

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-SB185)**

Received: **09/15/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Keith Ripp (608) 266-3404**

By/Representing: **Tyler**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies: **MES, EVM**

Submit via email: **YES**

Requester's email: **Rep.Ripp@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Uniform local regulation of wind energy systems; removal of non-compliant turbine

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**Instructions:**

See attached

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**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>
/?	mkunkel 09/15/2009	kfollett 09/15/2009		_____			
/1			pherry 09/15/2009	_____	lparisi 09/15/2009	lparisi 09/15/2009	

FE Sent For:

<END>

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mkunkel

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FE Sent For:

<END>



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0540/1  
MES:kjf:jf

MAK:kjf

TOOARD

ASSEMBLY AMENDMENT,  
~~TO 2009 ASSEMBLY BILL 256~~  
2009 SB185

a 0693/11

RM  
NOT  
RUN

As shown by statute  
Substitute  
amendment 2/5

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At the locations indicated, amend the bill as follows:

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<sup>11 ✓ 13</sup>  
1. Page ~~9~~, line ~~10~~: after that line insert:

<sup>9c</sup>  
"SECTION ~~7c~~. 66.0401 (7) of the statutes is created to read:

66.0401 (7) REMOVAL OF NONCOMPLIANT WIND ENERGY SYSTEM. (a) If a political subdivision receives a written complaint that a wind energy system does not comply with the political subdivision's ordinance relating to the setback requirements of the system in relation to a home, or the volume of noise that the wind energy system generates, the political subdivision shall investigate the complaint and determine whether the wind energy system violates the ordinance within 60 days of receiving the complaint. The political subdivision shall send a written copy of its findings to the complainant.

<sup>c</sup> (b) If the political subdivision determines that the wind energy system does violate the political subdivision's ordinance, the political subdivision shall send a

INSERT 1-11

1 written copy of its findings to the owner of the wind energy system. The written  
2 findings shall order the owner to remove the wind energy system no later than 90  
3 days after the owner receives the findings.

4 <sup>d</sup>(d) An owner of a wind energy system who is ordered to remove the system, as  
5 described in par. (b), may appeal the political subdivision's order to the circuit court  
6 under ch. 227."

7 (END)

↖  
INSEAT 2-6

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**INSERT 1-11:**

(b) If a political subdivision receives a complaint regarding the location of, or noise from, a wind energy system for which the commission has issued a certificate of public convenience and necessity under s. 196.491 (3), the political subdivision shall forward the complaint to the commission.

**INSERT 2-6:**

1. Page 13, line 9: after that line insert:

“(dm) 1. If the commission receives a written complaint about the location of, or noise from, a wind energy system for which the commission has issued a certificate of public convenience and necessity under s. 196.491 (3), including a complaint forwarded by a political subdivision under s. 66.0401 (7) (b), the commission shall investigate the complaint and determine whether the wind energy system violates the certificate within 60 days of receiving the complaint. The commission shall send a written copy of its findings to the complainant.

2. If the commission determines under subd. 1. that the wind energy system does violate the certificate of public convenience and necessity, the commission shall send a written copy of its findings to the owner of the wind energy system. The written findings shall order the owner to remove the wind energy system no later than 90 days after the owner receives the findings.

3. An owner of a wind energy system who is ordered to remove the system, as described in subd. 2., may appeal the commission’s order to the circuit court under ch. 227.”.

2. Page 13, line 24: after that line insert:

g 8 ✓

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“SECTION 13m. 196.95 (1m) (e) of the statutes is created to read:

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196.95 (1m) (e) For the purpose of direct assessment under sub. (1) of expenses

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incurred by the commission in connection with its activities under s. 196.378 (4g)

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(dm), the term “public utility” includes the owner of a wind energy system, as defined

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in s. 66.0403 (1) (m).”.