

2007 DRAFTING REQUEST

Bill

Received: **01/22/2007**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-5468**

By/Representing: **Fath**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **TKK**

Submit via email: **NO**

Pre Topic:

DOA:.....Fath, BB0407 -

Topic:

Allow school district to construct a wind electricity generator

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/24/2007	lkunkel 01/24/2007		_____			S&L
/1	pgrant 01/29/2007	lkunkel 01/29/2007	pgreensl 01/24/2007	_____	cduerst 01/24/2007		S&L
/2			rschluet 01/29/2007	_____	mbarman 01/29/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-5468

By/Representing: Fath

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - school boards

Extra Copies: TKK

Submit via email: NO

Pre Topic:

DOA:.....Fath, BB0407 -

Topic:

Allow school district to construct a wind electricity generator


Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/24/2007	lkunkel 01/24/2007		_____			S&L
/1			pgreensl 01/24/2007	_____	cduerst 01/24/2007		

2/mk/29



FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-5468

By/Representing: Fath

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - school boards

Extra Copies: TKK

Submit via email: NO

Pre Topic:

DOA:.....Fath, BB0407 -

Topic:

Allow school district to construct a wind electricity generator ✓

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?

pgrant

1/1mk 1/24

✓
pgrant

✓
pgrant

FE Sent For:

<END>

Grant, Peter

From: Fath, Erin - DOA
Sent: Friday, January 19, 2007 3:11 PM
To: Grant, Peter; Kuczenski, Tracy
Subject: FW: School District Wind Farm language

Attachments: School wind farm language.doc

Hi Peter and Tracy,
This is a new request that just came into us. I will write up a request per the usual format and a hardcopy will come over to LRB, but probably not until Monday. Just wanted to get it to you ASAP.

Thanks!

Erin Fath

-----Original Message-----

From: Hanle, Bob - DOA



School wind farm
language.doc ...

Se t: Friday, January 19, 2007 2:55 PM
To: Fath, Erin - DOA
Subject: FW: School District Wind Farm language

Put in an drafting request on this. Thanks.

-----Original Message-----

From: Schmiedicke, David P - DOA
Sent: Friday, January 19, 2007 2:32 PM
To: Hanle, Bob - DOA
Subject: Fw: School District Wind Farm language

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Schooff, Dan - DOA
To: Schmiedicke, David P - DOA; Henderson, Patrick W - DOA; Patton, Christopher - GOV
Sent: Fri Jan 19 10:42:15 2007
Subject: School District Wind Farm language

Request from Lee Cullen

These School Districts Rec'd Fed Grant, may need this language to accept.

Amend S. 120.13 by adding the following subsection:

(A school board may do the following:)

...

(x) Wind Generation Facilities. Construct, acquire, borrow funds, own in whole or in part, operate, maintain, and enter into contracts with respect to a wind generation facility. The school board may enter into a joint agreement or participate in a joint association or organization with other school boards for the purpose of constructing, acquiring, borrowing funds for, owning in whole or in part, operating, and maintaining a wind generation facility. The school board may do all of the following:

- 1) sell the energy from such a facility,
- 2) deposit the revenues from such sales in its operating account
- 3) spend the payments received from selling such energy
- 4) enter into a performance contract pursuant to s. 66.0133 with respect to the amounts spent and received from such a facility, and aggregate such amounts with other projects subject to a performance contract with the school board

The board's share of the installed capacity of such a facility shall not exceed five megawatts, and the board shall integrate information about the wind generation facility in its educational curriculum.

Grant, Peter

From: Hanle, Bob - DOA
Sent: Wednesday, January 24, 2007 10:24 AM
To: Grant, Peter
Cc: Fath, Erin - DOA
Subject: RE: School District Wind Farm language

The background on this is that there is the potential for Wisconsin to get a \$12 million (federal, I believe) energy grant to do wind power. According to Dan Schoof, our new Deputy Secretary, there is some concern that school districts do not have the authority to accept this money. Apparently, the AG in Minnesota opined that MN school districts do not have this authority and this has made other states nervous.

As I understand, all school districts want is the same authority as other municipalities and individuals to accept grants and develop wind farms. They're not asking for any favored treatment, just the same as other units of government.

Here's what I could find related to wind farms in MN.

Minnesota Allows Wind for Schools

In response to a surprising ruling from the Minnesota Attorney General earlier this year, the Minnesota Legislature adopted a bill to authorize Minnesota school districts to own and operate wind turbines.

Carleton College and Northfield (Minn.) Public Schools have been collaborating on a project to install two utility-scale wind turbines on the outskirts of Northfield to supply the college and the school with clean wind power. In February, the Attorney General ruled that Minnesota school boards are not authorized to own wind turbines, since they are not "directly related to the services or activities in which the district participates." The ruling threatened to derail the collaborative Carleton/public school project.

Representative Ray Cox (R-Northfield) and Senator Ellen Anderson (D-St. Paul) proposed legislation to provide the desired authorization while limiting a school's ability to participate in large wind power development. GE Wind Energy's MidAmerican representative, Mark Eilers, testified before Anderson's energy committee.

Here's another clip from a high school newspaper's interview with Cox and Anderson.

"Last session, a group came to me and pointed out a glitch in our legislation," recalled state representative Ray Cox. "School districts were never actually granted the authority to own and operate wind turbines." Since Cox and Anderson worked to pass new legislation that fixed that gap, academic institutions now seem poised to take a leading position in further integrating wind energy into the fabric of Minnesota's everyday life.

-----Original Message-----

From: Fath, Erin - DOA
Sent: Monday, January 22, 2007 8:58 AM
To: Hanle, Bob - DOA
Subject: FW: School District Wind Farm language

FYI - Peter Grant has several questions about the stat language request that we forwarded over for Dan Schoof. I told Peter I'm looking into it - should I contact Dan directly? Or do you know whether there is another person with whom we should be working on this?

Erin Fath

-----Original Message-----

01/24/2007

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Friday, January 19, 2007 4:03 PM
To: Fath, Erin - DOA
Cc: Kuczynski, Tracy - LEGIS
Subject: RE: School District Wind Farm language

Erin, thanks for getting stuff to us so quickly. And by the way, do you have any background info on this? I've only spent 10 minutes on it so far, but that was sufficient to discover that the generation and sale of electricity is heavily regulated and way complicated. For example, if the facility is designed for 100 or more megawatts, it can't be constructed without PSC approval. Do you want to exempt the school board from that requirement? If the school board wants to sell the electricity to a utility, there are various federal laws that would apply. If it wants to sell the electricity at retail, to the user, that's regulated by state law. In general, if you do that, you're a public utility and all the state laws that govern public utilities apply.

There are a few things in the request that I don't understand. What does it mean to restrict a school board's "share of the installed capacity"? Why is it necessary to authorize a school board to enter into a performance contract pursuant to s. 66.0133, when that section appears to authorize school boards to do so currently? And is it really necessary to authorize the school board to spend money derived from the sale of electricity?

Peter

-----Original Message-----

From: Fath, Erin - DOA
Sent: Friday, January 19, 2007 3:11 PM
To: Grant, Peter; Kuczynski, Tracy
Subject: FW: School District Wind Farm language

Hi Peter and Tracy,
This is a new request that just came into us. I will write up a request per the usual format and a hardcopy will come over to LRB, but probably not until Monday. Just wanted to get it to you ASAP.

Thanks!

Erin Fath

-----Original Message-----

From: Hanle, Bob - DOA
Sent: Friday, January 19, 2007 2:55 PM
To: Fath, Erin - DOA
Subject: FW: School District Wind Farm language

Put in an drafting request on this. Thanks.

-----Original Message-----

From: Schmiedicke, David P - DOA
Sent: Friday, January 19, 2007 2:32 PM
To: Hanle, Bob - DOA
Subject: Fw: School District Wind Farm language

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Schooff, Dan - DOA

01/24/2007

To: Schmiedicke, David P - DOA; Henderson, Patrick W - DOA; Patton, Christopher - GOV
Sent: Fri Jan 19 10:42:15 2007
Subject: School District Wind Farm language

Request from Lee Cullen

These School Districts Rec'd Fed Grant, may need this language to accept.

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Permitting School Boards to construct Wind Generation Facilities
- Tracking Code: BB407
- SBO team: Education
- SBO analyst: Erin Fath
 - Phone: 266-5468
 - Email: erin.fath@wisconsin.gov
- Agency acronym: DPI
- Agency number: 255
- Priority (Low, Medium, High): HIGH

Date: January 19, 2007
To: Steve Miller
From: Erin Fath
Subject: Statutory Language Request

Permitting School Boards to construct Wind Generation Facilities

Please see the attached request for a statutory language change.

If you have any questions, please call me at 6-5468, or send me an email at erin.fath@wisconsin.gov

Thank you.

Amend S. 120.13 by adding the following subsection:

(A school board may do the following:)

...

(x) Wind Generation Facilities. Construct, acquire, borrow funds, own in whole or in part, operate, maintain, and enter into contracts with respect to a wind generation facility. The school board may enter into a joint agreement or participate in a joint association or organization with other school boards for the purpose of constructing, acquiring, borrowing funds for, owning in whole or in part, operating, and maintaining a wind generation facility. The school board may do all of the following:

- 1) sell the energy from such a facility,
- 2) deposit the revenues from such sales in its operating account
- 3) spend the payments received from selling such energy
- 4) enter into a performance contract pursuant to s. 66.0133 with respect to the amounts spent and received from such a facility, and aggregate such amounts with other projects subject to a performance contract with the school board

The board's share of the installed capacity of such a facility shall not exceed five megawatts, and the board shall integrate information about the wind generation facility in its educational curriculum.

Date (time)
needed _____

DN

LRB- 1618 / 1

PG : mlc

DOA BUDGET DRAFT

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT... [DO NOT generate catalog]; relating to: the budget.

.....
.....

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

insert analysis
(attached)



The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

SEC. CR. 120.13 (18m)

120.13 (18m) WIND ELECTRICITY GENERATORS (18m)

Construct or acquire ^(B) borrow funds construct
 = Construct or acquire ^(A) borrow funds to construct

or acquire; ^(A) operate; ^(A) and maintain a

wind electricity generation facility; ^(A) either independently

or jointly with one or more other school boards and

^(A) use or sell the energy generated by the facility; ^(A) if the
~~the~~ school board's share of the installed capacity

of ~~the~~ facility ^(A) does not exceed 5 megawatts

and the school board incorporates information
 about the facility in its curriculum.

(End)

dn

If a school board operates or maintains a wind electricity generation facility, the

Analysis

head → EDUCATION - (B)

SUB → PRIMARY AND SECONDARY EDUCATION (B) (SS)

This bill authorizes a school board
 = construct or acquire a wind electricity
 generation facility and to use or sell
 the energy generated by the facility.

§ FE-SL

end of analysis

Enn [⊖] emdash ^(DN)
 As I mentioned, s. 66.0301 authorizes a
 school board to jointly ~~do~~ ^{do with other local governments} anything that
 it is authorized to do individually. ~~with~~

I deleted the language ~~regarding~~
 regarding ~~the~~ ^{joint} joint agreements.

I also deleted the language about performance
 contracts under s. 66.0133 because it
 appears to be unnecessary.

PLG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1618/1dn
PG:lmk:pg

January 24, 2007

Erin —

As I mentioned, s. 66.0301 authorizes a school board to jointly do with other local governments anything that is authorized to do individually. So I deleted the language regarding joint agreements. I also deleted the language about performance contacts under s. 66.0133 because it appears to be unnecessary.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

↑
STAYS

DOA:.....Fath, BB0407 - Allow school district to construct a wind electricity generator

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GO ✓

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

The bill authorizes a school board to construct or acquire a wind electricity generation facility and to use or sell the energy generated by the facility.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 120.13 (18m) of the statutes is created to read:

3 120.13 (18m) WIND ELECTRICITY GENERATORS. Construct or acquire, borrow
4 funds to construct or acquire, operate, and maintain a wind electricity generation
5 facility, and use or sell the energy generated by the facility, if the school board's share

1 of the installed capacity of the facility does not exceed 5 megawatts and the school
2 board incorporate^s information about the facility in its curriculum.
3

(END)



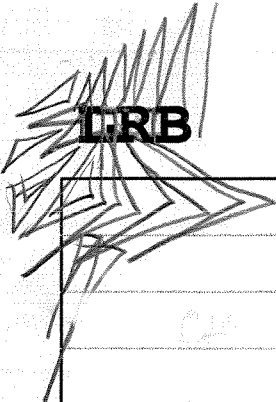
STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB



PO:mk:

(DN) (date)

~~1/18~~

9. Even^{ly} this redraft merely corrects
a typo

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1618/2dn
PG:lmk:rs

January 29, 2007

Erin, this redraft merely corrects a typo.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1618/2

PG:lmk:rs

DOA:.....Fath, BB0407 - Allow school district to construct a wind electricity generator

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

The bill authorizes a school board to construct or acquire a wind electricity generation facility and to use or sell the energy generated by the facility.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 120.13 (18m) of the statutes is created to read:

3 120.13 (18m) WIND ELECTRICITY GENERATORS. Construct or acquire, borrow
4 funds to construct or acquire, operate, and maintain a wind electricity generation
5 facility, and use or sell the energy generated by the facility, if the school board's share

1 of the installed capacity of the facility does not exceed 5 megawatts and the school
2 board incorporates information about the facility in its curriculum.

3 (END)