

1 S.230

2 Senator Rodgers moves that the bill be amended the bill be amended as
3 follows:

4 First: After Sec. 23, by inserting Secs. 23a and 23b to read:

5 Sec. 23a. 30 V.S.A. § 248(w) is added to read:

6 (w)(1) The Board shall require any in-state wind electric generation facility
7 receiving a certificate of public good to install radar-controlled obstruction
8 lights on all wind turbines for which the Federal Aviation Administration
9 (FAA) requires obstruction lights, provided the FAA allows the use of
10 radar-controlled lighting technology. Nothing in this subdivision shall allow
11 the Board to approve obstruction lights that do not meet FAA standards.

12 (2) The purpose of this subsection is to reduce the visual impact of wind
13 turbine obstruction lights on the environment and nearby properties. The
14 General Assembly finds that wind turbine obstruction lights that remain
15 illuminated through the night create light pollution, and may attract birds and
16 bats. Radar-controlled obstruction lights are only illuminated when aircraft are
17 detected in the area, and therefore the use of these lights will reduce the
18 negative environmental impacts of obstruction lights.

19 (3) Notwithstanding 1 V.S.A. §§ 213 and 214, subdivision (1) of this
20 subsection shall apply to petitions for certificates pending as of the effective
21 date of this subsection, and to facilities for which certificates have been issued

1 on or before the effective date of this subsection. After a hearing, the Board
2 may relieve the holder of a certificate for a wind electric generation facility
3 issued on or before the effective date of this subsection from the requirement to
4 comply with this subsection if the Board finds that requiring compliance would
5 impose harsh or oppressive effects on the holder.

6 Sec. 23b. STATUTORY REVISION

7 In its statutory revision capacity under 2 V.S.A. § 424, the Office of
8 Legislative Council shall replace the phrase “effective date of this subsection”
9 wherever it appears in Sec. 23a, 30 V.S.A. § 248(w)(3), with the actual
10 effective date of Sec. 23a.

11 Second: In Sec.27 (effective dates), by inserting a subdivision (3) to read:

12 (3) Secs. 23a and 23b shall take effect on passage.