



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 544

**Senate Amendments
1, 2, and 4**

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2007 Senate Bill 544

2007 Senate Bill 544 creates a regulatory environment that is intended to allow local units of government to have a degree of regulatory authority over the siting of wind energy systems (wind turbines) without allowing them to completely block the development of wind energy systems. It directs the Public Service Commission (PSC) to promulgate rules establishing maximum restrictions that local governments may impose on the siting or operation of wind energy systems and procedures that local governments must follow in reviewing applications for approval to install wind energy systems. It provides a process for review of local governments' actions on such applications, which includes a review by the PSC prior to appeal into circuit court.

Senate Amendment 1

Under the bill, when the PSC receives an appeal from a local government's decision, it must notify the local government. Upon receipt of the PSC's notice, the local government must provide to the PSC a certified copy of the record it created during its decision-making process in the case in question and any other relevant government records the PSC requests. The bill requires that the local government provide these materials within 30 days of receiving the notice.

Senate Amendment 1 modifies this to require that the local government must provide the PSC a certified copy of the record within 30 days of receiving the PSC's notice of the appeal, and must provide the PSC other relevant government documents within 30 days of receiving the PSC's request for such other documents.

Senate Amendment 2

Senate Amendment 2 directs the PSC to appoint an advisory committee, with specified membership, to advise it on the promulgation of the rules required under the bill.

Senate Amendment 4

Under the bill, a local government that chooses to regulate wind energy systems must adopt an ordinance for such regulation that conforms with the rules promulgated by the PSC. Also under the bill, a municipality must act on an application for approval to install a wind energy system within specified time limits. Thus, if a local government receives an application for approval to install a wind energy system before it has adopted an ordinance, it effectively cannot regulate that proposed system.

Senate Amendment 4 provides that, if a local government receives an application for approval to install a wind energy system before it has adopted an ordinance, the time limits for it to take action on the application do not start for six months, a period of time intended to allow the municipality to adopt an ordinance.

Legislative History

On March 7, 2008, the Senate Committee on Commerce, Utilities, and Rail introduced and recommended adoption of Senate Amendments 1, 2, and 4 to Senate Bill 544 by votes of Ayes, 7; Noes, 0. The committee recommended passage of Senate Bill 544, as amended, by a vote of Ayes, 4; Noes 3.

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