



2001 SENATE BILL 487

March 6, 2002 - Introduced by Senators DECKER and JAUCH, cosponsored by Representatives REYNOLDS and BOYLE. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1 **AN ACT** *to create* 32.065 of the statutes; **relating to:** acquisition of residential
2 or agricultural property by an electric utility.

Analysis by the Legislative Reference Bureau

This bill provides that, whenever an electric utility seeks to acquire an interest (for example, an easement) in residential or agricultural property for the construction of a large electric power generating facility or a high voltage transmission line, the utility must acquire as much of the owner's property as the owner wishes if all such property is commercially viable and contiguous to the property sought by the utility. The owner must transfer the property to the utility within 60 days. The bill requires the utility to divest itself of all acquired property that is farmed or capable of being farmed as soon as it is able to receive in payment for the property as much as it paid for the property, less any diminution in value due to the presence of the power plant or transmission line.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 32.065 of the statutes is created to read:
4 **32.065 Condemnation by electric utility.** (1) The legislature finds that the
5 acquisition of property by a utility under this section is an acquisition for a public
6 purpose.

SENATE BILL 487

1 **(2)** In this section:

2 (a) “Agricultural property” means property classified as agricultural for
3 property tax purposes under s. 70.32.

4 (b) “High voltage transmission line” means a conductor of electric energy
5 designed for operation at a nominal voltage of 100 kilovolts or more.

6 (c) “Large electric power generating facility” means electric generating
7 equipment and associated facilities designed for nominal operation at a capacity of
8 50 megawatts or more.

9 (d) “Residential property” means property classified as residential for property
10 tax purposes under s. 70.32.

11 (e) “Route” means the location of a high voltage transmission line between 2
12 end points with a width of up to 1.25 miles.

13 (f) “Site” means the location of a large electric power generating facility.

14 (g) “Utility” means a person engaged or intending to engage in this state in the
15 generation, transmission, or distribution of electric energy.

16 **(3)** Whenever a utility seeks to acquire an interest in residential property or
17 agricultural property for the construction of a site or route, all of the following apply:

18 (a) The utility may not serve the jurisdictional offer under s. 32.06 (3) for 60
19 days after the utility provides the owner with the appraisal under s. 32.06 (2) (b).

20 (b) The utility shall acquire in fee simple as much of the owner’s property as
21 the owner wishes if all such property is commercially viable and contiguous to the
22 property in which the utility seeks an interest and the owner agrees to transfer the
23 property to the utility within 60 days after receipt of the appraisal under s. 32.06 (2)

24 (b).

