

Bill No.: HB0079**Drafter:** IDS**LSO No.:** 10LSO-0319**Effective Date:** 3/5/2010**Enrolled Act No.:** HEA0048**Chapter No.:** 48**Prime Sponsor:** Representative Brown**Catch Title:** Eminent domain-wind power collector lines.**Subject:** Eminent domain for collector systems and the Wind Energy Task Force.**Summary/Major Elements:**

- This legislation places a moratorium on the exercise of eminent domain for the purpose of erecting "collector systems" associated with wind energy projects. Public utilities that have been granted a certificate of public convenience and necessity are exempted from the moratorium.
- The moratorium is effective immediately and lasts until June 30, 2011, or upon the effective date of legislation establishing additional conditions for the use of condemnation for the erection, placement or expansion of collector systems associated with wind energy projects.
- Collector systems are defined to be "the conductor infrastructure, including conductors, towers, substations, switchgear and other components necessary to deliver power from any commercial facility generating electricity from wind up to but not including electric substations or interconnection facilities associated with existing or proposed transmission lines that serve load or that export energy from Wyoming."
- This legislation revives the Wind Energy Task Force, created for the 2009 interim. The membership is identical, except that three, rather than two, members are to be appointed by the Governor. The Task Force has a total budget that is increased from \$12,500 to \$22,000.
- The Task Force must study conditions for the appropriate use of condemnation authority, legal issues surrounding severance of the wind right and compensation of landowners.

Comments:

- Report required - The Task Force must report its findings on or before November 1, 2010.

ORIGINAL HOUSE ENGROSSED

BILL NO. 0079

ENROLLED ACT NO. 48, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING

2010 BUDGET SESSION

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

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

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

(d) is amended to read:

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

(d) No person qualified to exercise the condemnation authority granted by this section, except a public utility that has been granted a certificate of public convenience and necessity pursuant to W.S. 37-2-205, shall exercise the authority for the erection, placement or expansion of collector systems associated with commercial facilities generating electricity from wind. The prohibition imposed by this subsection shall be effective immediately and shall end June 30, 2011, or upon the effective date of legislation establishing additional conditions for the use of condemnation authority for the erection, placement or expansion of collector systems associated with commercial facilities generating electricity from wind, whichever occurs earlier. As used in this subsection, "collector systems associated with commercial facilities generating electricity from wind" means the conductor infrastructure, including conductors, towers, substations, switchgear and other components necessary to deliver power from any commercial facility generating electricity from wind up to but not including electric substations or interconnections facilities associated with existing or proposed transmission lines that serve load or that export energy from Wyoming.

Section 2. 2009 Wyoming Session Laws, Chapter 159, Section 348(a)(iii) and (e) is amended to read:

[TASK FORCE ON WIND ENERGY]

Section 348. (a) Provided the management council does not assign the issue of wind energy to a standing committee as a 2009 interim topic, there is created a task force on wind energy consisting of the following members:

(iii) Two (2) Three (3) members from the public-at-large appointed by the governor;

(e) The task force shall exist until December 31, 2009 2010. Members of the task force who are not state employees or legislators shall not receive a salary but shall receive reimbursement for mileage and per diem expenses at the rate provided for legislators under W.S. 28-5-101. Members of the task force who are legislators shall be paid salary, per diem and mileage as provided in W.S. 28-5-101 for their official duties as members of the task force.

Section 3. There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the legislative service office to continue the task force on wind energy as established by Chapter 159, 2009 Wyoming Session Laws, 2009 HB 0001, Section 348 as amended by section 2 of this act. The appropriation shall be used for the payment of salary, per diem and mileage for legislative task force members. The task force's membership and operation shall be as established by Chapter 159, 2009 Wyoming Session Laws as amended by section 2 of this act. The task force shall clearly define collector systems, identify and recommend conditions appropriate for the use of condemnation authority authorized pursuant to W.S. 1-26-815 for collector systems for commercial facilities generating electricity from wind, consider and recommend appropriate public policy with respect to the severance of the wind estate from the surface estate and consider and make recommendations regarding the amount, method and duration of payment to landowners who are subject to the construction and operation of wind energy collector systems on their land. The task force shall work with the Wyoming infrastructure authority, other state agencies, county governments, landowners, transmission developers, wind energy developers and other interested stakeholders to determine appropriate conditions and recommendations. The task force shall provide the general public with significant opportunity to comment and shall report to the Wyoming legislature and the governor, including specific recommendations, no later than November 1, 2010.

Section 4. There is appropriated two thousand dollars (\$2,000.00) from the general fund to the governor's office for payment of per diem and mileage for on legislative task force members as established by Section 2.

Section 5. Notwithstanding any other provision of law, the appropriations made by this act shall not be transferred or expended for any purpose not specified by the

act and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on December 31, 2010.

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk