



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2005 Wisconsin Act 24 [2005 Assembly Bill 437]	Conveyance of Local Government Property to Electric Utilities for the Construction of High-Voltage Transmission Lines
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2005 Wisconsin Act 24 establishes that, if a public utility or electric cooperative (an “electric utility”) receives a Certificate of Public Convenience and Necessity (CPCN) from the Public Service Commission (PSC) for the construction of a high-voltage transmission line that will be constructed over, on, or under land owned by a county, city, village, town, public board or commission, the owner of the land must convey to the electric utility, at fair market value, the interest in the land necessary for the construction, operation, and maintenance of the high-voltage transmission line.*

If the electric utility and the landowner cannot agree on the fair market value of the affected property within 90 days after the electric utility notifies the landowner that the CPCN for the transmission line has been issued by the PSC, an arbitration process specified in the Act must be used to determine this value. The arbitration process does not apply if the electric utility and landowner agree to extend this initial 90-day period by an additional 90 days if necessary to reach an agreement concerning the fair market value in lieu of arbitration.

The Act specifies the following features of this arbitration process:

- The fair market value of the affected property shall be determined by an arbitrator appointed by the circuit court of the county in which the land is located.
- The arbitration must be conducted on an expedited basis to the extent an expedited proceeding is available.
- The arbitrator and circuit court appointing the arbitrator shall have the powers and duties specified in the state law governing arbitrations, ch. 788, Stats.

* Under s. 196.491, Stats., a CPCN is required, in general, to construct a high-voltage transmission line exceeding one mile in length and designed to operate at a voltage of at least 100 kilowatts.

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

- The interest in the land must be conveyed to the electric utility upon commencement of the arbitration proceeding.
- The decision of the arbitrator concerning the fair market value of the land is binding on the parties, except as otherwise provided under the state arbitration law.

Effective Date: Act 24 takes effect on August 5, 2005. It first applies to high-voltage transmission lines for which construction is not complete on August 5, 2005.

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July 22, 2005

JES:rv