

**HOUSE . . . . . No. 2970**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***George N. Peterson, Jr.***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to protect the health of the citizens of the Commonwealth.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>1/18/2013</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/31/2013</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/31/2013</i>
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>	<i>1/29/2013</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>	<i>1/29/2013</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/30/2013</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/1/2013</i>

**HOUSE . . . . . No. 2970**

By Mr. Peterson of Grafton, a petition (accompanied by bill, House, No. 2970) of George N. Peterson, Jr., and others for an investigation by a special commission (including members of the General Court) relative to the health effects of wind turbines. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to protect the health of the citizens of the Commonwealth.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect the citizens of the Commonwealth from the health effects of wind turbines and to make certain other changes in law, necessary or appropriate to effectuate this important public purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. This Act shall be entitled the “Citizens Health protect Act,” and shall be  
2 construed in a manner to achieve its public purpose, which is to ensure that the citizens of the  
3 Commonwealth are protected from the health effects of wind turbines.

4 SECTION 2. (a) Notwithstanding any general or special law to the contrary, there shall  
5 be a special commission to study the health impacts of wind turbines and to recommend  
6 administrative and legislative changes to mitigate or eliminate any adverse health effects from  
7 wind turbines on the citizens of the Commonwealth.

8 (b) The commission shall consist of 21 members; a member of the Massachusetts  
9 medical society leadership who shall chair commission; 4 members of the joint committee on  
10 public health, 1 of whom shall be appointed by the senate president, 1 of whom shall be  
11 appointed by the senate minority leader, 1 of whom shall be appointed by the speaker of the  
12 house, and 1 of whom shall be appointed by the house minority leader; the commissioner of  
13 department of public health or his designee; a commonwealth licensed physician, appointed by  
14 the governor, who has written a peer-reviewed journal article in an internationally recognized

15 journal on the health effects of wind turbines; 3 epidemiologists licensed in the Commonwealth  
16 each of whom shall be appointed by the Governor; the senate president or a designee; the speaker  
17 of the house or a designee; the director of the Barnstable county department of health and  
18 environment or a designee; the executive director of the Berkshire regional planning commission  
19 or a designee; a local board of health official whom shall be appointed by the officers of the  
20 Massachusetts association of boards of health; a member of the Massachusetts municipal  
21 association knowledgeable about the health concerns of wind turbines whom shall be appointed  
22 by the board of the Massachusetts municipal association; 4 citizens of the Commonwealth each  
23 of whom shall reside within one square mile of an operating wind turbine and has registered a  
24 complaint with the local board of health, 1 of whom shall be appointed by the Barnstable County  
25 Commissioners, 1 of whom shall be appointed by the Berkshire Regional Planning Commission,  
26 1 of whom shall be appointed by the Bristol County Commissioners, and 1 of whom shall be  
27 appointed by the Old Colony Planning Council; and a member of wind wise Massachusetts  
28 whom shall be appointed by the governor.

29 (c) The scope commission shall include , but not be limited to: (i) an investigation,  
30 review, and study of the health effects of wind turbines and wind turbine operations, including  
31 but not limited to, the effects of low frequency noise on humans and animals, sleep disorders,  
32 difficulty with equilibrium, headaches, childhood night terrors, effects on the inner ear, learning  
33 and mood disorders, panic attacks, irritability, concentration and memory, noise, flicker,  
34 proximity, size of wind turbine, and wind conditions; (ii) a review and analysis of all department  
35 of environmental protection and department of public health deliberations and determinations  
36 regarding a wind turbine concern identified by a citizen of the commonwealth to a state or local  
37 government official; (iii) recommending legislation that will promote the health of the citizens of  
38 the commonwealth including a minimum safe distance to site a wind turbine project away from  
39 dwellings, businesses, and municipal, commercial, and residential property lines, an wind turbine  
40 size range and design that reduces or eliminates health effects, and a process for wind turbine  
41 proposal to reviewed by a local board of health as part of the siting process, and any other  
42 recommendations that may promote public health within the commonwealth; (iv) creating a  
43 report that contains the result of the commission investigation, review, and study of the health  
44 effects of wind turbines and wind turbine operations; (v) using voluntary and uncompensated  
45 services of private individuals, agencies and organizations as may be offered or needed; and (vi)  
46 holding regular public meetings, fact-finding hearings and other public forums as the  
47 commission considers necessary.

48 (d) The commission shall submit its report and findings, along with any drafts of  
49 legislation, to the governor, the joint committee on municipalities and regional government, the  
50 joint committee on public health, the office of the senate president, the office of the senate  
51 minority leader, the office of the speaker of the house of representatives, the office of the house  
52 minority leader, the clerks of the house of representatives and the senate, and to each member of  
53 the commission not later than November 30, 2013.

54           (e) The commission may request from all state agencies such information and assistance  
55 as the commission may require. The commission may also request such information from  
56 companies and organizations with state contracts that provide services relative to the scope of the  
57 commission.

58           (f) Members of the commission shall not receive compensation for their services but may  
59 receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities  
60 as members of the commission.

61           (g) The commission shall convene its first meeting no later than 30 days after the  
62 effective date of this act.