S T A T E O F N E W Y O R K

2435

2011-2012 Regular Sessions

I N S E N A T E

January 21, 2011

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a wind siting designation board

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The environmental conservation law is amended by adding a new article 48 to read as follows:

ARTICLE 48

WIND SITING

SECTION 48-0101. WIND SITING.

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1. THE WIND SITING DESIGNATION BOARD IS HEREBY CREATED, AND SHALL CONSIST OF NINE REGIONAL PLANNING BODIES EACH OF WHICH SHALL BE LOCATED WITHIN ONE OF THE DEPARTMENT'S NINE REGIONS PURSUANT TO SUBDIVISION FOUR OF THIS SECTION. EACH REGIONAL PLANNING BODY OF THE WIND SITING DESIGNATION BOARD SHALL CONSIST OF THE REGIONAL DIRECTOR OF EACH DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGION WITHIN SUCH REGIONAL PLANNING BODY; ONE MEMBER WHO SHALL BE DESIGNATED BY THE CHAIRMAN OF THE NEW YORK POWER AUTHORITY AND WHO SHALL RESIDE WITHIN THE REGIONAL PLANNING BODY TO WHICH SUCH PERSON IS APPOINTED; ONE MEMBER WHO SHALL BE DESIGNATED BY THE CHAIRMAN OF THE EMPIRE STATE DEVELOPMENT CORPORATION WHO SHALL RESIDE WITHIN THE REGION THE REGIONAL PLANNING BODY REPRESENTS; AND THREE MEMBERS FROM A LOCAL GOVERNMENT ENTITY WITHIN THE REGION THE REGIONAL PLANNING BODY REPRESENTS, PROVIDED, HOWEVER, THAT THE THREE MEMBERS SHALL NOT BE FROM THE SAME ORIGINATING ENTITY AND THAT SUCH MEMBERS SHALL BE APPOINTED IN JOINT AGREEMENT BY THE REGIONAL DIRECTOR. MEMBERS OF THE BOARD SHALL SERVE FOR A TERM OF SIX YEARS; PROVIDED, HOWEVER, THAT IF ANY MEMBER SHALL DISAFFILIATE FROM THE ORIGINATING ENTITY FROM WHICH HE OR SHE WAS APPOINTED TO THE BOARD, THEN SUCH MEMBER SHALL BE TERMINATED FROM THE BOARD AND A NEW MEMBER SHALL BE APPOINTED

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

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FROM THE ORIGINATING ENTITY. EACH MEMBER OF THE BOARD SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE, AND TO VOTE OR OTHERWISE ACT ON HIS OR HER BEHALF IN HIS OR HER ABSENCE. NOTICE OF SUCH DESIGNATION SHALL BE FURNISHED IN WRITING TO THE BOARD BY THE DESIGNATING MEMBER. A REPRESENTATIVE SHALL SERVE AT THE PLEASURE OF THE DESIGNATING MEMBER. A REPRESENTATIVE SHALL NOT BE AUTHORIZED TO DELEGATE ANY OF HIS OR HER DUTIES OR FUNCTIONS TO ANY OTHER PERSON.

2. THE WIND SITING DESIGNATION BOARD SHALL RECEIVE AND CONSIDER ALL APPLICATIONS TO SITE ANY WINDMILL OR WINDMILLS, ON AN INDIVIDUAL BASIS TO APPROVE OR DISAPPROVE AN INDIVIDUAL APPLICATION FOR WIND SITING.

3. THE WIND SITING DESIGNATION BOARD MAY CONSIDER DESIGNATING AREAS WITHIN A REGION WHERE IT SHALL BE IMPERMISSIBLE TO SITE A WIND FARM.

4. THE NINE REGIONAL PLANNING BODIES SHALL BE AS FOLLOWS:

(A) REGION ONE SHALL CONSIST OF NASSAU AND SUFFOLK COUNTIES;

(B) REGION TWO SHALL CONSIST OF BROOKLYN, BRONX, MANHATTAN, QUEENS AND STATEN ISLAND;

(C) REGION THREE SHALL CONSIST OF DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER COUNTIES;

(D) REGION FOUR SHALL CONSIST OF ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE COUNTIES;

(E) REGION FIVE SHALL CONSIST OF CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON COUNTIES;

(F) REGION SIX SHALL CONSIST OF HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE COUNTIES;

(G) REGION SEVEN SHALL CONSIST OF BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS COUNTIES;

(H) REGION EIGHT SHALL CONSIST OF CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES COUNTIES; AND

(I) REGION NINE SHALL CONSIST OF ALLEGANY, CHAUTAUQUA, CATTARAUGUS, ERIE, NIAGARA AND WYOMING COUNTIES.

S 2. This act shall take effect immediately.