

HOUSE BILL NO. HB0079

Eminent domain-wind power collector lines.

Sponsored by: Representative(s) Brown, Anderson, R.,
Cannady, Carson, Childers, Gilmore, Jaggi,
Lubnau, Moniz, Quarberg, Roscoe, Simpson and
Steward and Senator(s) Anderson, J., Bebout,
Cooper, Elliott, Martin, Nicholas, Perkins,
Schiffer, Scott and Von Flatern

A BILL

for

1 AN ACT relating to condemnation; limiting the exercise of
2 the power of condemnation for the erection, placement or
3 expansion of collector systems associated with commercial
4 facilities generating electricity from wind for a period of
5 time; establishing a task force; assigning duties to the
6 task force; specifying the operation of the task force;
7 providing appropriations; and providing for an effective
8 date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 1-26-815 by creating a new subsection

13 (d) is amended to read:

14

1 **1-26-815. Right of eminent domain granted; ways of**
2 **necessity for authorized businesses; purposes; extent.**

3
4 (d) No person qualified to exercise the condemnation
5 authority granted by this section, except a public utility
6 that has been granted a certificate of public convenience
7 and necessity pursuant to W.S. 37-2-205, shall exercise the
8 authority for the erection, placement or expansion of
9 collector systems associated with commercial facilities
10 generating electricity from wind. The prohibition imposed
11 by this subsection shall be effective immediately and shall
12 end June 30, 2011, or upon the effective date of
13 legislation establishing additional conditions for the use
14 of condemnation authority for the erection, placement or
15 expansion of collector systems associated with commercial
16 facilities generating electricity from wind, whichever
17 occurs earlier. As used in this subsection, "collector
18 systems associated with commercial facilities generating
19 electricity from wind" means the conductor infrastructure,
20 including conductors, towers, substations, switchgear and
21 other components necessary to deliver power from any
22 commercial facility generating electricity from wind up to
23 but not including electric substations or interconnections
24 facilities associated with existing or proposed

1 transmission lines that serve load or that export energy
2 from Wyoming.

3

4 **Section 2.** There is appropriated twenty thousand
5 dollars (\$20,000.00) from the general fund to the
6 legislative service office to continue the task force on
7 wind energy as established by Chapter 159, 2009 Wyoming
8 Session Laws, 2009 HB 0001, Section 348. The appropriation
9 shall be used for the payment of salary, per diem and
10 mileage for legislative task force members. The task
11 force's membership and operation shall be as established by
12 Chapter 159, 2009 Wyoming Session Laws. The task force
13 shall clearly define collector systems, identify and
14 recommend conditions appropriate for the use of
15 condemnation authority authorized pursuant to W.S. 1-26-815
16 for collector systems for commercial facilities generating
17 electricity from wind, consider and recommend appropriate
18 public policy with respect to the severance of the wind
19 estate from the surface estate and consider and make
20 recommendations regarding the amount, method and duration
21 of payment to landowners who are subject to the
22 construction and operation of wind energy collector systems
23 on their land. The task force shall work with the Wyoming
24 infrastructure authority, other state agencies, county

1 governments, landowners, transmission developers, wind
2 energy developers and other interested stakeholders to
3 determine appropriate conditions and recommendations. The
4 task force shall provide the general public with
5 significant opportunity to comment and shall report to the
6 Wyoming legislature and the governor, including specific
7 recommendations, no later than November 1, 2010.

8

9 **Section 3.** There is appropriated two thousand dollars
10 (\$2,000.00) from the general fund to the governor's office
11 for payment of per diem and mileage for nonlegislative task
12 force members as established by Section 2.

13

14 **Section 4.** Notwithstanding any other provision of
15 law, the appropriations made by this act shall not be
16 transferred or expended for any purpose not specified by
17 the act and any unexpended, unobligated funds remaining
18 from this appropriation shall revert as provided by law on
19 December 31, 2010.

20

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)