

STATE OF NEW YORK

1223

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sens. BORRELLO, ORTT -- 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 moratorium on the building or placing of any permanent
or semi-permanent wind turbine on bodies of freshwater located within
the state or off the coastline

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 13-0107 to read as follows:

3 § 13-0107. Moratorium on building or placing wind turbines.

4 1. For purposes of this section, "federal waters" shall mean those
5 waters and submerged lands lying seaward to the state waters of New York
6 that appertain to the United States and are subject to federal jurisdic-
7 tion and control.

8 2. (a) Notwithstanding any provision of law to the contrary, there is
9 hereby established a moratorium, for an indefinite period of time, upon
10 the building or placing of any permanent or semi-permanent wind turbine
11 on all bodies of freshwater located within the state and within the
12 jurisdiction and control of the state.

13 (b) Notwithstanding any provision of law to the contrary, there is
14 hereby established a moratorium, for an indefinite period of time, upon
15 the building or placing of any infrastructure used to support a perma-
16 nent or semi-permanent wind turbine located in federal waters or waters
17 under the jurisdiction and control of another state, when such infras-
18 tructure enters or passes through a body of freshwater within the juris-
19 isdiction and control of the state.

20 3. This section shall be subject to any applicable provisions of the
21 state environmental quality review act, article ten of the public
22 service law, and any local zoning or permitting laws or ordinances.

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

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- 1 4. Such moratorium shall not be lifted without the consent of both
2 houses of the legislature by a majority vote in each house. The legisla-
3 ture may require any additional data or information that it deems neces-
4 sary to make a decision if such moratorium shall be lifted.
5 § 2. This act shall take effect immediately.