

STATE OF NEW YORK

4608

2007-2008 Regular Sessions

IN SENATE

April 19, 2007

Introduced by Sens. ALESI, FLANAGAN, LEIBELL, MORAHAN, PADAVAN, RATH, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT in relation to establishing the New York state task force on wind generating facilities siting and permitting policies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any provision of law to the contrary, there
2 is hereby established a moratorium upon the siting and permitting of
3 wind energy production facilities for a period of 18 months. During the
4 period this section is in effect, no wind energy production facilities
5 shall be constructed or commence operation in any municipality in this
6 state.

7 § 2. The New York state task force on wind generating facilities
8 siting and permitting policy is hereby established. 1. The role of such
9 task force shall include, but not be limited to:

10 (a) analyzing the variety of current local processes for siting wind
11 energy production facilities;

12 (b) considering establishing a standardized formula for the siting of
13 wind energy generating facilities to use the following factors:

14 (i) proximity to residential areas;

15 (ii) availability of natural resources;

16 (iii) economic impact on the local community;

17 (iv) visual, audible and atmospheric impacts; and

18 (v) impact on adjacent communities;

19 (c) investigating the possibility of a uniform permitting procedure
20 for the siting of wind energy generating facilities;

21 (d) studying the feasibility of establishing a statewide list of prop-
22 erties which are appropriate for wind energy generating facilities and
23 the siting of such a facility would have no impact on residential or
24 neighboring communities; and

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (e) preparing and submitting a report to the governor and the legisla-
2 ture that provides specific recommendations including, but not limited
3 to, the existing local laws on the siting of wind energy generating
4 facilities; the necessity of a statewide policy on wind energy generat-
5 ing facilities and the possible structure of a statewide policy on wind
6 energy generating facilities.

7 2. The task force shall issue such report by December 31, 2008.

8 § 3. (a) The New York state task force on wind generating facilities
9 siting and permitting policy shall study the need for a uniform state-
10 wide policy regarding the siting and permitting of wind energy generat-
11 ing facilities.

12 (b) Such task force shall consist of fifteen members including: the
13 commissioners of agriculture and markets, department of economic devel-
14 opment, department of environmental conservation, department of health,
15 chairperson of the public service commission, chairperson of the New
16 York state energy research and development authority, or a designee of
17 any such officers. The remaining nine at-large members shall be
18 appointed as follows: three members shall be appointed by the governor,
19 one of whom shall be an officer, employee or representative of a utility
20 company, one of whom shall be a member, officer or employee of a state-
21 wide association representing and advocating for the interests of local
22 governments, one of whom shall be a representative of a public interest
23 group; two members shall be appointed by the temporary president of the
24 senate, one of whom shall be a member, officer or employee of a state-
25 wide association representing the interest of farmers; one member shall
26 be appointed by the minority leader of the senate; two members shall be
27 appointed by the speaker of the assembly, one of whom shall be a member,
28 officer or employee of a statewide organization advocating on behalf of
29 the environment; and one member shall be appointed by the minority lead-
30 er of the assembly.

31 § 4. The chairperson of the New York state energy research and devel-
32 opment authority shall be the chairperson of the task force.

33 § 5. The members of the task force shall serve without actual compen-
34 sation, except the at-large members shall be allowed their necessary and
35 actual expenses incurred in the performance of their duties under this
36 act.

37 § 6. The task force shall expire December 31, 2008.

38 § 7. The New York state energy research and development authority
39 shall provide the task force with such facilities, assistance, and data
40 as will enable the task force to carry out its powers and duties. Addi-
41 tionally, all other departments or agencies of the state or subdivisions
42 thereof shall at the request of the chairperson, provide the task force
43 with such facilities, assistance and data as will enable the task force
44 to carry out its powers and duties.

45 § 8. This act shall take effect immediately.