

Sen Usher

From Sen Rodgers

(Draft No. 1.1 – S.230)
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Page 1 of 2

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S.230

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

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

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

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

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

(3) Notwithstanding 1 V.S.A. §§ 213 and 214, subdivision (1) of this subsection shall apply to petitions for certificates pending as of the effective 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. #11M

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.