

**STATUS:**

**S4608** ALESI

Public Authorities

TITLE....Establishes the New York state task force on wind generating facilities siting and permitting policies

04/19/07 REFERRED TO ENERGY AND TELECOMMUNICATIONS

01/09/08 REFERRED TO ENERGY AND TELECOMMUNICATIONS

**SUMMARY:**

ALESI, FLANAGAN, MORAHAN, PADAVAN, RATH, SEWARD, YOUNG  
Establishes the New York state task force on wind generating facilities siting and permitting policies to study the need to implement a uniform statewide policy regarding the siting and permitting of wind energy production facilities; further establishes an 18 month moratorium upon the siting and permitting of wind energy production facilities; repeals such provisions effective December 31, 2008.

**BILL TEXT:**

## STATE OF NEW YORK

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4608

2007-2008 Regular Sessions

### IN SENATE

April 19, 2007

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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.

**SPONSORS MEMO:**

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S4608

**SPONSOR:** ALESI

**TITLE OF BILL:** An act in relation to establishing the New York state  
task force on wind generating facilities siting and permitting policies

**PURPOSE:** Establishes the New York state task force on wind generating  
facilities siting and permitting policies.

**SUMMARY OF PROVISIONS:** Section 1: An 18 month moratorium on the siting and permitting of wind energy production facilities is established. Section 2: Establishes the New York State task force on wind generating facilities siting and permitting policy and establishes its role. The task force shall issue a report by December 31, 2008. Section 3: The task force will study the need for a uniform statewide policy regarding the siting and permitting of wind energy facilities. The task force will have 15 members including the commissioners of Agriculture and Markets, Department of Economic Development, Department of Environmental Conservation, Department of Health, chairperson of the Public Service Commission, chairperson New York State Energy Research and Development Authority, or a designee of any such officer. Of the remaining 9 at-large members, 3 will be appointed by the Governor, 2 by the Temporary President of the Senate, 2 by the Speaker of the Assembly and 1 each by the minority leader of the Senate and Assembly according to the parameter set by this section. Section 4: The chairperson of the task force is the chairperson New York State Energy Research and Development Authority, Section 5: Task force members shall serve without actual compensation except the at-large members are allowed their necessary and actual expenses incurred in performance of their duties under this act. Section 6: The task force expires December Section 7: The New York State Energy Research and Development Authority will provide the task force with such facilities, assistance, and data that will allow the task force to carry out its duty. All other departments, agencies or state subdivisions will provide the task force with such facilities, assistance, and data at the request of the chairperson. Section 8: Effective date.

**EXISTING LAW:** None.

**JUSTIFICATION:** Recently there has been renewed interest in wind energy development in New York. Although the recent growth of the wind industry is welcomed by many in New York, local authorities and residents in wind-rich counties are concerned about their ability to address existing or anticipated proposals from wind energy developers interested in installing projects within their jurisdiction. With modern wind turbines standing between 200-400 feet tall, wind energy projects can have a major impact on the surrounding area. These wind energy production facilities have the potential of causing a significant negative impact on the scenic and historic character of our highways and byways. Furthermore, wind energy facilities could have a negative impact upon residential areas and adjacent communities. Wind energy is an important renewable energy source, however, it is very important to have a comprehensive plan for siting these high-tech wind facilities across New York in order to avoid any negative impacts upon the surrounding areas. This legislation seeks to study the need for a

statewide comprehensive plan for siting wind facilities and places an 18 month moratorium on any new construction or issuing of new permits for the construction of wind energy facilities so the task force can complete its study and make recommendations.

**LEGISLATIVE HISTORY:** New Bill.

**FISCAL IMPLICATIONS:** None.

**EFFECTIVE DATE:** This act shall take effect immediately.