

2009 DRAFTING REQUEST

Assembly Amendment (AA-SB185)

Received: **09/15/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**

By/Representing: **Jodi Jensen**

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.Huebsch@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Minimum distances between wind energy systems and residences or buildable residential sites

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>
/?	mkunkel 09/15/2009	wjackson 09/15/2009		_____			
/1			mduchek 09/15/2009	_____	lparisi 09/15/2009	lparisi 09/15/2009	

FE Sent For:

<END>

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/?	mkunkel	1 WJ 9/15	MD 9/15	MDP			

FE Sent For:

<END>

Kunkel, Mark

From: Jensen, Jodi
Sent: Tuesday, September 15, 2009 3:07 PM
To: Kunkel, Mark
Cc: Mueller, Eric
Subject: RE: Amendments to AB 256

Sorry, but I just got the word from leadership - please draft the amendments to SSA2. Thanks!

From: Kunkel, Mark
Sent: Tuesday, September 15, 2009 2:54 PM
To: Jensen, Jodi
Cc: Mueller, Eric
Subject: RE: Amendments to AB 256

Okay.

From: Jensen, Jodi
Sent: Tuesday, September 15, 2009 2:54 PM
To: Kunkel, Mark
Cc: Mueller, Eric
Subject: RE: Amendments to AB 256

We don't know for certain if the Assembly will take up SB 185, but think it's likely absent an objection. But, for now, I think drafting them to ASA 2 is the safest route. We'll try to give you plenty of warning if we have to convert them to amendments to SSA2.

Also - you can take LRBa0584 and LRBa0540 off this list.

Thanks.

From: Kunkel, Mark
Sent: Tuesday, September 15, 2009 2:45 PM
To: Jensen, Jodi
Cc: Mueller, Eric
Subject: FW: Amendments to AB 256

Jodi, I see that today the Senate passed SSA2 to SB185, which is the Senate companion to ASA2 to AB 256.

Do you know if the Assembly plans to take up the Senate version tomorrow, rather than the Assembly version? If so, you would want Assembly amendments to SB185, as shown by SSA2.

If you don't know for sure what the Assembly is going to do, we can draft Assembly amendments to ASA2 to AB256, which is what you requested below, which we can quickly convert to amendments to SB185, as shown by SSA2, if you subsequently find out that you need to take that approach.

Any thoughts on how we should proceed?

09/15/2009

-- Mark

From: Jensen, Jodi
Sent: Tuesday, September 15, 2009 2:40 PM
To: Kunkel, Mark; Shovers, Marc
Subject: Amendments to AB 256

Mark and Marc,

Thanks for all of your help with Rep. Huebsch's amendments. Please draft the following amendments to ASA 2 to AB 256.

LRBa0542/1

LRBa0670/1

LRBa0671/1

LRBa0540/1

I have attached LRBa0584/1 which was drafted to SB 185 but not introduced. Rep. Huebsch would like this drafted to ASA 2 with one change: replace "vicinity" in line 6 with a requirement that the property owner live within two miles of the wind energy system.

Let me know if you have any questions.

Jodi

From: Jensen, Jodi
Sent: Monday, September 14, 2009 2:53 PM
To: Malszycki, Marcie
Cc: Huebsch, Michael
Subject: Amendments to AB 256

Require the PSC to promulgate rules on minimum setbacks from both existing residences and "buildable residential sites." Buildable residential site means the part of a parcel where a residence could be lawfully built or where an addition could be lawfully put onto an existing home. LRB 0542/1 attached.

Require the PSC to promulgate rules allowing a city, town, village or county to require a wind developer to compensate property owners within two miles of the wind energy system for negative impacts to their property. The compensation shall be based on the proximity to the wind energy system and other factors specified by the PSC. (This was a Cowles amendment in committee.) Amendment in drafting.

Require the PSC to complete an Environmental Assessment for all wind energy systems over 10 MW

and determine whether an EIS is necessary. If the PSC completes an EIS, the local government must hold a hearing on the findings prior to acting on an application for a wind development. LRB 0670/1 attached.

Require the PSC rules to prohibit a city, town, village or county from approving an application unless the developer can demonstrate the financial capacity to construct and operate the wind energy system in the absence of a purchase power agreement or financing secured based on expected revenues from a purchase power agreement. LRB 0671/1 attached.

Allow a local government to order owners of wind energy systems to remove a facility that is in violation of its ordinance. Violations would include failure to comply with setback requirements and limits on noise volume. The owners of the wind energy system can appeal the order in circuit court. LRB 0540/1 attached.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0542/1
MDK:jh:ph

O-NOTE

COPIES

Wij
a0701/1

RM NOT
PUN

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

as shown by senate substitute amendment 2

1 At the locations indicated, amend the bill as follows:

2 1. Page ¹¹ ~~11~~, line ²² ~~10~~: after that line insert:

3 "1m. "Buildable residential site" means the part of a parcel, which is zoned for
4 residential use, in which a residence may be lawfully constructed or in which an
5 addition to an existing residence may be lawfully constructed."

6 2. Page ¹² ~~10~~, line ¹² ~~1~~: delete "setback distances".

7 3. Page ¹² ~~10~~, line ¹⁰ ~~1~~ after "~~other matters~~" insert "Energy systems and the
8 minimum required distance between a wind energy system and residence and
9 between a wind energy system and the perimeter of a buildable residential site,
10 except that the rules shall allow the owner of a residence or buildable residential site
11 to waive, in writing, the minimum distance requirement".

(END)

Page 12, line 13 delete distances 12/10

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

LRBa0701/1dn

MDK:.....

Wlj

Date

Rep. Huebsch:

This amendment is based on LRBa0542/1, except that this amendment is drafted to SSA2 to SB-185.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

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

LRBa0701/1dn
MDK:wlj:md

September 15, 2009

Rep. Huebsch:

This amendment is based on LRBa0542/1, except that this amendment is drafted to SSA2 to SB-185.

Mark D. Kunkel
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