

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 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 shall exercise the
6 authority for the erection, placement or expansion of
7 collector systems associated with commercial facilities
8 generating electricity from wind. The prohibition imposed
9 by this subsection shall be effective immediately and shall
10 end June 30, 2011, or upon the effective date of
11 legislation establishing additional conditions for the use
12 of condemnation authority for the erection, placement or
13 expansion of collector systems associated with commercial
14 facilities generating electricity from wind, whichever
15 occurs earlier. As used in this subsection, "collector
16 systems associated with commercial facilities generating
17 electricity from wind" means the electrical transmission
18 infrastructure, including transmission lines, towers,
19 substations, switchgear and other components necessary to
20 deliver power from any commercial facility generating
21 electricity from wind up to but not including electric
22 substations or interconnections facilities associated with
23 existing or proposed transmission lines.

24

1 **Section 2.** There is appropriated ten thousand five
2 hundred dollars (\$10,500.00) from the general fund to the
3 legislative service office to continue the task force on
4 wind energy as established by Chapter 159, 2009 Wyoming
5 Session Laws, 2009 HB 0001, Section 348. The appropriation
6 shall be used for the payment of salary, per diem and
7 mileage for legislative task force members. The task
8 force's membership and operation shall be as established by
9 Chapter 159, 2009 Wyoming Session Laws. The task force
10 shall identify and recommend conditions appropriate for the
11 use of condemnation authority authorized pursuant to W.S.
12 1-26-815 for collector systems for commercial facilities
13 generating electricity from wind, consider and recommend
14 appropriate public policy with respect to the severance of
15 the wind estate from the surface estate and consider and
16 make recommendations regarding the amount, method and
17 duration of payment to landowners who are subject to the
18 construction and operation of wind energy collector systems
19 on their land. The task force shall work with the Wyoming
20 infrastructure authority, other state agencies, county
21 governments, landowners, transmission developers, wind
22 energy developers and other interested stakeholders to
23 determine appropriate conditions and recommendations. The
24 task force shall provide the general public with

1 significant opportunity to comment and shall report to the
2 Wyoming legislature and the governor, including specific
3 recommendations, no later than November 1, 2010.

4

5 **Section 3.** There is appropriated two thousand dollars
6 (\$2,000.00) from the general fund to the governor's office
7 for payment of per diem and mileage for nonlegislative task
8 force members as established by Section 2.

9

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

16

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

21

22

(END)