

## HOUSE BILL NO. HB0115

Eminent domain.

Sponsored by: Representative(s) Nicholas, B.

A BILL

for

1 AN ACT relating to eminent domain; specifying burden of  
2 proof; adding provision for litigation expenses; clarifying  
3 determination of fair market value; and providing for an  
4 effective date.

5

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

7

8 **Section 1.** W.S. 1-26-504 by creating a new subsection  
9 (d), 1-26-509(g) and by creating a new subsection (j) and  
10 1-26-704(a)(iii)(C) are amended to read:

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12 **1-26-504. Requirements to exercise eminent domain.**

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14 (d) A condemnor shall prove each requirement of  
15 subsection (a) of this section by a preponderance of the  
16 evidence. Failure of the condemnor to prove any requirement

1 of subsection (a) of this section shall result in dismissal  
2 of the condemnation action.

3  
4 **1-26-509. Negotiations; scope of efforts to purchase.**

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6 (g) The condemnor shall reimburse the condemnee for  
7 all reasonable litigation expenses if a court finds the  
8 condemnor failed to negotiate in good faith as required  
9 under subsections (b) through (e) of this section, or to  
10 comply with W.S. 1-26-504(a)(ii) ~~and~~ or (iii), or that the  
11 project fails to meet the requirements of W.S.  
12 1-26-504(a)(i).

13  
14 (j) If a court or jury finds that the fair market  
15 value of the property sought by the condemnor is greater  
16 than the final offer required by subsection (e) of this  
17 section, the condemnor shall reimburse the condemnee for  
18 all reasonable litigation expenses incurred after entry of  
19 the final offer.

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21 **1-26-704. Fair market value defined.**

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23 (a) Except as provided in subsection (b) of this  
24 section:

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2 (iii) The determination of fair market value  
3 shall use generally accepted appraisal techniques and may  
4 include:

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6 (C) Values paid for transactions of  
7 comparable type, size and location by other ~~companies~~  
8 public or private entities in arms length transactions for  
9 comparable transactions on the same or similar property.

10

11 **Section 2.** This act is effective July 1, 2012.

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13

(END)