

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

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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2 **1-26-815. Right of eminent domain granted; ways of**
3 **necessity for authorized businesses; purposes; extent.**

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5 (d) No person ~~qualified to exercise the condemnation~~
6 ~~authority granted by this section,~~ except a public utility
7 that has been granted a certificate of public convenience
8 and necessity pursuant to W.S. 37-2-205, shall exercise the
9 condemnation authority granted under this section for the
10 erection, placement or expansion of collector systems
11 associated with commercial facilities generating
12 electricity. ~~from wind. The prohibition imposed by this~~
13 ~~subsection shall be effective immediately and shall end~~
14 ~~June 30, 2015 or upon the effective date of legislation~~
15 ~~establishing additional conditions for the use of~~
16 ~~condemnation authority for the erection, placement or~~
17 ~~expansion of collector systems associated with commercial~~
18 ~~facilities generating electricity from wind, whichever~~
19 ~~occurs earlier.~~ As used in this subsection, "collector
20 systems associated with commercial facilities generating
21 electricity" ~~from wind~~ means the conductor infrastructure,
22 including conductors, towers, substations, switchgear and
23 other components necessary to deliver power from any

1 commercial facility generating electricity ~~from wind~~ up to
2 but not including electric substations or interconnections
3 facilities associated with existing or proposed
4 transmission lines that serve load or that export energy
5 from Wyoming. In addition:

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8 *****
9 **STAFF COMMENT**

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11 The Committee may wish to consider whether the following
12 paragraphs are necessary, given that this bill draft
13 essentially puts a moratorium on using eminent domain to
14 construct new energy collector systems associated with
15 commercial facilities generating electricity. This bill
16 draft would only allow the use of eminent domain by public
17 utilities in these circumstances.

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20 *****

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22 (i) A commercial facility generating electricity
23 shall not use an existing easement agreement or order
24 granting an easement to the condemnor to place additional
25 energy collector systems associated with a commercial
26 facility generating electricity without first complying
27 with this section unless the existing easement:

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29 (A) Authorizes initial or additional energy
30 collector systems;

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

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(C) Authorizes the parties to renegotiate
the easement.

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(ii) Before a condemnation action is commenced
under this section, the entity seeking to condemn property
shall give notice to the board of county commissioners of
the county and any local governing body of the city or town
in which the condemnation is to take place;

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

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

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Section 3. This act is effective July 1, 2025.

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(END)