

2003 DRAFTING REQUEST

Bill

Received: **08/18/2003**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing: **Christian Schneider**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - nav. waters
Munis - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Exemption from prohibition on regulating solar and wind energy systems

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>
/?				_____			Local
/1	mglass 09/09/2003	csicilia 09/16/2003	rschluet 09/16/2003	_____	lemery 09/16/2003	mbarman 09/17/2003	Local
/2	mglass 10/10/2003	csicilia 10/21/2003	pgreensl 10/21/2003	_____	sbasford 10/21/2003	sbasford 10/21/2003	Local
/3	mglass 10/28/2003	csicilia 11/04/2003	jfrantze 11/04/2003	_____	lemery 11/04/2003	lemery 11/04/2003	

FE Sent For:

<END>

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/2	mglass 10/10/2003	csicilia 10/21/2003	pgreensl 10/21/2003		sbasford 10/21/2003	sbasford 10/21/2003	

FE Sent For:

13 jrs 10/31/03 [Signature] 11/4 [Signature] [Signature] <END>

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/?							Local
/1	mglass 09/09/2003	csicilia 09/16/2003	rschluet 09/16/2003	10	lemery 09/16/2003	mbarman 09/17/2003	

FE Sent For:

Handwritten notes: 1/2 9/5 10/20 03 10/21 PG<END> 08/15

2003 DRAFTING REQUEST

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For: Sheila Harsdorf (608) 266-7745

By/Representing: Christian Schneider

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/?							
/1	mglass 09/09/2003	csicilia 09/16/2003	rschluet 09/16/2003		lemery 09/16/2003	↓ per matt in Harsdorf's office	Local

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 08/18/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Sheila Harsdorf (608) 266-7745

By/Representing: Christian Schneider

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters: mshovers

Subject: Nat. Res. - nav. waters
Munis - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Exemption from ^{prohibition}~~restriction~~ on regulating solar and wind energy systems

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>
/?	mglass	1 cis 9/16/03					

9-16-3
<END>

FE Sent For:

Gibson-Glass, Mary

From: Shovers, Marc
Sent: Monday, August 11, 2003 11:55 AM
To: Gibson-Glass, Mary
Subject: FW: Bill draft request

Hi Mary:

I'll be happy to make this change in s. 66.0404, or whatever the cite is, but I'll need to know how to refer to this ch. 30 Scenic . . . stuff. If you want to do it, though, I won't complain. Let me know and we can let Chris know who'll be the primary drafter. Thanks.

Marc

-----Original Message-----

From: Tradewell, Becky
Sent: Monday, August 11, 2003 11:26 AM
To: Shovers, Marc
Subject: FW: Bill draft request

Marc,

I think this is yours (they are looking for a change in ch. 66) and possibly the natural resources drafters (some interaction with ch. 30). If you think not, let's discuss it. If you think so, please let Chris (Harsdorf's office) know who will be working on it.

Becky

-----Original Message-----

From: Schneider, Christian
Sent: Monday, August 11, 2003 11:16 AM
To: Tradewell, Becky
Cc: Liedl, Kimberly; Jablonski, Jack
Subject: Bill draft request

Becky,

Attached is a constituent letter that describes a rule/statute conflict that we would like to have a bill drafted to correct. The letter is fairly self-explanatory, and offers a suggestion on how this could be done.

Thank you.



Wind turbine.pdf



City of Saint Croix Falls

710 Highway 35 South St. Croix Falls, WI 54024 Phone (715) 483-3929 Fax (715) 483-1618

July 30, 2003

State Representative Sheila Harsdorf
State Representative Mark Pettis
State of Wisconsin

Dear Sheila and Mark:

The City of Saint Croix Falls recently passed an ordinance regulating alternative energy systems within the City. Specifically, we face conflicting statutory language that needs to be clarified. It is for this reason that I write you.

We anticipate an application from local resident George Pfaltzgraf to build a 130' wind turbine on one of the highest points within the City. The City conducted a Viewshed Analysis and this wind turbine as proposed could be seen from a great portion of the City and most of Taylors Falls. This proposal stands in conflict with State Statue 30.27 and NR 118 which seeks "to guarantee the protection of the wild, scenic and recreational qualities of the river for present and future generations."

Specifically, such a wind turbine would disrupt the scenic viewshed of the Saint Croix Riverway and serve to detract from the intent of the Lower Saint Croix River Act of 1972. However, the City is constrained in its ability to regulate and protect the viewshed in this instance by State Statue 66.0401.

State Statue 66.0401 states "no...city...may place any restriction, either directly or in effect, on the installation or use of a...wind energy system...unless the restriction satisfies" narrow issues related to public health and safety. The City is seeking your assistance to clarify conflicting statutory intent.

Specifically, we recommend an amendment to State Statue 66.0401 (1) that would read: "Communities included in the national wild and scenic rivers act, as defined in State Statue 30.27, shall not be confined by the regulatory restrictions of this statue..."

Essentially, we hope that you will exempt Saint Croix Falls and other communities in the riverway from State Statue 66.0401 and its constraint in restricting wind energy systems. Clearly, the national wild and scenic rivers act encourages communities along the

Page Two
July 30, 2003

riverway, and the State, to act in partnership in protecting and preserving the scenic nature of the riverway. A series of wind energy turbines along the bluffslopes of the Saint Croix River not only stands in contrast to the intent of wild and scenic rivers act – but also may place such a designation in jeopardy.

In addition, the State, through the Focus On Energy Program, has offered Mr. Pfaltzgraf a grant to construct his wind energy turbine within the viewshed – an action which can be viewed as endorsing the disruption of the viewshed and thus placing in jeopardy the many years of efforts to preserve this wonderful asset.

Therefore, it is incumbent upon you, as our representatives, to correct such conflicting statutory language. It appears preserving the riverway, and thus allowing local communities along this fairly narrow portion of the State to regulate or restrict wind energy systems, should override concerns of alternative energy interests. We hope that you will concur and act promptly to assist us in ensuring the intent of the wild and scenic rivers act is preserved.

Please call me if you have any questions or concerns.

Sincerely,



Ed Emerson
City Administrator



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-31268 LMR
MGG:/:....
cj's

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

SA ✓
X-refs ✓
new CRS ✓

Gen cat.

1 AN ACT ~~...~~; relating to: restrictions imposed on the installation and use of solar
2 energy systems and wind energy systems ~~that are located~~ on the banks, bluffs,
3 ~~and~~ STET: leave as typed bluff tops of the Lower St. Croix River between the dam near St. Croix Falls
4 and its confluence with the Mississippi River.

Analysis by the Legislative Reference Bureau

Current law prohibits a county, city, town, or village from imposing any restriction on the installation or use of a solar energy system or a wind energy system unless the restriction serves to preserve or protect the public health or safety, the restriction does not significantly increase the cost of the system or significantly decrease its efficiency, or the restriction allows for an alternative system of comparable cost and efficiency.

This bill creates an exemption from this prohibition for ^{or} a solar energy system or a wind energy systems that is located on a bank, bluff, ~~and~~ bluff top of the Lower St. Croix River between the dam near St. Croix Falls and its confluence with the Mississippi River.

For further information see the *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:

1 SECTION 1. ~~30.27 of the statutes is amended to read.~~

2 SECTION 2. 66.0401 (1) (intro.) of the statutes is renumbered s. 66.0401 (1)^g
3 (intro.) and amended to read:

4 plain ^g 66.0401 (1)^g (intro.) AUTHORITY TO RESTRICT SYSTEMS LIMITED. No Except as
5 provided in sub. (1m), no county, city, town, or village may place any restriction,
6 either directly or in effect, on the installation or use of a solar energy system, as
7 defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0403 (1)
8 (m), unless the restriction satisfies one of the following conditions:

9 SECTION 3. 66.0401 (k)^e (1m) of the statutes is created to read:

10 66.0401 (1m) EXEMPTION FOR LOWER ST. CROIX RIVER AREA. A county, city, town,¹³
11 or village may place a restriction that is otherwise prohibited under sub. (A) if the
12 solar energy system or the wind energy system is located in an area that is subject
13 to a zoning ordinance adopted for the county, city, town, or village under s. 30.27 (3).

14 SECTION 4. 66.0401 (1) (a) of the statutes is renumbered 66.0401 (1)^g (a).

15 SECTION 5. 66.0401 (1) (b) of the statutes is renumbered 66.0401 (1)^g (b).

16 SECTION 6. 66.0401 (1) (c) of the statutes is renumbered 66.0401 (1)^g (A)^C.

17 SECTION 7. 66.0401 (1b) of the statutes is created to read:

18 66.0401 (1b) DEFINITIONS. In the section:

19 (a) "Collector surface has the meaning given in s. 700.41 (2) (b). ✓

20 (b) "Solar energy" has the meaning given in s. 66.0403 (1) (k). ✓

21 (c) "Solar energy system" has the meaning given in s. 13.48 (2) (h) 1. g.

22 (d) "Wind energy system" has the meaning given in s. 66.0403 (1) (m). ✓

23 SECTION 8. 66.0401 (2) of the statutes is amended to read:

24 66.0401 (2) AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. A county,
25 city, village, or town may provide by ordinance for the trimming of vegetation that

MOVE

1 blocks solar energy, ~~as defined in s. 66.0403 (1) (k),~~ from a collector surface, ~~as defined~~
2 ~~under s. 700.41 (2) (b),~~ or that blocks wind from a wind energy system, ~~as defined in~~
3 ~~s. 66.0403 (1) (m).~~ The ordinance may include, but is not limited to, a designation
4 of responsibility for the costs of the trimming. The ordinance may not require the
5 trimming of vegetation that was planted by the owner or occupant of the property on
6 which the vegetation is located before the installation of the solar or wind energy
7 system.

8 **History:** 1981 c. 354; 1981 c. 391 s. 210; 1993 a. 414; 1999 a. 150 ss. 78, 79, 84; Stats. 1999 s. 66.0401; 2001 a. 30.

(END)

Emery, Lynn

From: Emery, Lynn
Sent: Friday, October 03, 2003 12:27 PM
To: Schneider, Christian; Jablonski, Jack
Subject: LRB-3126/1 (attached as requested)



03-3126/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Gibson-Glass, Mary

From: Schneider, Christian
Sent: Friday, October 03, 2003 1:21 PM
To: Gibson-Glass, Mary
Subject: LRB 3126 Change

Mary,

In our original draft of LRB 3126, it would authorize a restriction on building wind powered energy systems in the St. Croix Scenic Riverway. A problem we have run into after discussing the bill with the City of St. Croix Falls is that the windmills we want to prevent are being built in the City of St. Croix Falls, outside of the scenic riverway. Thus, our bill would not achieve our goal.

We would like a provision in the draft that any city with St. Croix Scenic riverway land within its borders gets an exemption from the prohibition for solar or wind energy systems. Is this feasible?

Thanks.

Christian Schneider
Committee Clerk, Senate Committee on Higher Education and Tourism
Staff, Joint Committee on Finance
Office of State Senator Sheila Harsdorf
(608)266-7745
christian.schneider@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

RMR
LRB-3126/2
MGG:cjs:15
stays

SA ✓

SOPL

2003 BILL

TUE NOON

in cities that are located

Refer cat

1 AN ACT to renumber 66.0401 (1) (a), 66.0401 (1) (b) and 66.0401 (1) (c); to
2 renumber and amend 66.0401 (1) (intro.); to amend 66.0401 (2); and to
3 create 66.0401 (1b) and 66.0401 (1m) of the statutes; relating to: restrictions
4 imposed on the installation and use of solar energy systems and wind energy
5 systems on the banks, bluffs, ^{or} and bluff tops of the Lower St. Croix River
6 between the dam near St. Croix Falls and its confluence with the Mississippi
7 River.

Analysis by the Legislative Reference Bureau

Current law prohibits a county, city, town, or village from imposing any restriction on the installation or use of a solar energy system or a wind energy system unless the restriction serves to preserve or protect the public health or safety, the restriction does not significantly increase the cost of the system or significantly decrease its efficiency, or the restriction allows for an alternative system of comparable cost and efficiency.

This bill creates an exemption from this prohibition for a solar energy system or a wind energy systems that is located on a bank, bluff, or bluff top of the Lower St. Croix River between the dam near St. Croix Falls and its confluence with the Mississippi River.

in

BILL

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

ANL

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

1 **SECTION 1.** 66.0401 (1) (intro.) of the statutes is renumbered s. 66.0401 (1g)
2 (intro.) and amended to read:

3 66.0401 (1g) (intro.) **AUTHORITY TO RESTRICT SYSTEMS LIMITED.** No Except as
4 provided in sub. (1m), no county, city, town, or village may place any restriction,
5 either directly or in effect, on the installation or use of a solar energy system, as
6 defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0403 (1)
7 (m), unless the restriction satisfies one of the following conditions:

8 **SECTION 2.** 66.0401 (1) (a) of the statutes is renumbered 66.0401 (1g) (a).

9 **SECTION 3.** 66.0401 (1) (b) of the statutes is renumbered 66.0401 (1g) (b).

10 **SECTION 4.** 66.0401 (1) (c) of the statutes is renumbered 66.0401 (1g) (c).

11 **SECTION 5.** 66.0401 (1b) of the statutes is created to read:

12 66.0401 (1b) **DEFINITIONS.** In the section:

13 (a) "Collector surface" has the meaning given in s. 700.41 (2) (b).

14 (b) "Solar energy" has the meaning given in s. 66.0403 (1) (k).

15 (c) "Solar energy system" has the meaning given in s. 13.48 (2) (h) 1. g.

16 (d) "Wind energy system" has the meaning given in s. 66.0403 (1) (m).

17 **SECTION 6.** 66.0401 (1m) of the statutes is created to read:

18 66.0401 (1m) **EXEMPTION FOR CERTAIN CITIES** ~~LOWER ST. CROIX RIVER AREA.~~ A ~~county, city, town,~~
19 ~~or village~~ may place a restriction that is otherwise prohibited under sub. (1g) if the
20 solar energy system or the wind energy system is located in ~~an area~~ ^{a city} that is subject
21 to a zoning ordinance adopted for the ~~county, city, town, or village~~ ^{by or in} under s. 30.27 (3).
all or part of which
that city

BILLIWS
3-1

1 **SECTION 7.** 66.0401 (2) of the statutes is amended to read:
2 66.0401 (2) **AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION.** A county,
3 city, village, or town may provide by ordinance for the trimming of vegetation that
4 blocks solar energy, ~~as defined in s. 66.0403 (1) (k),~~ from a collector surface, ~~as defined~~
5 ~~under s. 700.41 (2) (b),~~ or that blocks wind from a wind energy system, ~~as defined in~~
6 ~~s. 66.0403 (1) (m).~~ The ordinance may include, but is not limited to, a designation
7 of responsibility for the costs of the trimming. The ordinance may not require the
8 trimming of vegetation that was planted by the owner or occupant of the property on
9 which the vegetation is located before the installation of the solar or wind energy
10 system.

11

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3126/lins
MGG:cjs:rs

(CS)

EXEMPTION FOR CERTAIN CITIES

delete
+ra
space

ANL

This bill creates an exemption from this prohibition so that a city that is located totally or partially in the Lower St. Croix National Scenic Riverway may restrict the installation of a solar or wind energy system at any site within the city's boundaries. The Riverway is located between the dam near St. Croix Falls and its confluence with the Mississippi River.

SECTION 1. 66.0401 (1m) of the statutes is created to read:

66.0401 (1m) ~~From~~ A city that has in effect a zoning ordinance adopted under s. 30.27 (3) that applies to all or part of the city may place a restriction, that is otherwise prohibited under sub. (1g), on the installation of a solar energy system or a wind energy system at any site within the city's boundaries.

INS
3-1

✓

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, October 21, 2003 12:01 PM
To: Schneider, Christian
Subject: RE: LRB 3126/2 (attached as requested)



03-3126/2

> -----Original Message-----

> **From:** Schneider, Christian
> **Sent:** Tuesday, October 21, 2003 11:58 AM
> **To:** Emery, Lynn
> **Subject:** LRB 3126/2

>
> Electronic copy?

>
> Thanks.

>
> Christian Schneider

> Committee Clerk, Senate Committee on Higher Education and Tourism

> Staff, Joint Committee on Finance

> Office of State Senator Sheila Harsdorf

> (608)266-7745

> christian.schneider@legis.state.wi.us

>

Gibson-Glass, Mary

From: Schneider, Christian
Sent: Monday, October 27, 2003 3:03 PM
To: Gibson-Glass, Mary
Subject: LRB-3126 Revision

Mary,

Upon consultation with the DNR, we would like to expand the local governments that may prohibit wind turbines under LRB 3126. You may remember we discussed whether to make it just cities or add towns, villages, and counties, and we opted to go with just cities. The DNR recommends making it all the above local governments.

I will send the bill jacket back.

Thanks.

Christian Schneider
Committee Clerk, Senate Committee on Higher Education and Tourism
Staff, Joint Committee on Finance
Office of State Senator Sheila Harsdorf
(608)266-7745
christian.schneider@legis.state.wi.us



noon
(in 10/28)
stays

2003 SENATE BILL

in cities, villages, and towns

SA ✓

cities, villages, and towns

Reg

and counties

1 ~~AN ACT to renumber~~ 66.0401 (1) (a), 66.0401 (1) (b) and 66.0401 (1) (c); ~~to~~
 2 ~~renumber and amend~~ 66.0401 (1) (intro.); ~~to amend~~ 66.0401 (2); and ~~to~~
 3 ~~create~~ 66.0401 (1b) and 66.0401 (1m) of the statutes; **relating to:** restrictions
 4 imposed on the installation and use of solar energy systems and wind energy
 5 systems ~~in cities~~ that are located on the banks, bluffs, or bluff tops of the Lower
 6 St. Croix River between the dam near St. Croix Falls and its confluence with
 7 the Mississippi River. for counties (local governmental units)

Analysis by the Legislative Reference Bureau

Current law prohibits ~~a village, city, town, or village~~ ^{or} from imposing any restriction on the installation or use of a solar energy system or a wind energy system unless the restriction serves to preserve or protect the public health or safety, the restriction does not significantly increase the cost of the system or significantly decrease its efficiency, or the restriction allows for an alternative system of comparable cost and efficiency.

This bill creates an exemption from this prohibition so that a ~~city~~ ^{local governmental unit} that is located totally or partially in the Lower St. Croix National Scenic Riverway may restrict the installation of a solar or wind energy system at any site within the ~~city~~ boundaries. The riverway is located between the dam near St. Croix Falls and its confluence with the Mississippi River.

of the local governmental unit

SENATE BILL

For further information see the *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:

1 **SECTION 1.** 66.0401 (1) (intro.) of the statutes is renumbered s. 66.0401 (1g)
2 (intro.) and amended to read: ~~county, city, town, or village~~

3 66.0401 (1g) (intro.) **AUTHORITY TO RESTRICT SYSTEMS LIMITED.** ~~No~~ Except as
4 provided in sub. (1m), no ~~county, city, town, or village~~ local governmental unit or county
5 either directly or in effect, on the installation or use of a solar energy system, as
6 defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0403 (1)
7 (~~m~~), unless the restriction satisfies one of the following conditions:

8 **SECTION 2.** 66.0401 (1) (a) of the statutes is renumbered 66.0401 (1g) (a).

9 **SECTION 3.** 66.0401 (1) (b) of the statutes is renumbered 66.0401 (1g) (b).

10 **SECTION 4.** 66.0401 (1) (c) of the statutes is renumbered 66.0401 (1g) (c).

11 **SECTION 5.** 66.0401 (1b) of the statutes is created to read:

12 66.0401 (1b) **DEFINITIONS.** In the section:

- 13 (a) "Collector surface" has the meaning given in s. 700.41 (2) (b).
- 14 ¶ (b) "Local governmental unit" means a city, village, ^{or} town ~~or~~ ^{county}.
- 15 ¶ (c) ~~(b)~~ "Solar energy" has the meaning given in s. 66.0403 (1) (k).
- 16 ¶ (d) ~~(c)~~ "Solar energy system" has the meaning given in s. 13.48 (2) (h) 1. g.

16 ¶ (e) ~~(d)~~ "Wind energy system" has the meaning given in s. 66.0403 (1) (m).

17 **SECTION 6.** 66.0401 (1m) of the statutes is created to read:

18 66.0401 (1m) **EXEMPTION FOR CERTAIN** ~~CITIES~~ ^(LOCAL GOVERNMENTAL UNITS) A city that has in effect a zoning
19 ordinance adopted under s. 30.27 (3) that applies to all or part of the ~~city~~ ^{local governmental unit} may place
20 a restriction, that is otherwise prohibited under sub. (1g), on the installation of a
21 solar energy system or a wind energy system at any site within the ~~city~~ boundaries

of the local governmental units

SENATE BILL

1 SECTION 7. 66.0401 (2) of the statutes is amended to read:

2 66.0401 (2) AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. A [↓]county,
3 [↓]city, [↓]village, or [↓]town local governmental unit or county may provide by ordinance for the trimming of vegetation that
4 blocks solar energy, as defined in s. 66.0403 (1) (k), from a collector surface, as defined
5 under s. 700.41 (2) (b), or that blocks wind from a wind energy system, as defined in
6 s. 66.0403 (1) (m). The ordinance may include, but is not limited to, a designation
7 of responsibility for the costs of the trimming. The ordinance may not require the
8 trimming of vegetation that was planted by the owner or occupant of the property on
9 which the vegetation is located before the installation of the solar or wind energy
10 system.

11

(END)