

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Eminent domain-carbon dioxide pipelines.

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 carbon dioxide pipelines;
3 prohibiting persons from using the power of eminent domain
4 to place pipelines conveying carbon dioxide for the
5 purposes of carbon dioxide sequestration; providing
6 compensation standards for condemned property as specified;
7 requiring proof of compliance and notice of condemnation as
8 specified; providing requirements for existing easements;
9 making conforming amendments; and providing for an
10 effective date.

1

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

3

4 **Section 1.** W.S. 1-26-819 is created to read:

5

6 **1-26-819. Right of eminent domain; carbon dioxide**
7 **pipelines; authorization; restrictions.**

8

9 (a) Subject to this section, any person authorized to
10 do business in this state may appropriate by condemnation a
11 way of necessity over, across or on so much of the lands or
12 real property of others as necessary for the placement or
13 expansion of carbon dioxide pipelines. Each person shall
14 comply with the requirements of this section before
15 appropriating by condemnation property to place or expand
16 carbon dioxide pipelines.

17

18 (b) Each person exercising the power of eminent
19 domain under this section shall:

20

21 (i) Negotiate and have finalized land use and
22 compensation agreements:

23

1 (A) That shall grant the person the right
2 to occupy and use not less than sixty-six percent (66%) of
3 the land upon which the carbon dioxide pipeline will be
4 constructed; or

5

6 (B) With not less than sixty-six percent
7 (66%) of the owners of the land upon which the carbon
8 dioxide pipeline will be constructed if not less than three
9 (3) landowners are involved in the potential condemnation
10 action.

11

12 *****
13 *****
14 STAFF COMMENT
15 It was requested after the August meeting that there be a
16 prohibition on eminent domain used for enhanced oil
17 recovery in addition to carbon dioxide sequestration.
18 *****
19 *****

20

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

23

24 (A) Compliance with paragraph (i) of this
25 subsection;

26

1 (B) All terms and consideration, including
2 monetary compensation or compensation granted to the
3 landowners of property with whom the person negotiated
4 under paragraph (i) of this subsection. The court shall
5 ensure that, except for providing the information to the
6 opposing party, all terms and consideration alleged in the
7 complaint under this subparagraph remain confidential; and

8
9 (C) That the commercial facility operating
10 the carbon dioxide pipeline constitutes a public use.

11
12 (c) For purposes of calculating compensation under
13 this section, improvements to the property shall be
14 included in its fair market value pursuant to the
15 requirements of W.S. 1-26-705. W.S. 1-26-701 through
16 1-26-715 shall apply to any condemnation under this section
17 except in no circumstances shall the minimum compensation
18 to be paid be less than the average paid pursuant to the
19 process under to W.S. 1-26-818(b)(i).

20
21 (d) No person shall use an existing easement
22 agreement or order granting an easement to place additional
23 carbon dioxide pipelines associated with a commercial

1 facility without first complying with this section or
2 renegotiating the easement unless the existing easement:

3

4 (i) Authorizes initial or additional carbon
5 dioxide pipelines; or

6

7 (ii) Contemplates a method by which an easement
8 can be enlarged or amended.

9

10 (e) Not less than thirty (30) days before a
11 condemnation action is commenced under this section, the
12 entity seeking to condemn property shall give notice to the
13 board of county commissioners of the county and any local
14 governing body of the city or town in which the
15 condemnation is to take place.

16

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

23

1 (g) No property shall be condemned for the placement,
2 erection or expansion of carbon dioxide pipelines under any
3 other provision of law without complying with the
4 requirements of this section.

5
6 (h) Notwithstanding any other law, no person shall use
7 the power of eminent domain to place or expand pipelines
8 for the purpose of carbon capture, utilization or storage
9 in order to meet the low-carbon energy standards specified
10 under W.S. 37-18-101 and 37-18-102.

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12
13 **Section 2.** W.S. 1-26-502(a)(vi) and 1-26-815(a) are
14 amended to read:

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16 **1-26-502. Definitions.**

17
18 (a) As used in this act:

19
20 (vi) "This act" means W.S. 1-26-501 through
21 ~~1-26-818~~1-26-819.

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

3
4 (a) Except as provide by W.S. 1-26-819(h), any
5 person, association, company or corporation authorized to
6 do business in this state may appropriate by condemnation a
7 way of necessity over, across or on so much of the lands or
8 real property of others as necessary for the location,
9 construction, maintenance and use of reservoirs, drains,
10 flumes, ditches including return flow and wastewater
11 ditches, underground water pipelines, pumping stations and
12 other necessary appurtenances, canals, electric power
13 transmission lines and distribution systems, railroad
14 trackage, sidings, spur tracks, tramways, roads or mine
15 truck haul roads required in the course of their business
16 for agricultural, mining, exploration drilling and
17 production of oil and gas, milling, electric power
18 transmission and distribution, domestic, municipal or
19 sanitary purposes, or for the transportation of coal from
20 any coal mine or railroad line or for the transportation of
21 oil and gas from any well.

22

Section 3. This act shall apply to eminent domain actions initiated on or after July 1, 2026. Nothing in this act is construed to impair any existing contracts. Nothing in this act shall be construed to prohibit projects regarding carbon dioxide pipelines that have begun the local or state permitting process before July 1, 2026.

7

8 **Section 4.** This act is effective July 1, 2026.

9

10 (END)

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