



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2442/en
CMH:amn

2015 ASSEMBLY BILL 319

1 **AN ACT** *to renumber and amend* 196.491 (3e) (ag); *to amend* 196.491 (title),
2 196.491 (3e) (title), 196.491 (3e) (am) and 196.491 (3e) (b); and *to create*
3 196.491 (3e) (ag) 1., 196.491 (3e) (ag) 3. and 196.491 (3e) (ag) 4. of the statutes;
4 **relating to:** conveying interests in local government land for construction of
5 natural gas lines.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 196.491 (title) of the statutes is amended to read:
7 **196.491 (title) Strategic energy assessment; electric generating**
8 **facilities and transmission lines; natural gas lines.**
9 **SECTION 2.** 196.491 (3e) (title) of the statutes is amended to read:
10 196.491 (**3e**) (title) CONVEYANCE OF PROPERTY TO AN ELECTRIC OR NATURAL GAS
11 UTILITY.

ASSEMBLY BILL 319**SECTION 3**

1 **SECTION 3.** 196.491 (3e) (ag) of the statutes is renumbered 196.491 (3e) (ag)
2 (intro.) and amended to read:

3 196.491 (3e) (ag) (intro.) In this subsection, ~~“electric;~~

4 2. “Electric utility” has the meaning given in s. 196.485 (1) (bs).

5 **SECTION 4.** 196.491 (3e) (ag) 1. of the statutes is created to read:

6 196.491 (3e) (ag) 1. “Certificate” means, with respect to an electric utility, a
7 certificate of public convenience and necessity under sub. (3) and, with respect to a
8 natural gas public utility, a certificate under s. 196.49.

9 **SECTION 5.** 196.491 (3e) (ag) 3. of the statutes is created to read:

10 196.491 (3e) (ag) 3. “Line” means, with respect to an electric utility, a
11 high-voltage transmission line and, with respect to a natural gas public utility, a
12 natural gas transmission or distribution line.

13 **SECTION 6.** 196.491 (3e) (ag) 4. of the statutes is created to read:

14 196.491 (3e) (ag) 4. “Utility” means an electric utility or natural gas public
15 utility.

16 **SECTION 7.** 196.491 (3e) (am) of the statutes is amended to read:

17 196.491 (3e) (am) Notwithstanding s. 32.03 (1), if an ~~electric a~~ utility receives
18 a certificate of public convenience and necessity from the commission under sub. (3)
19 for the construction of a ~~high-voltage transmission line that will be constructed over,~~
20 on, or under land owned by a county, city, village, town, public board or commission,
21 the owner of the land shall convey to the ~~electric~~ utility, at fair market value as
22 determined under par. (b), the interest in the land necessary for the construction,
23 operation, and maintenance of the ~~high-voltage transmission line.~~ This paragraph
24 applies to a line for which construction commences before, on, or after the effective
25 date of this paragraph [LRB inserts date], except that this paragraph does not

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1 affect the terms of any conveyance of an interest in land that was completed before
2 the effective date of this paragraph [LRB inserts date].

3 **SECTION 8.** 196.491 (3e) (b) of the statutes is amended to read:

4 196.491 (3e) (b) If the electric utility and owner of the land cannot agree on the
5 fair market value of the interest in land sought by the electric utility within 90 days
6 after the electric utility notifies the owner that the certificate of ~~public convenience~~
7 ~~and necessity~~ has been issued, the issue of the fair market value of the interest shall
8 be determined by an arbitrator appointed by the circuit court of the county in which
9 the land is located, except that the electric utility and owner of the land may agree
10 to extend the 90-day period by an additional 90 days if necessary to reach an
11 agreement concerning fair market value in lieu of arbitration. The interest in land
12 shall be conveyed to the electric utility upon commencement of the arbitration
13 proceeding. Any arbitration under this paragraph shall be conducted on an
14 expedited basis to the extent that an expedited proceeding is available. The
15 arbitrator and circuit court appointing the arbitrator shall have the powers and
16 duties specified in ch. 788. The decision of an arbitrator concerning fair market value
17 shall be binding on the parties, except as otherwise provided under ch. 788.

18 (END)