



## 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.

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### *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.

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

