



2005 ASSEMBLY BILL 682

September 22, 2005 - Introduced by Representatives SHERMAN, AINSWORTH, BIES, SHERIDAN, FREESE, LEHMAN, STASKUNAS, OWENS, TURNER, POPE-ROBERTS, POCAN, TRAVIS, BOYLE, MOLEPSKE, ZIEGELBAUER, VRUWINK, HUBLER, NELSON and SINICKI, cosponsored by Senators HANSEN, DECKER, ERPENBACH and WIRCH. Referred to Committee on Property Rights and Land Management.

1 **AN ACT** *to amend* 32.02 (1); and *to create* 32.03 (6) of the statutes; **relating to:**
2 prohibiting the condemnation of property for any purpose not expressly
3 authorized.

Analysis by the Legislative Reference Bureau

This bill prohibits the acquisition of property by condemnation unless the purpose of the condemnation is expressly authorized by statute.

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

4 **SECTION 1.** 32.02 (1) of the statutes is amended to read:
5 32.02 (1) Any county, town, village, city, including villages and cities
6 incorporated under general or special acts, school district, the department of health
7 and family services, the department of corrections, the board of regents of the
8 University of Wisconsin System, the building commission, a commission created by
9 contract under s. 66.0301, with the approval of the municipality in which

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1 condemnation is proposed, or any public board or commission, for any lawful purpose
2 expressly authorized by statute, but in the case of city and village boards or
3 commissions approval of that action is required to be granted by the governing body.
4 A mosquito control commission, created under s. 59.70 (12), and a local professional
5 football stadium district board, created under subch. IV of ch. 229, may not acquire
6 property by condemnation.

7 **SECTION 2.** 32.03 (6) of the statutes is created to read:

8 32.03 (6) Notwithstanding any other statutory provision, property may not be
9 acquired by condemnation unless the purpose of the condemnation is expressly
10 authorized by statute.

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies to jurisdictional offers to purchase made on the
13 effective date of this subsection.

14 (END)