HOUSE DOCKET, NO. 2907 FILED ON: 1/18/2013

HOUSE . . . . . No. 2970

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:
George N. Peterson, Jr.	*9th Worcester*
Bruce J. Ayers	*1st Norfolk*
Thomas J. Calter	*12th Plymouth*
Brian R. Mannal	*2nd Barnstable*
Richard T. Moore	*Worcester and Norfolk*
William Smitty Pignatelli	*4th Berkshire*
David T. Vieira	*3rd Barnstable*

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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) of the health effects of wind turbines and to make certain other changes in law. 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:

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

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

(b) The commission shall consist of 21 members; a member of the Massachusetts medical society leadership who shall chair commission; 4 members of the joint committee on public health, 1 of whom shall be appointed by the senate president, 1 of whom shall be appointed by the senate minority leader, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the house minority leader; the commissioner of department of public health or his designee; a commonwealth licensed physician, appointed by 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.