



2003 ASSEMBLY BILL 436

July 21, 2003 - Introduced by Representatives AINSWORTH, BIES, FREESE, GOTTLIEB, GROTHMAN, GUNDERSON, HAHN, HUNDERTMARK, JENSEN, JOHNSRUD, KRAWCZYK, LADWIG, J. LEHMAN, M. LEHMAN, LOEFFELHOLZ, LOTHIAN, MILLER, NISCHKE, OLSEN, OTT, OWENS, SERATTI, STONE, TOWNSEND, J. WOOD and VAN ROY, cosponsored by Senators ZIEN, STEPP and BRESKE. Referred to Committee on Transportation.

1 **AN ACT to amend** 84.09 (5) and 84.09 (5r) of the statutes; **relating to:** the sale
2 or donation of state property by the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may, with the approval of the governor, sell at public or private sale state property that is under its jurisdiction when DOT determines that the property is not necessary for highway purposes and, if real property, is not subject to a petition for the transfer of surplus state real property to the Department of Administration. Also, in lieu of selling at public or private sale such property that is real property and that is adjacent to the veterans memorial site located at The Highground in Clark County (memorial site), DOT may, with the approval of the governor, donate the property to the Wisconsin Vietnam Veterans Memorial Project, Inc., for a memorial hall at the memorial site. However, approval of the governor is not required if the property sold at public or private sale, or real property donated for the memorial hall, has a fair market value at the time of sale or donation of \$3,000 or less.

This bill increases, from \$3,000 to \$15,000, the amount of this exception authorizing DOT to sell or donate state property without the approval of the governor. The bill also modifies DOT's authorization to sell or donate state property by limiting the sale or donation to property that is not necessary for transportation purposes rather than highway purposes.

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For further information see the *state* 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:

1 **SECTION 1.** 84.09 (5) of the statutes is amended to read:

2 84.09 (5) Subject to the approval of the governor, the department may sell at
3 public or private sale property of whatever nature owned by the state and under the
4 jurisdiction of the department when the department determines that the property
5 is no longer necessary for the state's use for highway transportation purposes and,
6 if real property, the real property is not the subject of a petition under s. 16.375 (2).
7 The department shall present to the governor a full and complete report of the
8 property to be sold, the reason for the sale, and the minimum price for which the same
9 should be sold, together with an application for the governor's approval of the sale.
10 The governor shall thereupon make such investigation as he or she may deem
11 necessary and approve or disapprove the application. Upon such approval and
12 receipt of the full purchase price, the department shall by appropriate deed or other
13 instrument transfer the property to the purchaser. The approval of the governor is
14 not required for public or private sale of property having a fair market value at the
15 time of sale of not more than ~~\$3,000~~ \$15,000, for the transfer of surplus state real
16 property to the department of administration under s. 16.375, or for the transfer of
17 surplus state personal property to the department of tourism under sub. (5s). The
18 funds derived from sales under this subsection shall be deposited in the
19 transportation fund, and the expense incurred by the department in connection with
20 the sale shall be paid from such fund.

21 **SECTION 2.** 84.09 (5r) of the statutes is amended to read:

