



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1511/1
MES&MDK:amn

2017 ASSEMBLY BILL 760

December 19, 2017 - Introduced by Representatives MACCO, ALLEN, BRANDTJEN, DUCHOW, JACQUE, KATSMA, KREMER, KULP, SKOWRONSKI, THIESFELDT, TITTL and QUINN, cosponsored by Senator STROEBEL. Referred to Committee on Energy and Utilities.

1 **AN ACT** *to amend* 66.0401 (1m) (intro.) and 196.378 (4g) (b); and *to create*
2 66.0401 (1m) (d) of the statutes; **relating to:** authorizing a city, village, town,
3 or county to restrict placement of a wind energy system.

Analysis by the Legislative Reference Bureau

Under this bill, a city, village, town, or county may enact an ordinance that prohibits or regulates the placement of a wind energy system closer than 1,800 feet from the property line of any contiguous property, even if such an ordinance is more restrictive than rules promulgated by the Public Service Commission.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 66.0401 (1m) (intro.) of the statutes is amended to read:
5 66.0401 (**1m**) **AUTHORITY TO RESTRICT SYSTEMS LIMITED.** (intro.) No Except as
6 provided in par. (d), no political subdivision may place any restriction, either directly
7 or in effect, on the installation or use of a wind energy system that is more restrictive

ASSEMBLY BILL 760**SECTION 1**

1 than the rules promulgated by the commission under s. 196.378 (4g) (b). No political
2 subdivision may place any restriction, either directly or in effect, on the installation
3 or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy
4 system, unless the restriction satisfies one of the following conditions:

5 **SECTION 2.** 66.0401 (1m) (d) of the statutes is created to read:

6 66.0401 (1m) (d) With regard to a wind energy system, prohibits or regulates
7 the placement of such a system closer than 1,800 feet from the property line of any
8 contiguous property.

9 **SECTION 3.** 196.378 (4g) (b) of the statutes is amended to read:

10 196.378 (4g) (b) The commission shall, with the advice of the wind siting
11 council, promulgate rules that specify the restrictions a political subdivision may
12 impose on the installation or use of a wind energy system consistent with the
13 conditions specified in s. 66.0401 (1m) (a) to (c). The subject matter of these rules
14 shall include setback requirements that provide reasonable protection from any
15 health effects, including health effects from noise and shadow flicker, associated with
16 wind energy systems. The subject matter of these rules shall also include
17 decommissioning and may include visual appearance, lighting, electrical
18 connections to the power grid, setback distances, maximum audible sound levels,
19 shadow flicker, proper means of measuring noise, interference with radio, telephone,
20 or television signals, or other matters. A Except as provided in s. 66.0401 (1m) (d),
21 a political subdivision may not place a restriction on the installation or use of a wind
22 energy system that is more restrictive than these rules.

23 **SECTION 4. Initial applicability.**

