



2011 BILL

1 **AN ACT relating to:** wind energy system rules.

Analysis by the Legislative Reference Bureau

Current law requires the Public Service Commission (PSC), with the advice of the wind siting council, to promulgate rules that specify the restrictions that a city, village, town, or county (political subdivision) may impose on the installation or use of a “wind energy system,” which is defined as equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. The subject matter of the rules must include certain setback and decommissioning requirements, and may include visual appearance, lighting, electrical connections to the power grid, maximum audible sound levels, shadow flicker, proper means of measuring noise, interference with radio, telephone, or television signals, or other matters. Current law prohibits a political subdivision from imposing a restriction that is more restrictive than the rules. Current law also requires the PSC to promulgate rules regarding the process used by political subdivisions to approve wind energy systems, as well as rules regarding enforcement of the restrictions by political subdivisions.

The PSC promulgated the rules under the current law provisions described above as clearinghouse rule number 10-057. The rules became effective March 1, 2011. This bill repeals those rules and requires the PSC to submit proposed rules pursuant to the current law provisions described above to the legislative council staff no later than approximately six months after the bill's effective date.

