

2005 SENATE BILL 437

November 16, 2005 – Introduced by Senators JAUCH, HANSEN, DECKER, ERPENBACH and WIRCH, cosponsored by Representatives SHERMAN, AINSWORTH, BIES, SHERIDAN, FREESE, LEHMAN, STASKUNAS, OWENS, TURNER, POPE-ROBERTS, POCAN, TRAVIS, BOYLE, MOLEPSKE, ZIEGELBAUER, VRUWINK, HUBLER, NELSON and SINICKI. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

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)