

2005 Assembly Bill 437

Date of enactment: **July 21, 2005**  
Date of publication\*: **August 4, 2005**

## 2005 WISCONSIN ACT 24

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

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

**SECTION 1.** 196.491 (3e) of the statutes is created to read:

196.491 (3e) CONVEYANCE OF PROPERTY TO AN ELECTRIC UTILITY. (ag) In this subsection, “electric utility” has the meaning given in s. 196.485 (1) (bs).

(am) Notwithstanding s. 32.03 (1), if an electric utility receives a certificate of public convenience and necessity from the commission under sub. (3) 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 shall convey to the electric utility, at fair market value as determined under par. (b), the interest in the land necessary for the construction, operation, and maintenance of the high-voltage transmission line.

(b) If the electric utility and owner of the land cannot agree on the fair market value of the interest in land sought by the electric utility within 90 days after the elec-

tric utility notifies the owner that the certificate of public convenience and necessity has been issued, the issue of the fair market value of the interest shall be determined by an arbitrator appointed by the circuit court of the county in which the land is located, except that the electric utility and owner of the land may agree to extend the 90-day period by an additional 90 days if necessary to reach an agreement concerning fair market value in lieu of arbitration. The interest in land shall be conveyed to the electric utility upon commencement of the arbitration proceeding. Any arbitration under this paragraph shall be conducted on an expedited basis to the extent that an expedited proceeding is available. The arbitrator and circuit court appointing the arbitrator shall have the powers and duties specified in ch. 788. The decision of an arbitrator concerning fair market value shall be binding on the parties, except as otherwise provided under ch. 788.

**SECTION 2. Initial applicability.**

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

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].