

ASSEMBLY BILL 437 (LRB -2357)

An Act to create 196.491 (3e) of the statutes; relating to: requiring the conveyance of property to a public utility for the construction of electric transmission lines. (FE)

2005

06-23. A. Introduced by Representatives **Montgomery, Huebsch, Jensen, Gard, Davis, J. Fitzgerald, Honadel, Nischke, Hahn, Zepnick, Ainsworth, Bies, Hines, Van Roy, Ott and Musser**; cosponsored by Senators **Plale, Kapanke, Kanavas, Wirch, Breske, Roessler, Lazich, Leibham and Schultz**.

05-19. A. Read first time and referred to committee on Energy and Utilities 249

05-24. A. Public hearing held.

05-27. A. Fiscal estimate received.

05-31. A. Executive action taken.

05-31. A. Assembly amendment 1 offered by committee on Energy and Utilities (**LRB a0672**) 263

06-07. A. Report Assembly Amendment 1 adoption recommended by committee on Energy and Utilities, Ayes 10, Noes 0 266

06-07. A. Report passage as amended recommended by committee on Energy and Utilities, Ayes 9, Noes 1 266

06-07. A. Referred to committee on Rules 266

06-09. A. Placed on calendar 6-14-2005 by committee on Rules.

06-14. A. Read a second time 279

06-14. A. Assembly amendment 1 laid on table 280

06-14. A. Assembly amendment 2 offered by Representative Montgomery (**LRB a0751**) 280

06-14. A. Assembly amendment 2 **adopted** 280

06-14. A. Ordered to a third reading 280

06-14. A. Refused to suspend rules to read a third time, Ayes 55, Noes 40 280

06-16. A. Read a third time and **passed**, Ayes 61, Noes 35 296

06-16. A. Refused to suspend rules to order immediately messaged, Ayes 58, Noes 38 297

06-23. S. Received from Assembly.

06-23. S. Read first time and referred to committee on Senate Organization.

06-23. S. Available for scheduling.

06-23. S. Rules suspended to withdraw from committee on Senate Organization and take up, Ayes 26, Noes 7.

06-23. S. Read a second time.

06-23. S. Ordered to a third reading.

06-23. S. Rules suspended.

06-23. S. Read a third time and **concurred in**, Ayes 27, Noes 6.

06-23. S. Ordered immediately messaged.

06-23. A. Received from Senate concurred in 330

**2005
ENROLLED BILL**

05en A-B-437

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-2357/1/1

Amendments to above (if none, write "NONE"): AA 2

Corrections - show date (if none, write "NONE"): None

Topic relax

6/24/05 [Signature]
Date Enrolling Drafter

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2005 ASSEMBLY BILL 437

May 19, 2005 - Introduced by Representatives MONTGOMERY, HUEBSCH, JENSEN, GARD, DAVIS, J. FITZGERALD, HONADEL, NISCHKE, HAHN, ZEPNICK, AINSWORTH, BIES, HINES, VAN ROY, OTT and MUSSER, cosponsored by Senators PLALE, KAPANKE, KANAVAS, WIRCH, BRESKE, ROESSLER, LAZICH, LEIBHAM and SCHULTZ. Referred to Committee on Energy and Utilities.

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

Analysis by the Legislative Reference Bureau

Current law generally prohibits the condemnation of real property owned by the state, a municipality, or a county. This bill provides that if a public utility receives a certificate of public convenience and necessity from the Public Service Commission 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, public utility, or cooperative association, the owner of the land must convey to the public utility, at fair market value, the interest in land necessary for the construction, operation, and maintenance of the transmission line.

The bill provides that if the parties cannot agree on the fair market value of the property, each party must obtain an appraisal of the property, paid for by the public utility; the average of the two appraisals is deemed the fair market value.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 437

SECTION 1

2-2

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

2 ~~196.491 (3e) CONVEYANCE OF PROPERTY TO A PUBLIC UTILITY. (a) Notwithstanding~~

3 s. 32.03 (1), if a public utility receives a certificate of public convenience and necessity

4 from the commission under sub. (3) for the construction of a high-voltage

5 transmission line that will be constructed over, on, or under land owned by a county,

6 city, village, town, public board or commission, public utility, or cooperative

7 association, the owner of the land shall convey to the public utility, at fair market

8 value as determined under par. (b), the interest in the land necessary for the

9 construction, operation, and maintenance of the high-voltage transmission line.

10 (b) If the public utility and the owner of the land cannot agree on the fair market

11 value of the property sought by the public utility, the public utility and the owner of

12 the land shall each obtain an independent appraisal of the property. The public

13 utility shall pay the reasonable costs of the appraisal obtained by the owner of the

14 land. The fair market value of the property for the purposes of par. (a) is the average

15 of the two appraisals.

16 SECTION 2. Initial applicability.

17 (1) This act first applies to high-voltage transmission lines for which

18 construction is not complete on the effective date of this subsection.

19 (END)

2-10

**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 437**

June 14, 2005 – Offered by Representative MONTGOMERY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: delete “a public utility” and substitute “electric utilities and
1-23 cooperatives”.

4 **2.** Page 2, line 2: delete that line and substitute:

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).

2-2 7 (am) Notwithstanding”.

8 **3.** Page 2, line 3: delete “a public utility” and substitute “an electric utility”.

9 **4.** Page 2, line 6: delete “public utility, or cooperative”.

10 **5.** Page 2, line 7: delete “association,”.

11 **6.** Page 2, line 7: delete “public utility” and substitute “electric utility”.

12 **7.** Page 2, line 10: delete lines 10 to 15 and substitute:

2-10

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

(END)