

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 eighty-five percent (85%)
11 of the land upon which the energy collector system will be
12 constructed; or

13

14 (B) With not less than eighty-five percent
15 (85%) 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 and

10

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

14

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

18

19 (d) W.S. 1-26-701 through 1-26-715 shall apply to any
20 condemnation under this section except in no circumstances
21 shall the minimum compensation to be paid be less than the
22 average paid under W.S. 1-26-818(b)(i).

23

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

7

8 (i) Authorizes initial or additional energy
9 collector systems;

10

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

13

14 (iii) Authorizes the parties to renegotiate the
15 easement.

16

17 (f) Thirty (30) days before a condemnation action is
18 commenced under this section, the entity seeking to condemn
19 property shall give notice to the board of county
20 commissioners of the county and any local governing body of
21 the city or town in which the condemnation is to take
22 place.

23

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

7

8 (h) This section shall not apply to:

9

10 (i) A public utility that has been granted a
11 certificate of public convenience and necessity under W.S.
12 37-2-205;

13

14 (ii) Electric substations or interconnection
15 facilities associated with existing or proposed
16 transmission lines that serve load or that export energy
17 from Wyoming.

18

19 (j) As used in this section:

20

21 (i) "Energy collector system associated with a
22 commercial facility generating electricity" means the
23 conductor infrastructure, including conductors, towers,

1 substations, switchgear and other components necessary to
2 deliver power from any commercial facility generating
3 electricity to, but not including, electric substations or
4 interconnections facilities associated with existing or
5 proposed transmission lines that serve load or that export
6 energy from Wyoming;

7

8 (ii) "Commercial facility generating
9 electricity" means any commercial plant, property or
10 facility generating electricity from any source for the
11 purpose of selling electricity at the retail market price.

12

13 **Section 2.** W.S. 1-26-502(a)(vi), 1-26-701(a) and (c),
14 1-26-815 by creating a new subsection (e) and 34-27-105 are
15 amended to read:

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17 **1-26-502. Definitions.**

18

19 (a) As used in this act:

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21 (vi) "This act" means W.S. 1-26-501 through
22 ~~1-26-817~~ 1-26-818.

23

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

2

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

7

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

13

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

16

17 (e) No person qualified to exercise the condemnation
18 authority granted by this section, except those persons
19 specified in W.S. 1-26-818(h), shall exercise the authority
20 for the erection, placement or expansion of an energy
21 collector system associated with a commercial facility
22 generating electricity except in accordance with W.S.
23 1-26-818.

1

2 **34-27-105. Compensation for taking of wind or solar**
3 **energy rights.**

4

5 Nothing in this act diminishes the right of the owner of
6 the surface estate to receive compensation under W.S.
7 1-26-701 through ~~1-26-714~~ 1-26-715 for the taking of wind
8 or solar energy rights incidental to the exercise of
9 eminent domain.

10

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

12

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

20

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

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23

(END)