

SENATE FILE NO. SF0010

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; specifying applicability; and providing
7 for an effective date.

8

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

10

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

13

14 **1-26-715. Compensation for condemnation of property**
15 **for energy collector systems.**

1

2 Compensation related to the condemnation of property for
3 the erection, placement or expansion of a collector system
4 associated with a commercial facility generating
5 electricity shall be made in accordance with W.S. 1-26-818.

6

7 **1-26-818. Right of eminent domain granted; energy**
8 **collector systems.**

9

10 (a) No person, except those persons specified in
11 subsection (f) of this section, shall exercise the
12 authority granted by W.S. 1-26-815 to condemn property for
13 the erection, placement or expansion of a collector system
14 associated with a commercial facility generating
15 electricity without complying with this section.

16

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

20

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

23

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

5

6 (B) With not less than eighty-five percent
7 (85%) of the owners of the land upon which the collector
8 system will be constructed if there are more than two (2)
9 landowners involved in the potential condemnation action.

10

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

14

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

20

21 (iv) Allege in any complaint for condemnation
22 and provide proof to a court of competent jurisdiction that
23 the commercial facility generating electricity with which

1 the collector system is associated constitutes an
2 economically, legally and logistically viable project.

3

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

16

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

21

22 (e) Unless specified in an existing easement or the
23 infrastructure is already existing, a commercial facility

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

5

6 (f) This section shall not apply to:

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

11

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

16

17 (g) As used in this section:

18

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

1 electricity to, but not including, electric substations or
2 interconnections facilities associated with existing or
3 proposed transmission lines that serve load or that export
4 energy from Wyoming;

5

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

9

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

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14 **1-26-502. Definitions.**

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16 (a) As used in this act:

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

20

21 **1-26-701. Compensation standards.**

22

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 those persons
17 specified in W.S. 1-26-818(f), shall exercise the authority
18 for the erection, placement or expansion of a collector
19 system associated with a commercial facility generating
20 electricity except as provided by W.S. 1-26-818.

21
22 **34-27-105. Compensation for taking of wind energy**
23 **rights.**

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

6

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

8

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

11

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

13

14

(END)