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

1086

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I N S E N A T E

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Introduced by Sens. PARKER, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, KRUGER, MONTGOMERY, SAMPSON, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, in relation to directing the New York state energy research and development authority to conduct a study regarding siting processes for wind energy production facilities

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

Section 1. The public authorities law is amended by adding a new section 1854-e to read as follows:

S 1854-E. WIND ENERGY PRODUCTION FACILITIES SITING. 1. THE AUTHORITY IS HEREBY AUTHORIZED AND DIRECTED TO CONDUCT A COMPREHENSIVE STUDY OF THE POTENTIAL SITING PROCESSES REQUIRED TO ESTABLISH WIND ENERGY PRODUCTION FACILITIES. SUCH STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) AN ANALYSIS OF THE SITING PROCESSES THAT SHOULD BE CONSIDERED FOR WIND ENERGY PRODUCTION FACILITIES;

(B) THE KINDS OF ENVIRONMENTAL IMPACT STUDIES NECESSARY FOR SITING;

(C) THE VISUAL, AUDIBLE OR ATMOSPHERIC IMPACTS OF WIND ENERGY FACILITIES THAT SHOULD BE CONSIDERED IN THE SITING PROCESS;

(D) THE IMPACT OF THE CAPACITY OF A WIND ENERGY FACILITY IN THE SITING PROCESS;

(E) WHICH STATE AND LOCAL AGENCIES SHOULD BE INVOLVED IN THE SITING PROCESS;

(F) THE INFORMATION NECESSARY FOR LOCAL AGENCIES CHARGED WITH MAKING TIMELY AND DEFENSIBLE DECISIONS TO GUIDE WIND ENERGY DEVELOPMENT, INCLUDING BUT NOT LIMITED TO, INSTALLATION AND OPERATING PROCEDURES, DEVELOPMENT OF LOCAL ZONING AND LAND USE REGULATIONS;

(G) THE KINDS OF REVENUE IMPLICATIONS IMPACTING THE LOCALITIES, INCLUDING BUT NOT LIMITED TO, PROPERTY TAXES, NEGOTIATED VOLUNTARY PAYMENTS IN LIEU OF TAXES, AND LAND LEASES; AND

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

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(H) THE KINDS AND IMPACT OF LOCAL COMMUNITY INPUT IN THE SITING PROCESS.

2. THE AUTHORITY SHALL SUBMIT A COPY OF SUCH STUDY TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRPERSON OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY ENERGY COMMITTEE NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

3. UPON COMPLETION OF THE STUDY CONDUCTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE AUTHORITY SHALL DEVELOP AN OVERALL COMPREHENSIVE WIND ENERGY FACILITIES SITING PLAN. SUCH PLAN SHALL TAKE INTO ACCOUNT THE RESULTS AND FINDINGS OF SUCH STUDY, AND SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(A) AN OUTLINE OF GUIDELINES AND REQUIREMENTS FOR SITING WIND ENERGY PRODUCTION FACILITIES;

(B) THE RESEARCH FOR POTENTIAL SITES FOR FUTURE FACILITIES;

(C) AN IDENTIFICATION OF EXISTING PLANTS THAT SHOULD BE TARGETED FOR EFFICIENCY UPGRADING; AND

(D) A PLAN FOR AT LEAST THREE PUBLIC HEARINGS TO BE HELD IN DIFFERENT REGIONS OF THE STATE WITHIN SIXTY DAYS OF THE PUBLICATION OF SUCH PLAN, AND A PROVISION FOR ADEQUATE WRITTEN TESTIMONIAL INPUT REGARDING SUCH PLAN.

4. THE AUTHORITY SHALL SUBMIT A COPY OF SUCH WIND ENERGY PRODUCTION FACILITIES PLAN TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRPERSON OF THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY ENERGY COMMITTEE NO LATER THAN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

S 2. This act shall take effect immediately.