

HOUSE BILL NO. HB0026

Eminent domain.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to eminent domain; defining public use;
2 providing conforming amendments; and providing for an
3 effective date.

4

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

6

7 **Section 1.** W.S. 1-26-502(a) by creating a new
8 paragraph (vi) and by renumbering (vi) as (vii),
9 1-26-504(a)(intro), 15-9-114(a) and 24-9-101(a)(intro) are
10 amended to read:

11

12 **1-26-502. Definitions.**

13

14 (a) As used in this act:

15

1 (vi) "Public use" means the possession,
2 occupation and enjoyment of the land by the general public
3 or by a public entity. Public use shall not include the
4 taking of private property by a governmental entity for the
5 benefit of another private individual or private entity nor
6 shall it include lands acquired primarily for:

7
8 (A) Economic development;

9
10 (B) Industrial development;

11
12 (C) An increase to the tax base;

13
14 (D) An increase to tax revenues;

15
16 (E) An increase in employment;

17
18 (F) An increase in general economic health.

19
20 ~~(vi)~~(vii) "This act" means W.S. 1-26-501 through
21 1-26-817.

22
23 **1-26-504. Requirements to exercise eminent domain.**

24

1 (a) Except as otherwise provided by law, the power of
2 eminent domain may be exercised to acquire property for a
3 ~~proposed~~public use only if all of the following are
4 established:

5

6 **15-9-114. Condemnation.**

7

8 (a) A municipality has the right to acquire by
9 condemnation any interest in real property, including a fee
10 simple title thereto, which it deems necessary for or in
11 connection with an urban renewal project under this
12 chapter. A municipality may exercise the power of eminent
13 domain in the manner now provided or which may be hereafter
14 provided by any other statutory provisions. Property
15 already devoted to a public use may be acquired in like
16 manner, provided that no real property belonging to the
17 United States, the state or any political subdivision
18 thereof, may be acquired without its consent. Any property
19 acquired under this section shall qualify for public use as
20 defined pursuant to W.S. 1-26-502(a)(vi).

21

22 **24-9-101. Petition; initial hearing; appointment of**
23 **viewers and appraisers; bond; rules.**

24

1 (a) Notwithstanding W.S. 1-26-502(a)(vi), any person
2 whose land has no outlet to, nor connection with a public
3 road, may file an application in writing with the board of
4 county commissioners in the county where his land is
5 located for a private road leading from his land to some
6 convenient public road. The application shall contain the
7 following information:

8

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

13

14

(END)