ORIGINAL SENATE ENGROSSED
FILE NO. SF0099

ENROLLED ACT NO. 63, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

AN ACT relating to property, conveyances and security transactions; providing legislative findings; providing definitions; providing an easement for electric transmission lines and distributions systems as specified; specifying applicability; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:

(i) During the electrification of rural Wyoming, it was common for multiple landowners to allow the construction of electrical distribution lines across their properties for the purpose of distributing electricity to the area residents. Each landowner benefitted from the permissions given by other landowners. The electrical providers relied on neighborly cooperation and the permissions granted by the various landowners to build and maintain electrical distribution lines that benefitted all the affected landowners;

(ii) In many cases, these arrangements were not supported with written documentation;

(iii) These historic arrangements and permissions were in the public interest and warrant legal protection;

(iv) It is not in the public interest to penalize neighborly cooperation by expanding the scope of the easement or burden on the land beyond the intent of the parties who entered into these agreements.

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Section 2. W.S. 34-1-159 is created to read:

34-1-159. Prescriptive easements for electricity delivery and distribution.

(a) As used in this section:

(i) "Delivery" means the distribution or transmission of electricity;

(ii) "Electric utility" means as defined by W.S. 37-3-401(a)(ii);

(iii) "Electricity user" means a person, or the person's predecessor, that receives or received electricity from a public utility, that is or was a member or customer of a public utility or whose land is crossed by an electric utility's system;

(iv) "Public utility" means as defined by W.S. 37-1-101(a)(vi);

(v) "System" means the physical structures, including overhead power lines and appurtenant structures, that convey electricity from a public utility to an electricity user.

(b) An electric utility shall be granted a nonexclusive easement under this section for a system, and the ability to reattach any existing pole attachments, if:

(i) The electric utility has installed a delivery system;

(ii) The delivery system, or a portion of the system, is visibly installed so as to provide any successors-in-interest to the electricity user constructive notice or actual notice that the delivery system exists on the property;

(iii) The delivery system was installed on the property on or before January 1, 2006;

(iv) The delivery system's use is continuous and uninterrupted. A change of use, cessation of use or de-energization for a period not exceeding one (1) year shall not be deemed an interruption for purposes of this paragraph; and

(v) There is no valid existing written agreement between the electric utility and the landowner establishing any other easement regarding the delivery system or a portion of the delivery system.

(c) Upon the establishment of an easement under this section:

(i) The electric utility shall have the right to reconstruct, re-phase, maintain and repair the existing system and the right to trim and remove trees and other vegetation that is hazardous or that is reasonably likely to become hazardous to the delivery system;

(ii) Access to the easement and ingress and egress shall be limited to the easement to the extent necessary to permit the reasonable enjoyment of the rights and privileges granted by this section unless access or ingress and egress to parts of the easement would be hazardous to or materially encumbered for the electric

utility. If access or ingress or egress to parts of the easement would be hazardous or materially encumbered, the easement granted under this section may include other reasonable access that minimizes impacts on the landowner to the extent reasonably possible.

(d) The width of an easement granted under this section shall be consistent with the historical and traditional use by the electric utility of the delivery system but shall not exceed thirty (30) feet in any direction from the location of the existing line or other physical components of the system.

(e) An easement created under this section shall be deemed abandoned if the electric utility fails to use the delivery system for greater than three (3) consecutive years without an agreement with the landowner or the landowner's predecessor allowing the lack of use.

(f) Nothing in this section shall be construed to:

(i) Interfere with, impair, modify or alter any rights or duties established by any existing easement or other agreement, including an easement for electricity delivery established by written instrument or other law;

(ii) Expand the electric utility's use of the easement beyond adjustments consistent with historic uses or normal development of the dominant and servient estate in a way that would materially increase the burden of the servient estate, except when needed to serve a reasonable expansion of use for neighboring or local land uses. Such exception shall not include industrial and manufacturing related increases in wattage;

(iii) Expand or modify the prescriptive easement laws of this state.

(g) Before an electric utility is granted a nonexclusive easement under this section, the electric utility shall publish a notice prior to the easement's enactment date in a local newspaper or customer newsletter.

Section 3. This act is effective July 1, 2026.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk