

# SENATE BILL No. 1124

October 22, 2014, Introduced by Senator WALKER and referred to the Committee on Energy and Technology.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 2425 (MCL 600.2425) and by adding section  
2941a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2425. (1) ~~If~~**SUBJECT TO SUBSECTION (2), IF** an action to  
2 abate a public nuisance is brought by a private citizen, whether or  
3 not the attorney general or prosecuting attorney intervenes, and  
4 the court finds that there was no reasonable ground or cause for  
5 the action, costs may be taxed against such citizen. In such a  
6 case, attorney's fees are proper costs.

7           (2) **IF, IN AN ACTION ALLEGING PUBLIC OR PRIVATE NUISANCE**

1 CAUSED BY A WIND ENERGY SYSTEM, THE DEFENDANT PREVAILS FOR REASONS  
2 SET FORTH IN SECTION 2941A(2), COSTS AND REASONABLE ATTORNEY FEES  
3 SHALL BE TAXED AGAINST THE PLAINTIFF.

4 (3) ~~(2) When~~ IF the attorney general or prosecuting attorney  
5 intervenes, the costs incurred by ~~such~~ THAT officer shall be  
6 ~~payable~~ PAID by the county in which the nuisance exists and all  
7 costs collected in the action shall be paid into the treasury of  
8 ~~such~~ THAT county.

9 SEC. 2941A. (1) AS USED IN THIS SECTION:

10 (A) "COMMISSION" MEANS THE MICHIGAN PUBLIC SERVICE COMMISSION.

11 (B) "EXTENSION SITING GUIDELINES" MEANS "MICHIGAN LAND USE  
12 GUIDELINES FOR SITING WIND ENERGY SYSTEMS", PUBLISHED BY THE  
13 MICHIGAN STATE UNIVERSITY EXTENSION AND, IF PUBLISHED AFTER THE  
14 EFFECTIVE DATE OF THIS SECTION, ADOPTED BY THE COMMISSION PURSUANT  
15 TO SUBSECTION (4).

16 (C) "WIND ENERGY SYSTEM" MEANS A SYSTEM THAT CONVERTS WIND  
17 ENERGY INTO ELECTRICITY THROUGH THE USE OF 1 OR MORE WIND TURBINE  
18 GENERATORS AND INCLUDES THE TURBINES, BLADES, AND TOWERS AS WELL AS  
19 RELATED ELECTRICAL EQUIPMENT. WIND ENERGY SYSTEM DOES NOT INCLUDE  
20 WIRING TO CONNECT THE SYSTEM TO THE ELECTRIC GRID.

21 (2) A WIND ENERGY SYSTEM IS NOT A PUBLIC OR PRIVATE NUISANCE  
22 IF THE WIND ENERGY SYSTEM COMPLIES WITH BOTH OF THE FOLLOWING:

23 (A) THE EXTENSION SITING GUIDELINES IN EFFECT ON THE DATE THE  
24 WIND ENERGY SYSTEM FIRST BEGAN OPERATING.

25 (B) ANY APPLICABLE ZONING ORDINANCE IN EFFECT AT THE TIME THE  
26 WIND ENERGY SYSTEM FIRST BEGAN OPERATING.

27 (3) AN ACTION FOR A PUBLIC OR PRIVATE NUISANCE BASED ON A WIND

1 ENERGY SYSTEM'S NONCOMPLIANCE WITH THE APPLICABLE EXTENSION SITING  
2 GUIDELINES OR AN APPLICABLE ZONING ORDINANCE AS PROVIDED UNDER  
3 SUBSECTION (2) MAY BE BROUGHT ONLY BY THOSE PROPERTY OWNERS OR  
4 OTHER PERSONS WITH RESPECT TO WHOM THE VIOLATION OCCURS.

5 (4) THE COMMISSION SHALL BY RULE ADOPT FOR THE PURPOSES OF  
6 THIS SECTION THE MOST RECENT VERSION OF THE "MICHIGAN LAND USE  
7 GUIDELINES FOR SITING WIND ENERGY SYSTEMS", PUBLISHED BY THE  
8 MICHIGAN STATE UNIVERSITY EXTENSION AFTER THE EFFECTIVE DATE OF  
9 THIS SECTION IF THE CHANGES IN THE UPDATED VERSION WILL PROTECT  
10 HUMAN HEALTH AND SAFETY AND THE ENVIRONMENT AND PROMOTE THE COST-  
11 EFFECTIVE GENERATION OF ELECTRICITY FROM WIND.

12 Enacting section 1. This amendatory act does not take effect  
13 unless Senate Bill No.1123

14 of the 97th Legislature is enacted into law.