

State of Misconsin 1995 - 1996 LEGISLATURE

1995 SENATE BILL 337

September 19, 1995 – Introduced by Senators BRESKE, RUDE, SCHULTZ and FITZGERALD, cosponsored by Representatives SERATTI, MUSSER, ALBERS, F. LASEE, HAHN, OTT, WILDER, RYBA, HASENOHRL and HUBER. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 AN ACT to renumber and amend 83.08 (4); to amend 83.08 (title); and to

2 *create* 83.08 (4) (b) of the statutes; **relating to:** the sale of surplus county

3 highway land.

Analysis by the Legislative Reference Bureau

Under current law, a county board may sell at public sale county land that was acquired for highway purposes if the board determines that the land is no longer needed for highway purposes. A public sale must be advertised, open to the public, held in a public place and may be conducted by auction or written bids. The department of transportation (DOT) must approve the sale if the county acquired the land by purchase using any funds other than county funds.

This bill allows a county to sell county highway land at fair market value without a public sale to the city, village or town in which the land is located if the county highway committee determines that the land is no longer needed for highway purposes and the county board determines that a sale is in the public interest.

For further information see the *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:

SECTION 1. 83.08 (title) of the statutes is amended to read:
83.08 (title) Acquisition and disposition of lands and interest therein.
SECTION 2. 83.08 (4) of the statutes is renumbered 83.08 (4) (a) and amended

7 to read:

1	83.08 (4) (a) Subject to the approval of the department the county board is
2	authorized and empowered to sell at public sale property, owned by the county in fee
3	for highway purposes, when the county board shall determine that such property is
4	no longer necessary for the county's use for highway purposes <u>, except as provided in</u>
5	<u>par. (b)</u> . The funds derived from such sale shall be deposited in the county highway
6	fund and the expense incurred in connection with the sale shall be paid from that
7	fund. However, approval of the department is not required where county funds only
8	have been used.
9	SECTION 3. 83.08 (4) (b) of the statutes is created to read:
10	83.08 (4) (b) The public sale requirement under par. (a) does not apply to the
11	sale of property by a county board at fair market value to the city, village or town in
12	which that land is located if the applicable county highway committee determines
13	that the property is no longer needed by that county for highway purposes and the
14	county board determines that sale of the property is in the public interest.
15	(END)