



**ASSEMBLY AMENDMENT 5,
TO 2009 SENATE BILL 185**

September 16, 2009 – Offered by Representatives HUEBSCH and RIPP.

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 6, line 13: after that line insert:

4 “1g. At least 30 days before filing an application under subd. 1., an applicant
5 for a wind energy system with a nominal capacity of at least 10 megawatts shall
6 provide a notice to the commission that does all of the following:

7 a. Describes the applicant’s tentative plans, designs, and timing.

8 b. Seeks a preliminary determination from the commission on alternatives to
9 the wind energy system that must be evaluated and the information necessary to
10 complete the commission’s environmental review under s. 196.025 (7).

11 c. Seeks input concerning other agencies the applicant may be required to
12 contact.

1 1r. At the time of filing an application under subd. 1., an applicant for a wind
2 energy system with a nominal capacity of at least 10 megawatts shall provide to the
3 commission a copy of the application, as well as a notice that does all of the following:

4 a. Identifies, develops, and evaluates reasonable alternatives to the wind
5 energy system.

6 b. Includes a summary of the applicant’s contacts with agencies, if any, that the
7 commission has identified to the applicant in response to subd. 1g. c.”.

8 **2.** Page 7, line 4: after “public hearing,” insert “copies of any documents
9 provided by the commission pursuant to s. 196.025 (7),”.

10 **3.** Page 7, line 13: delete “par. (e), a political subdivision shall” and substitute
11 “pars. (e) and (em), a political subdivision shall, after holding a public hearing,”.

12 **4.** Page 7, line 17: after “par. (e)” insert “or (em)”.

13 **5.** Page 7, line 17: after that line insert:

14 “(dm) If the commission prepares an environmental impact statement
15 pursuant to s. 196.025 (7), the political subdivision may not hold the public hearing
16 required under par. (d) until at least 30 days after the commission has distributed
17 the final environmental impact statement.”.

18 **6.** Page 8, line 2: after that line insert:

19 “(em) If the commission notifies the political subdivision that additional time
20 is necessary for the the commission to carry out its duties under s. 196.025 (7), the
21 political subdivision shall extend the time period under par. (d) by the additional
22 time specified by the commission.”.

23 **7.** Page 11, line 17: after that line insert:

24 “**SECTION 10m.** 196.025 (7) of the statutes is created to read:

1 196.025 (7) ENVIRONMENTAL REVIEW OF CERTAIN WIND ENERGY SYSTEMS. (a) In this
2 subsection:

3 1. “Application for approval” has the meaning given in s. 66.0401 (1e) (a).

4 2. “Political subdivision” means a city, village, town, or county.

5 3. “Wind energy system” means a wind energy system, as defined in s. 66.0403
6 (1) (m), that has a nominal capacity of more than 10 megawatts and less than 100
7 megawatts.

8 (b) If the commission receives a copy of an application for approval for a wind
9 energy system under s. 66.0401 (4) (a) 1r., the commission shall treat the application
10 for approval as a type II action under its rules promulgated under s. 1.11 and perform
11 all review and other actions under the rules that are required for type II actions,
12 except that, if the commission determines that an environmental impact statement
13 is required under the rules, the commission is not required to hold a public hearing
14 on the application for approval.

15 (c) If the commission cannot comply with par. (b) within the 90–day time period
16 specified in s. 66.0401 (4) (d), the commission shall notify the political subdivision to
17 which the application for approval was made and specify the additional time
18 necessary for the commission to comply with par. (b).”.

19 **8.** Page 13, line 24: after that line insert:

20 “**SECTION 13m.** 196.85 (1m) (e) of the statutes is created to read:

21 196.85 (1m) (e) For the purpose of direct assessment under sub. (1) of expenses
22 incurred by the commission in connection with its activities under s. 196.025 (7), the

1 term “public utility” includes an applicant for an application for approval, as defined
2 in s. 66.0401 (1e) (a), for a wind energy system, as defined in s. 196.025 (7) (a) 3.”.

3 (END)