

HOUSE BILL NO. HB0111

Split estates-measure of damages-3.

Sponsored by: Representative(s) Clausen, Barlow and Kirkbride and Senator(s) Boner and Wasserburger

A BILL

for

1 AN ACT relating to oil and gas; amending provisions related
2 to surface damage and disruption payments; and providing
3 for an effective date.

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

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7 **Section 1.** W.S. 30-5-405(a)(i) is amended to read:

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9 **30-5-405. Surface damage and disruption payments;**
10 **penalty for late payment.**

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12 (a) The oil and gas operator shall pay the surface
13 owner as follows:

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1 (i) A sum of money or other compensation equal
2 to the greater of:

3
4 (A) The actual amount of damages sustained
5 by the surface owner for loss of production and income,
6 loss of land value and loss of value of improvements caused
7 by oil and gas operations; or

8
9 (B) The fair market value of the loss
10 sustained by the surface owner including the loss of
11 production and income, loss of land value and loss of value
12 of improvements caused by oil and gas operations. For
13 purposes of this subparagraph, "fair market value" shall
14 include consideration of:

15
16 (I) Any amounts paid by the same or
17 another oil and gas operator for damages of a comparable
18 type to the same or similar property located within the
19 same township and range or within a similar geographic
20 area; and

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1 (II) Any amounts paid for damages
2 caused by oil and gas operations that resulted in a
3 comparable loss of land value, production and income.

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5 **Section 2.** This act is effective July 1, 2020.

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(END)