

SENATE FILE NO. SF0082

Easements for pipelines.

Sponsored by: Senator(s) Cooper and Representative(s)
Davison and Jaggi

A BILL

for

1 AN ACT relating to easements; providing for the award of
2 attorneys fees and costs to landowners who substantially
3 prevail in an action to enforce certain easements for
4 pipelines; and providing for an effective date.

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

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8 **Section 1.** W.S. 1-26-814 is amended to read:

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10 **1-26-814. Right of eminent domain granted; petroleum**
11 **or other pipeline companies; purposes.**

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13 (a) Whenever any utility or any petroleum or other
14 pipeline company, authorized to do business in this state,
15 has not acquired by gift or purchase any land, real estate
16 or claim required for the construction, maintenance and

1 operation of their facilities and appurtenances or which
2 may be affected by any operation connected with the
3 construction or maintenance of the same, the utility or
4 company has the right of eminent domain and may condemn the
5 easement required by the utility or company.

6
7 (b) Whenever any utility or company with authority to
8 exercise eminent domain pursuant to subsection (a) of this
9 section has been granted an easement over property subject
10 to condemnation, a landowner who substantially prevails in
11 a civil action for violation of the easement by that
12 utility or company is entitled to attorney fees and costs,
13 as well as all other damages available to him at law or in
14 equity. The provisions of this subsection apply to a
15 violation of the terms of an easement by the utility or
16 company or by its agent, designee or subcontractor. As used
17 in this subsection "substantially prevails" means the
18 landowner:

19
20 (i) Has substantially prevailed with respect to
21 the action in controversy; or

22
23 (ii) Has substantially prevailed with respect to
24 the most significant issue or sets of issues presented.

