

2009 DRAFTING REQUEST

Assembly Amendment (AA-SB185)

Received: **09/14/2009**

Received By: **emueller**

Wanted: **Today**

Identical to LRB:

For: **Brett Davis (608) 266-1192**

By/Representing: **Luke Bacher**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - counties**
Local Gov't - munis generally

Extra Copies: **MES, MDK**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Grandfather existing ordinances.

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> |
|--------------|------------------------|------------------------|----------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | | | | | | | |
| /1 | emueller 09/15/2009 | wjackson 09/15/2009 | phenry 09/15/2009 | _____ | lparisi 09/15/2009 | lparisi 09/15/2009 | |

FE Sent For:

<END>

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|--------------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | emueller | 1/15/09 | 9/15 | 9/15 | | | |
| 1/1 | Sum 9/15/09 | | 9/15 ph | 9/15 ph | | | |
| FE Sent For: | | | | | | | |
| <END> | | | | | | | |

Mueller, Eric

From: Kunkel, Mark
Sent: Tuesday, September 15, 2009 4:22 PM
To: Bacher, Luke
Cc: Mueller, Eric
Subject: RE: Amendments to ASA2 to AB256

Okay, will do.

From: Bacher, Luke
Sent: Tuesday, September 15, 2009 4:20 PM
To: Kunkel, Mark
Subject: RE: Amendments to ASA2 to AB256

Mark -

Thanks for the e-mail, sorry I didn't e-mail you earlier.

Please draft all three amendments to the version of SB 185 (I think ASA 2?) that is appropriate. The Assembly will be taking up the Senate Bill.

-Luke

From: Kunkel, Mark
Sent: Tuesday, September 15, 2009 4:17 PM
To: Bacher, Luke
Subject: Amendments to ASA2 to AB256

Luke,

I drafted LRBa0678/1 for you as an amendment to ASA2 to AB-256.

However, it appears that tomorrow the Assembly may take up the Senate version of the wind energy bill, i.e., SB-185, instead of AB-256.

Do you want me to prepare an amendment identical to LRBa0678/1, but drafted to SB-185?

-- Mark

Mueller, Eric

From: Kunkel, Mark
Sent: Thursday, September 10, 2009 4:58 PM
To: Hanaman, Cathlene; Mueller, Eric
Subject: FW: AB 256 Amendment Draft Request

From: Bacher, Luke
Sent: Thursday, September 10, 2009 4:57 PM
To: Kunkel, Mark; Shovers, Marc
Cc: Bacher, Luke
Subject: AB 256 Amendment Draft Request

Mark & Marc -

I believe you both have been drafting amendments to AB 256. I believe the bill was amended, by a sub, so I'm guessing we'd like amendments to whatever version would be up on the floor.

Rep Davis would like amendments that do the following:

- 1) Grandfather all municipalities that have researched industrial wind turbines and have adopted an ordinance.
- 2) Code of conduct/rules of ethics must be established for wind developers who contact elected officials that are potential turbine hosts. GAB shall promulgate the specific rules.
- 3) Consumer Protections. The PSC would establish plans for the following:
 - a) a complaint resolution plan to handle noise issues (24hr hotline with return call in 24 hours)
 - b) a plan to resolve complaints about TV, radio, and cell phone service that has been interrupted or downgrades the installation and daily operation of the turbines. Service must be restored, not mitigated.
 - c) plan to allow MedFlight service to all residents and accident victims within the boundaries of a wind turbine facility.
 - d) a plan to identify all potential adverse impacts to the agricultural activity including limits to aerial application of crop enhancing chemicals (crop duster planes)

I believe the bill is scheduled to be on the floor on Weds, so having them by Monday would be best.

Thank you,

Luke Bacher
Research Assistant
State Representative Brett Davis
Phone: (608)-266-1192
Toll Free: 888-534-0080
Fax: 608-282-3680
luke.bacher@legis.wi.gov
<http://www.brettdavis.us>



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0680/2
EVM:.....

WJ RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO 2009 SENATE BILL 185

LPS: Please
fix request
sheet.

ln 9/15/09

Wed
before
12 Noon

bill, as shown by senate substitute
~~amendment~~ amendment 2,

- 1 At the locations indicated, amend the ~~subjected amendment~~ as follows:
- 2 ✓ 1. Page 4, line 15: delete "No" and substitute "No".
- 3 ✓ 2. Page 4, line 16: after "village" insert "Except as provided in sub. (7), no".
- 4 ✓ 3. Page 5, line 19: delete "A political" and substitute "Except as provided in
- 5 sub. (7), a political".
- 6 ✓ 4. Page 6, line 14: delete "If a political" and substitute "Except as provided in
- 7 sub. (7), if a political".
- 8 ✓ 5. Page 7, line 7: delete "The political" and substitute "Except as provided in
- 9 sub. (7), the political".
- 10 ✓ 6. Page 7, line 11: delete "A political" and substitute "Except as provided in
- 11 sub. (7), a political".

- 1 ↓ 7. Page 8, line 3: after “subd. 2.” insert “and sub (7)”.
- 2 ↓ 8. Page 8, line 14: delete “A political” and substitute “Except as provided in
3 sub. (7), a political”.
- 4 ↓ 9. Page 10, line 6: delete “If the commission” and substitute “Unless sub. (7)
5 applies, if the commission”.
- 6 ↓ 10. Page 10, line 9: after “remedy.” insert “If sub. (7) applies and the
7 commission determines that the political subdivision’s decision or enforcement
8 action does not represent a reasonable application of the ordinance under sub. (7) or
9 is otherwise unreasonable, the political subdivision’s decision shall be superseded by
10 the commission’s decision and the commission may order an appropriate remedy.”.
- 11 ↓ 11. Page 11, line 13: after that line insert:
12 “SECTION 8m. 66.0401 (7) of the statutes is created to read:
13 66.0401 (7) EXISTING ORDINANCE. (a) An ordinance specifically regulating the
14 installation or use of a wind energy system that took effect prior to the effective date
15 of this paragraph [LRB inserts date], shall remain in effect until the ordinance
16 is revised and the revised ordinance takes effect.
17 (b) A political subdivision that has an ordinance that meets the requirements
18 of par. (a) need not enact an ordinance complying with sub. (4) (g) unless the
19 ordinance referenced in par. (a) is revised.”.
- 20 ↓ 12. Page 12, line 15: delete “A political” and substitute “Except as provided
21 in s. 66.0401 (7), a political”.

22

(END)