

2005 ASSEMBLY BILL 437

1 **AN ACT** *to create* 196.491 (3e) of the statutes; **relating to:** requiring the
2 conveyance of property to electric utilities and cooperatives for the construction
3 of electric transmission lines.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 196.491 (3e) of the statutes is created to read:
5 196.491 **(3e)** CONVEYANCE OF PROPERTY TO AN ELECTRIC UTILITY. (ag) In this
6 subsection, “electric utility” has the meaning given in s. 196.485 (1) (bs).
7 (am) Notwithstanding s. 32.03 (1), if an electric utility receives a certificate of
8 public convenience and necessity from the commission under sub. (3) for the
9 construction of a high-voltage transmission line that will be constructed over, on, or
10 under land owned by a county, city, village, town, public board or commission, the

ASSEMBLY BILL 437**SECTION 1**

1 owner of the land shall convey to the electric utility, at fair market value as
2 determined under par. (b), the interest in the land necessary for the construction,
3 operation, and maintenance of the high-voltage transmission line.

4 (b) If the electric utility and owner of the land cannot agree on the fair market
5 value of the interest in land sought by the electric utility within 90 days after the
6 electric utility notifies the owner that the certificate of public convenience and
7 necessity has been issued, the issue of the fair market value of the interest shall be
8 determined by an arbitrator appointed by the circuit court of the county in which the
9 land is located, except that the electric utility and owner of the land may agree to
10 extend the 90-day period by an additional 90 days if necessary to reach an agreement
11 concerning fair market value in lieu of arbitration. The interest in land shall be
12 conveyed to the electric utility upon commencement of the arbitration proceeding.
13 Any arbitration under this paragraph shall be conducted on an expedited basis to the
14 extent that an expedited proceeding is available. The arbitrator and circuit court
15 appointing the arbitrator shall have the powers and duties specified in ch. 788. The
16 decision of an arbitrator concerning fair market value shall be binding on the parties,
17 except as otherwise provided under ch. 788.

SECTION 2. Initial applicability.

18 (1) This act first applies to high-voltage transmission lines for which
19 construction is not complete on the effective date of this subsection.
20

21 (END)