

HOUSE BILL NO. HB0091

Eminent domain energy collector systems amendments.

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

A BILL

for

1 AN ACT relating to eminent domain; repealing the ability of
2 entities who are not public utilities to use the right of
3 condemnation for electric generation collector systems;
4 providing requirements for existing easements; requiring
5 condemnors to give notice to local governing bodies before
6 commencement of a condemnation action; specifying
7 requirements for condemnation actions; specifying
8 applicability; and providing for an effective date.

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

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12 **Section 1.** W.S. 1-26-815(d) is amended to read:

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14 **1-26-815. Right of eminent domain granted; ways of**
15 **necessity for authorized businesses; purposes; extent.**

1

2 (d) No person ~~qualified to exercise the condemnation~~
3 ~~authority granted by this section,~~ except a public utility
4 that has been granted a certificate of public convenience
5 and necessity pursuant to W.S. 37-2-205, shall exercise the
6 condemnation authority granted under this section for the
7 erection, placement or expansion of collector systems
8 associated with commercial facilities generating
9 electricity. ~~from wind. The prohibition imposed by this~~
10 ~~subsection shall be effective immediately and shall end~~
11 ~~June 30, 2015 or upon the effective date of legislation~~
12 ~~establishing additional conditions for the use of~~
13 ~~condemnation authority for the erection, placement or~~
14 ~~expansion of collector systems associated with commercial~~
15 ~~facilities generating electricity from wind, whichever~~
16 ~~occurs earlier.~~ As used in this subsection, "collector
17 systems associated with commercial facilities generating
18 electricity" ~~from wind~~ means the conductor infrastructure,
19 including conductors, towers, substations, switchgear and
20 other components necessary to deliver power from any
21 commercial facility generating electricity ~~from wind~~ up to
22 but not including electric substations or interconnections
23 facilities associated with existing or proposed

1 transmission lines that serve load or that export energy
2 from Wyoming. In addition:

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4 (i) 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:

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

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

16

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

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20 (ii) Before a condemnation action is commenced
21 under this section, the entity seeking to condemn property
22 shall give notice to the board of county commissioners of

1 the county and any local governing body of the city or town
2 in which the condemnation is to take place;

3
4 (iii) Any order granting an easement to a
5 condemnor under this section shall include clauses relating
6 to liability of the parties for potential damages arising
7 from activities occurring on the condemned property and
8 reclamation requirements pertaining to the condemnor's use
9 of the property.

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11 **Section 2.** This act applies to eminent domain actions
12 initiated on or after July 1, 2025. This act shall not be
13 construed to impair existing contracts.

14
15 **Section 3.** This act is effective July 1, 2025.

16
17 (END)