

HOUSE BILL NO. HB0070

Eminent domain-wind energy facilities & collector systems-
2.

Sponsored by: Representative(s) Brown

A BILL

for

1 AN ACT relating to condemnation; limiting the exercise of
2 the power of condemnation for commercial facilities
3 generating electricity from wind and for associated
4 collector systems; providing compensation standards for
5 condemned property as specified; requiring proof of
6 compliance; repealing an existing moratorium; and providing
7 for an effective date.

8

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

10

11 **Section 1.** W.S. 1-26-715 and 1-26-818 are created to
12 read:

13

14 **1-26-715. Compensation for commercial facilities**
15 **generating electricity from wind and collector systems.**

16

1 Compensation related to the condemnation of property for
2 the construction of commercial facilities generating
3 electricity from wind and for associated collector systems
4 shall be made pursuant to W.S. 1-26-818.

5

6 **1-26-818. Right of eminent domain granted; wind**
7 **energy facilities and collector systems.**

8

9 (a) No person shall exercise the condemnation
10 authority granted by W.S. 1-26-815 for the erection,
11 placement or expansion of commercial facilities generating
12 electricity from wind, nor for collector systems associated
13 with commercial facilities generating electricity from
14 wind, without complying with this section.

15

16 (b) Before any person to whom subsection (a) of this
17 section applies may exercise the power of eminent domain,
18 the person shall:

19

20 (i) Negotiate land use and compensation
21 agreements:

22

23 (A) Which will grant the person the right
24 to occupy and use not less than eighty-five percent (85%)

1 of the land upon which the commercial facilities generating
2 electricity from wind and any associated collector system
3 will be constructed; or

4

5 (B) With not less than eighty-five percent
6 (85%) of the owners of land upon which the commercial
7 facilities generating electricity from wind and any
8 associated collector system will be constructed.

9

10 (ii) Allege in any complaint for condemnation
11 and provide proof to a court of competent jurisdiction
12 compliance with paragraph (i) of this subsection;

13

14 (iii) Allege in any complaint for condemnation
15 and provide proof to a court of competent jurisdiction the
16 average terms and considerations, monetary and otherwise,
17 granted to the owners of property with whom the person
18 negotiated under paragraph (i) of this subsection; and

19

20 (iv) Allege in any complaint for condemnation
21 and provide proof to a court of competent jurisdiction that
22 the commercial facilities generating electricity from wind
23 and any associated collector system for which the

1 condemnation action has been filed constitute an
2 economically, legally and logistically viable project.

3

4 (c) In any condemnation allowed under this section,
5 the person whose land is condemned shall be compensated
6 with consideration that is equal to the average
7 consideration, monetary and otherwise, paid to the owners
8 of land with whom the condemner negotiated under paragraph
9 (a)(i) of this section.

10

11 (d) This section shall not apply to a public utility
12 that has been granted a certificate of public convenience
13 and necessity pursuant to W.S. 37-2-205.

14

15 (e) As used in this section:

16

17 (i) "Commercial facility generating electricity
18 from wind" means a facility which meets the requirements of
19 W.S. 35-12-102(a)(vii)(E) and (F);

20

21 (ii) "Collector systems associated with
22 commercial facilities generating electricity from wind"
23 means the conductor infrastructure, including conductors,
24 towers, substations, switchgear and other components

1 necessary to deliver power from any commercial facility
2 generating electricity from wind up to but not including
3 electric substations or interconnections facilities
4 associated with existing or proposed transmission lines
5 that serve load or that export energy from Wyoming.

6

7 **Section 2.** W.S. 1-26-815 by creating a new subsection
8 (e) is amended to read:

9

10 **1-26-815. Right of eminent domain granted; ways of**
11 **necessity for authorized businesses; purposes; extent.**

12

13 (e) No person qualified to exercise the condemnation
14 authority granted by this section, except a public utility
15 that has been granted a certificate of public convenience
16 and necessity pursuant to W.S. 37-2-205, shall exercise the
17 authority for the erection, placement or expansion of
18 commercial facilities generating electricity from wind, nor
19 for collector systems associated with commercial facilities
20 generating electricity from wind other than as provided by
21 W.S. 1-26-818.

22

23 **Section 3.** W.S. 1-26-815(d) is repealed.

24

1 **Section 4.** 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)