



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 65
[2017 Senate Bill 160]

**Sales by the State or
Political Subdivisions**

Current law generally prohibits the state, or a political subdivision thereof, from selling any item to an employee of the state or a political subdivision thereof. This prohibition does not apply to any meals, public services, and such specialized appliances and paraphernalia as may be required for the safety or health of the employees. This prohibition also does not apply to any recreational, health, welfare, relief, safety, or educational activities furnished by the state or any political subdivision thereof. A violation of this prohibition is a misdemeanor, punishable by a fine of at least \$100 but not more than \$500, imprisonment of at least 30 days but not more than 90 days, or both.

2017 Wisconsin Act 65 ("the Act") creates an exception to this general prohibition if both of the following apply: (1) the sale is of a surplus or discarded item that is no longer needed and the item is available for sale to the public using a publicly available method; and (2) the sale is of an item that is regularly available from the governmental entity for sale to the public at the same cost. The Act requires the Department of Administration (DOA) to post a list of auction or sale Internet sites for compliance with the Act and authorizes DOA to limit the types of items that may be sold on any particular Internet site. The Act also provides that a political subdivision may enact an ordinance that prohibits a sale to an employee that is otherwise permitted in accordance with the Act.

Effective date: November 29, 2017.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.