

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Eminent domain-energy collector systems.

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

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; providing  
5 definitions; making conforming amendments; repealing an  
6 existing provision; and providing for an effective date.

7

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

9

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

12

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 a collector system  
6 associated with a commercial facility generating  
7 electricity shall be made in accordance with W.S. 1-26-818.

8

9           **1-26-818. Right of eminent domain granted; energy**  
10 **collector systems.**

11

12           (a) No person, except a public utility that has been  
13 granted a certificate of public convenience and necessity,  
14 shall exercise the authority granted by W.S. 1-26-815 to  
15 condemn property for the erection, placement or expansion  
16 of a collector system associated with a commercial facility  
17 generating electricity without complying with this section.

18

19           (b) Before any person to whom subsection (a) of this  
20 section applies may exercise the power of eminent domain,  
21 the person shall:

22

1           (i) Negotiate and have finalized land use and  
2 compensation agreements:

3

4           (A) Which shall grant the person the right  
5 to occupy and use not less than eighty-five percent (85%)  
6 of the land upon which the collector system will be  
7 constructed; or

8

9           (B) With not less than eighty-five percent  
10 (85%) of the owners of the land upon which the collector  
11 system will be constructed if there are more than two (2)  
12 landowners involved in the potential condemnation action.

13

14           (ii) Allege in any complaint for condemnation  
15 and provide proof to a court of competent jurisdiction  
16 compliance with paragraph (i) of this subsection;

17

18           (iii) Allege in any complaint for condemnation  
19 and provide proof to a court of competent jurisdiction all  
20 terms and consideration, monetary and otherwise, granted to  
21 the owners of property with whom the person negotiated  
22 under paragraph (i) of this subsection; and

23

1           (iv) Allege in any complaint for condemnation  
2 and provide proof to a court of competent jurisdiction that  
3 the commercial facility generating electricity with which  
4 the collector system is associated constitutes an  
5 economically, legally and logistically viable project.

6

7           (c) In any condemnation allowed under this section,  
8 the person whose land is condemned shall be compensated  
9 with consideration that is equivalent to the average  
10 consideration given to the other owners of the land upon  
11 which the collector system will be constructed or, if the  
12 collector system will be constructed on the land of two (2)  
13 or less landowners, that is equivalent to the fair market  
14 value of the land that is to be condemned and that includes  
15 comparable terms paid to the owners of land with whom the  
16 condemnor negotiated under paragraph (b)(i) of this section  
17 if applicable.

18

19           (d) W.S. 1-26-701 through 1-26-715 shall apply to any  
20 condemnation under this section except to the extent the  
21 restrictions in this section are inconsistent with those  
22 statutes.

23

1           (e) A commercial facility generating electricity  
2 shall not use an existing easement to place additional  
3 collector systems associated with a commercial facility  
4 generating electricity without first complying with this  
5 section.

6

7           (f) This section shall not apply to:

8

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

12

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

17

18           (g) As used in this section:

19

20                   (i) "Collector system associated with a  
21 commercial facility generating electricity" means the  
22 conductor infrastructure, including conductors, towers,  
23 substations, switchgear and other components necessary to

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

6

7 (ii) "Commercial facility generating  
8 electricity" means any plant, property or facility  
9 generating electricity from any source.

10

11 **Section 2.** W.S. 1-26-502(a)(vi), 1-26-701(a) and (c),  
12 1-26-815 by creating a new subsection (e) and 34-27-105 are  
13 amended to read:

14

15 **1-26-502. Definitions.**

16

17 (a) As used in this act:

18

19 (vi) "This act" means W.S. 1-26-501 through ~~1-~~  
20 ~~26-817-1-26-818~~.

21

22 **1-26-701. Compensation standards.**

23

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

5  
6 (c) Except as specifically provided by W.S. 1-26-701  
7 through ~~1-26-713~~ 1-26-715, compensation, damages, or other  
8 relief to which a person is otherwise entitled under this  
9 act or other law are not affected, but duplication of  
10 payment is not permitted.

11  
12 **1-26-815. Right of eminent domain granted; ways of**  
13 **necessity for authorized businesses; purposes; extent.**

14  
15 (e) No person qualified to exercise the condemnation  
16 authority granted by this section, except a public utility  
17 that has been granted a certificate of public convenience  
18 and necessity pursuant to W.S. 37-2-205, shall exercise the  
19 authority for the erection, placement or expansion of a  
20 collector system associated with a commercial facility  
21 generating electricity except as provided by W.S. 1-26-818.

22

1           **34-27-105. Compensation for taking of wind energy**  
2 **rights.**

3

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

8

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

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11           **Section 4.** This act applies to eminent domain actions  
12 initiated on or after the effective date of this act.

13

14           **Section 5.** This act is effective July 1, 2024.

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16

(END)