

SENATE FILE NO. SF0181

Eminent domain-energy collection systems-2.

Sponsored by: Senator(s) Crago and Steinmetz and  
Representative(s) Banks, Davis, Eklund and  
Winter

A BILL

for

1 AN ACT relating to eminent domain; limiting the exercise of  
2 the power of condemnation for energy collector systems;  
3 providing compensation standards for condemned property as  
4 specified; requiring proof of compliance and notice of  
5 condemnation as specified; providing requirements for  
6 existing easements; providing definitions; making  
7 conforming amendments; repealing an existing provision;  
8 specifying applicability; and providing for an effective  
9 date.

10

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

12

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

15

1           **1-26-715. Compensation for condemnation of property**  
2 **for energy collector systems.**

3

4 Compensation related to the condemnation of property for  
5 the erection, placement or expansion of an energy collector  
6 system associated with a commercial facility generating  
7 electricity shall be made in accordance with W.S. 1-26-704  
8 and 1-26-818.

9

10           **1-26-818. Right of eminent domain; energy collector**  
11 **systems; authorization; restrictions.**

12

13           (a) Subject to this section, any person authorized to  
14 do business in this state may appropriate by condemnation a  
15 way of necessity over, across or on so much of the lands or  
16 real property of others as necessary for the erection,  
17 placement or expansion of an energy collector system  
18 associated with a commercial facility generating  
19 electricity. Except as provided in subsection (h) of this  
20 section, each person, association, company or corporation  
21 shall comply with the requirements of this section before  
22 appropriating by condemnation property as specified in this  
23 subsection.

1

2 (b) Except as provided in subsection (h) of this  
3 section, each person exercising the power of eminent domain  
4 under this section shall:

5

6 (i) Negotiate and have finalized land use and  
7 compensation agreements:

8

9 (A) That shall grant the person the right  
10 to occupy and use not less than sixty-six percent (66%) of  
11 the land upon which the energy collector system will be  
12 constructed; or

13

14 (B) With not less than sixty-six percent  
15 (66%) of the owners of the land upon which the energy  
16 collector system will be constructed if not less than three  
17 (3) landowners are involved in the potential condemnation  
18 action.

19

20 (ii) Allege in any complaint for condemnation  
21 and provide proof to a court of competent jurisdiction:

22

1                   (A) Compliance with paragraph (i) of this  
2 subsection;

3  
4                   (B) All terms and consideration, including  
5 monetary compensation or compensation given to landowners  
6 as described in subsections (b)(i)(A) and (B) of this  
7 section, granted to the owners of property with whom the  
8 person negotiated under paragraph (i) of this subsection.  
9 The court shall ensure that, except for providing the  
10 information to the opposing party, all terms and  
11 consideration alleged in the complaint under this  
12 subparagraph remain confidential; and

13  
14                   (C) That the commercial facility generating  
15 electricity with which the energy collector system  
16 constitutes a public use.

17  
18                   (c) For purposes of calculating compensation under  
19 this section, improvements to the property shall be  
20 included in its fair market value.

21  
22                   (d) W.S. 1-26-701 through 1-26-715 shall apply to any  
23 condemnation under this section except in no circumstances

1 shall the minimum compensation to be paid be less than the  
2 average paid under W.S. 1-26-818(b)(i).

3

4 (e) A commercial facility generating electricity  
5 shall not use an existing easement agreement or order  
6 granting an easement to the condemnor to place additional  
7 energy collector systems associated with a commercial  
8 facility generating electricity without first complying  
9 with this section unless the existing easement:

10

11 (i) Authorizes initial or additional energy  
12 collector systems;

13

14 (ii) Contemplates a method by which an easement  
15 can be enlarged or amended; or

16

17 (iii) Authorizes the parties to renegotiate the  
18 easement.

19

20 (f) Thirty (30) days before a condemnation action is  
21 commenced under this section, the entity seeking to condemn  
22 property shall give notice to the board of county  
23 commissioners of the county and any local governing body of

1 the city or town in which the condemnation is to take  
2 place.

3

4 (g) Any order granting an easement to a condemnor  
5 under this section shall include clauses relating to  
6 liability of the parties for potential damages arising from  
7 activities occurring on the condemned property and  
8 reclamation requirements pertaining to the condemnor's use  
9 of the property.

10

11 (h) This section shall not apply to:

12

13 (i) A public utility that has been granted a  
14 certificate of public convenience and necessity under W.S.  
15 37-2-205;

16

17 (ii) Any energy collector system associated with  
18 a commercial facility generating electricity that began  
19 serving load or that began exporting energy from Wyoming  
20 before July 1, 2025.

21

22 (j) As used in this section:

23

1           (i) "Energy collector system associated with a  
2 commercial facility generating electricity" means the  
3 conductor infrastructure, including conductors, towers,  
4 substations, switchgear and other components necessary to  
5 deliver power from any commercial facility generating  
6 electricity up to, but not including, electric substations  
7 or interconnections facilities associated with existing or  
8 proposed transmission lines that serve load or that export  
9 energy from Wyoming;

10

11           (ii) "Commercial facility generating  
12 electricity" means any commercial plant, property or  
13 facility generating electricity from any source for the  
14 purpose of selling electricity.

15

16           **Section 2.** W.S. 1-26-502(a)(vi), 1-26-701(a) and (c),  
17 1-26-815 by creating a new subsection (e) and 34-27-105 are  
18 amended to read:

19

20           **1-26-502. Definitions.**

21

22           (a) As used in this act:

23

1 (vi) "This act" means W.S. 1-26-501 through  
2 ~~1-26-817~~ 1-26-818.

3

4 **1-26-701. Compensation standards.**

5

6 (a) An owner of property or an interest in property  
7 taken by eminent domain is entitled to compensation  
8 determined under the standards prescribed by W.S. 1-26-701  
9 through ~~1-26-713~~ 1-26-715.

10

11 (c) Except as specifically provided by W.S. 1-26-701  
12 through ~~1-26-713~~ 1-26-715, compensation, damages, or other  
13 relief to which a person is otherwise entitled under this  
14 act or other law are not affected, but duplication of  
15 payment is not permitted.

16

17 **1-26-815. Right of eminent domain granted; ways of**  
18 **necessity for authorized businesses; purposes; extent.**

19

20 (e) No person qualified to exercise the condemnation  
21 authority granted by this section, except those persons  
22 specified in W.S. 1-26-818(h), shall exercise the authority  
23 for the erection, placement or expansion of an energy



1 collector system associated with a commercial facility  
2 generating electricity except in accordance with W.S.  
3 1-26-818.

4

5 **34-27-105. Compensation for taking of wind or solar**  
6 **energy rights.**

7

8 Nothing in this act diminishes the right of the owner of  
9 the surface estate to receive compensation under W.S.  
10 1-26-701 through ~~1-26-714~~ 1-26-715 for the taking of wind  
11 or solar energy rights incidental to the exercise of  
12 eminent domain.

13

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

15

16 **Section 4.** This act applies to condemnation actions  
17 initiated on or after July 1, 2025. Nothing in this act is  
18 construed to impair any existing contracts. Nothing in this  
19 act shall be construed to prohibit projects regarding  
20 commercial facilities generating electricity or energy  
21 collector systems that have begun the local or state  
22 permitting process before July 1, 2025.

23

1           **Section 5.** This act is effective July 1, 2025.

2

3

(END)