any transmission line project,
31 the Connecticut Siting Council may order such restoration or
32 revegetation of the right-of-way occupied by the overhead
33 transmission facilities approved with any transmission line project as it
34 deems necessary to promote the long-term restoration of vegetation in
35 portions of the right-of-way in residential areas where there has been a
36 significant and material loss of screening as a result of clearing
37 activities. Such restoration or revegetation orders shall be consistent
38 with all standards regarding required clearances between energized
39 conductors and vegetation and all standards regarding minimum
40 work distances for those working in proximity to conductors.

41 Sec. 503. Subdivision (1) of subsection (b) of section 16-50v of the
42 general statutes is repealed and the following is substituted in lieu
43 thereof (*Effective from passage*):

44 (b) (1) Before December thirty-first of each year, the council shall
45 review the anticipated amount of expenses attributable to energy
46 facilities for the next fiscal year, excluding expenses under subsection
47 (c), (d), (e), (g) or (h) of this section at a public meeting, notice of which
48 shall be given to each person subject to assessment under this
49 subsection, and at which interested persons shall be heard. After the
50 meeting, the council shall determine the anticipated amount of such
51 expenses and submit its determination to the joint standing committee
52 of the General Assembly having cognizance of appropriations and the
53 budgets of state agencies. After the committee completes its review,
54 the council shall apportion and assess the anticipated amount of
55 expenses among those persons having gross revenue from the sale of
56 electric power at retail in the state in excess of one hundred thousand
57 dollars during the preceding calendar year, in the proportion which
58 the gross revenue of each such person bears to the aggregate gross
59 revenues of all such persons. Each such person shall pay the
60 assessment in three equal installments on or before July thirty-first,
61 October thirty-first, and January thirty-first of the fiscal year. During
62 the fiscal year the council may further apportion and assess the
63 additional amount of such expenses as could not reasonably have been
64 anticipated prior to the fiscal year, apportioned in the same manner
65 after notice and hearing in the same manner. The total of such
66 assessments for any fiscal year shall not exceed one million five
67 hundred thousand dollars. No proceeds from any assessment under
68 this subsection may be used by the council after June 30, 1984, for any
69 proceedings concerning hazardous waste facilities.

70 Sec. 504. Subdivision (2) of subsection (b) of section 16-50v of the
71 general statutes is repealed and the following is substituted in lieu
72 thereof (*Effective from passage and applicable to the assessment period*
73 *commencing on or after July 1, 2006*):

74 (2) As used in this subdivision, "communications services" means
75 services involving transmitting or receiving signals in the
76 electromagnetic spectrum for a public or commercial purpose
77 pursuant to a Federal Communications Commission license. Before

78 December thirty-first of each year, the council shall review the
79 anticipated amount of administrative expenses attributable to facilities
80 used for providing communications services for the next fiscal year,
81 excluding expenses under subsection (c), (d), (e), (g) or (h) of this
82 section, at a public meeting, notice of which shall be given to each
83 person subject to assessment under this subsection, and at which
84 interested persons shall be heard. After the meeting, the council shall
85 determine the anticipated amount of such expenses and submit its
86 determination to the joint standing committee of the General Assembly
87 having cognizance of matters relating to appropriations and the
88 budgets of state agencies. The council shall apportion and assess the
89 anticipated amount of expenses equitably in proportion to the
90 [frequency of appearance, the degree of regulation required and the]
91 percentage of the council's [workload] direct costs, among those
92 persons [which] who (1) provide communications services or have
93 provided communications services facilities, and (2) have come before
94 the council in the preceding calendar year. Each such person shall pay
95 the assessment and submit a return, on a form prescribed by the
96 council, to the council in four equal installments, on or before July 1,
97 1994, and July thirty-first of each year thereafter, October 31, 1994, and
98 October thirty-first of each year thereafter, January 31, 1995, and
99 January thirty-first of each year thereafter, and April 30, 1995, and
100 April thirtieth of each year thereafter. The council shall transfer all
101 payments received pursuant to this section to the Treasurer who shall
102 credit such payments to the Siting Council Fund. Such payments shall
103 be considered administrative expenses recovered from
104 communications services providers.

105 Sec. 505. Section 16-50v of the general statutes is amended by
106 adding subsection (i) as follows (*Effective from passage*):

107 (NEW) (i) On and after January 1, 2008, with regard to any
108 assessment or other charge billed by the council pursuant to this
109 chapter, the council shall charge late fees or penalties at the rate of one
110 and one-half per cent per month against invoiced amounts not
111 received by the council within thirty days after the due date shown on

112 the council's invoice.

113 Sec. 506. Subsection (f) of section 16-50j of the general statutes is
114 repealed and the following is substituted in lieu thereof (*Effective July*
115 *1, 2007*):

116 (f) The public members of the council, including the chairman, the
117 members appointed by the speaker of the House and president pro
118 tempore of the Senate and the four ad hoc members specified in
119 subsection (c) of this section, shall be compensated for their attendance
120 at public hearings, executive sessions, or other council business as may
121 require their attendance at the rate of [one hundred fifty] two hundred
122 dollars, provided in no case shall the daily compensation exceed [one
123 hundred fifty] two hundred dollars. [The annual compensation for any
124 member for attending such hearings shall not exceed twelve thousand
125 dollars a year.]"