

ASSEMBLY BILL 495 (LRB -2771)

An Act to amend 83.08 (4) of the statutes; relating to: the sale of surplus county highway land. (FE)

2003

- 09-08. A. Introduced by Representatives **Ainsworth, Petrowski, Bies, Gunderson, Hahn, Hines, Honadel, Hundertmark, Jensen, Jeskewitz, Ladwig, F. Lasee, M. Lehman, Loeffelholz, Olsen, Owens, Rhoades, Townsend and Van Roy**; cosponsored by Senators **Breske, Wirch and A. Lasee.**
- 09-08. A. Read first time and referred to committee on Transportation 349
- 09-22. A. Fiscal estimate received.
- 09-30. A. Fiscal estimate received.
- 10-09. A. Public hearing held.
- 10-28. A. Executive action taken.
- 10-29. A. Fiscal estimate received.
- 11-04. A. Report passage recommended by committee on Transportation, Ayes 16, Noes 0 477
- 11-04. A. Referred to committee on Rules 477

2004

- 02-19. A. Placed on calendar 2-24-2004 by committee on Rules.
- 02-24. A. Read a second time 723
- 02-24. A. Ordered to a third reading 723
- 02-24. A. Rules suspended 723
- 02-24. A. Read a third time and **passed**, Ayes 97, Noes 0 723
- 02-24. A. Ordered immediately messaged 724
- 02-25. S. Received from Assembly 631
- 02-25. S. Read first time and referred to committee on Transportation and Information Infrastructure 632
- 03-03. S. Public hearing held.
- 03-05. S. Report concurrence recommended by committee on Transportation and Information Infrastructure, Ayes 5, Noes 0.
- 03-05. S. Available for scheduling.
- 03-10. S. Placed on calendar 3-11-2004 by committee on Senate Organization.
- 03-11. S. Placed on calendar 3-11-2004 by committee on Senate Organization.
- 03-11. S. Read a second time.
- 03-11. S. Ordered to a third reading.
- 03-11. S. Rules suspended.
- 03-11. S. Read a third time and **concurred in.**
- 03-11. S. Senator Zien added as a cosponsor.
- 03-16. S. Ordered immediately messaged.
- 03-16. A. Received from Senate concurred in 895

2003 ASSEMBLY BILL 495

September 8, 2003 – Introduced by Representatives AINSWORTH, PETROWSKI, BIES, GUNDERSON, HAHN, HINES, HONADEL, HUNDERTMARK, JENSEN, JESKEWITZ, LADWIG, F. LASEE, M. LEHMAN, LOEFFELHOLZ, OLSEN, OWENS, RHOADES, TOWNSEND and VAN ROY, cosponsored by Senators BRESKE, WIRCH and A. LASEE. Referred to Committee on Transportation.

- 1 **AN ACT to amend** 83.08 (4) of the statutes; **relating to:** the sale of surplus county
2 highway land.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may, with the approval of the governor and subject to certain requirements and exceptions, sell at public or private sale state property, including land, that is under its jurisdiction when DOT determines that the property is not necessary for highway purposes. DOT may also order a county highway committee to acquire land for highway purposes and may order the county highway committee to sell such land at public or private sale, subject to conditions and terms authorized by DOT.

Also 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. 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 surplus county highway land at fair market value by private, rather than public, sale to an owner of land adjacent to the surplus county highway land. The bill does not affect the sale of county highway land ordered by DOT.

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:

State of Wisconsin



Added

Corrected Copy

Fixed
04-29-2004

2003 Assembly Bill 495

Date of enactment: April 8, 3004
Date of publication*: April 22, 2004

2003 WISCONSIN ACT 212

AN ACT *to amend* 83.08 (4) of the statutes; **relating to:** the sale of surplus county highway land.

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

SECTION 1. 83.08 (4) of the statutes is amended to read:

83.08 (4) Subject to s. 84.09 (3) (c) and to the approval of the department, the county board is authorized and empowered to sell at public sale, or to sell at private sale for fair market value to an owner of adjacent property, property owned by the county in fee for highway purposes, when the county board shall determine

that such property is no longer necessary for the county's use for highway purposes. The funds derived from such sale shall be deposited in the county highway fund and the expense incurred in connection with the sale shall be paid from that fund. However, approval of the department is not required where county funds only have been used.

SECTION 2. Initial applicability.

(1) This act first applies to property sold on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].