



2005 SENATE BILL 234

June 8, 2005 – Introduced by Senators PLALE, SCHULTZ, WIRCH, KANAVAS, BRESKE, LEIBHAM, KAPANKE, LAZICH and ROESSLER, cosponsored by Representatives MONTGOMERY, HUEBSCH, ZEPNICK, GARD, HONADEL, JENSEN, OTT, J. FITZGERALD, HINES, BIES, HAHN, VAN ROY, NISCHKE, AINSWORTH, DAVIS and MUSSER. Referred to Committee on Energy, Utilities and Information Technology.

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

Current law generally prohibits the condemnation of real property owned by the state, a municipality, or a county. This bill provides that if an electric utility or cooperative receives a certificate of public convenience and necessity (CPCN) from the Public Service Commission (PSC) 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 must convey to the electric utility or cooperative, 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 within 90 days after the PSC issues the CPCN, each party must obtain an appraisal of the property paid for by the electric utility. The appraisals must be prepared by an MAI designated member of the Appraisal Institute. 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:

