

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2355/P1dn
MDK:jld:rs

July 26, 2011

Sen. Lasee:

Please note the following about this preliminary draft:

1. The draft uses the same definitions of “affected owner” and “large wind energy system” that are in 2011 SB-98. Note that 2011 SB-98 and this draft define “large wind energy system” as a system with total installed capacity of more than 300 kilowatts, with individual wind turbines with capacities of more than 100 kilowatts. However, the correspondence you submitted refers to wind energy systems of 100 megawatts or more. Is the draft’s definition okay, or do you want to refer instead to systems that are 100 megawatts or more?
2. As in 2011 SB-98, the draft allows affected owners to agree in writing to a setback distance that is less than one mile. Is that okay?
3. As in 2011 SB-98, the draft’s requirements will first apply to large wind energy systems for which construction begins on or after the effective date of the draft, which is approximately three months after the draft is published as an act. You may want to consider revising this initial applicability provision so that the draft first applies to large wind energy systems for which construction contracts are entered into on or after the effective date. Under that approach, the draft would not apply if contracts are entered into before the effective date but construction does not begin until after the effective date. Please let me know your preference on this issue.
4. Other than to allow the Department of Health Services to accept contributions for the epidemiological study from stakeholders, the draft does not provide funding for the study. Do you want to revise the draft to appropriate money for the study? Also, the UW may incur expenses in consulting with the department. Do you want provide funding for the UW’s involvement in the study?
5. Regarding the epidemiological study, the correspondence you submitted refers to a “level 1” study. I did not refer to “level 1” because I could not determine its meaning. If you clarify what you mean, I can revise the draft accordingly.
6. The correspondence you submitted mentions submitting the report regarding the study to the Joint Committee for Review of Administrative Rules (JCRAR). However, JCRAR’s duties are limiting to reviewing rules, and this draft establishes setback

distances by statute, not rule. Therefore, instead of requiring submission of the report to JCRAR, I required submission to the appropriate standing committees of the legislature. After the report is received, a legislator would have to request a bill that incorporates the legislative proposal included in the report.

7. Do you want to include a deadline for completion of the epidemiological study? Depending on how long such studies take, a statutory deadline may or may not be advisable, so you may want to consider whether such a deadline is necessary.

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