

State of Wisconsin



2015 Assembly Bill 319

Date of enactment: **February 4, 2016**
Date of publication*: **February 5, 2016**

2015 WISCONSIN ACT 148

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

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

SECTION 1. 196.491 (title) of the statutes is amended to read:

196.491 (title) Strategic energy assessment; electric generating facilities and transmission lines; natural gas lines.

SECTION 2. 196.491 (3e) (title) of the statutes is amended to read:

196.491 (3e) (title) CONVEYANCE OF PROPERTY TO AN ELECTRIC OR NATURAL GAS UTILITY.

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

196.491 (3e) (ag) (intro.) In this subsection, "electric:

2. "Electric utility" has the meaning given in s. 196.485 (1) (bs).

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

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

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

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

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

196.491 (3e) (ag) 4. "Utility" means an electric utility or natural gas public utility.

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

196.491 (3e) (am) Notwithstanding s. 32.03 (1), if an electric a 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. This paragraph applies to a line for which construction commences before, on, or after the effective date of this paragraph [LRB inserts date], except that this paragraph does not affect the terms of any conveyance of an interest in land that was completed before the effective date of this paragraph [LRB inserts date].

* Section 991.11, WISCONSIN STATUTES: 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."

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

196.491 (3e) (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 ~~electric~~ 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.
