

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: **kuesejt**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus 6-1452**

By/Representing: **Hubbard**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Adl. Drafters:

Subject: **State Government - miscellaneous**

Extra Copies: **TNF - 1**

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Hubbard - AM60,

Topic:

Sale of residual state property

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 06/25/2001	jdye 06/26/2001					
/1			pgreensl 06/26/2001		lrb_docadmin 06/26/2001		
/2	kuesejt 06/28/2001	rschluet 06/28/2001	rschluet 06/28/2001		lrb_docadmin 06/28/2001		

FE Sent For:

<END>

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/?	kuesejt 06/25/2001	jdyer 06/26/2001		_____			
/1	kuesejt 6/28	1/2 6/28 jld	pgreensl 06/26/2001	_____	lrb_docadmin 06/26/2001		

FE Sent For:

Handwritten initials and number 6-287

NOTE

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17/11	kuesejt	6/25/01 6/25/01	PG	amh			

Bent
<END>

FE Sent For:

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

JTK
Jefferson

Statement of Intent This motion requires that state agencies sell all property considered "residual".

Legislator	Suder	Amendment	60
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Anne Thompson	Package	

Agency Miscellaneous

Summary Require that all state agencies sell any "residual property" owned by the agencies. "Residual property" is defined as property that has not been included for use in any existing state agency plan or proposal.

They must sell within 2 years after putting up for bids and it must contain a fair market value component.

Fiscal Impact The amount of revenue raised from the sale of residual property is indeterminate at this time. This motion would also increase revenues for local governments by reducing the amount of tax exempt property in the state.

Drafting Inst

*vacant real property + 6/dgs
after 2 years, may sell at less than FMV.
- no new leases that would preclude sales
- federal aid (DN)*

ARC Analyst Hubbard

Request #

92

Friday, June 22, 2001

Page 3 of 6

2001

Date (time) needed

Done
SOON

LRB b 1596, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

Jlc:jld:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line

#. Page , line :

#. Page line :

#. Page , line :

#. Page , line :

#. Page , line :

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1596/lins
JTK.....

1. Page 13, line 8: after that line insert:

"SECTION 107m. 13.48 (14) (am) of the statutes is amended to read:

13.48 (14) (am) Subject to par. (d) and s. 20.9145, the building commission shall have the authority to sell or lease all or any part of a state-owned building or structure or state-owned land, including farmland, where such authority is not otherwise provided to an agency by law, and may transfer land under its jurisdiction among agencies.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197.

SECTION 107n. 13.48 (14) (b) of the statutes is amended to read:

* 13.48 (14) (b) Subject to par. (d) and ^{s.} 20.9145, the building commission shall sell or lease on the basis of either public bids, with the building commission reserving the right to reject any or all bids in the best interest of the state, or negotiated prices. Buildings, structures and land mentioned in this subsection shall be subject to general property taxes levied by those taxing bodies within whose area they lie if used for commercial purposes, and shall be subject to special assessments for public improvements in the same manner and to the same extent as privately owned buildings, structures and land, subject to approval of the building commission when required under s. 66.0703 (6).

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197.

SECTION 107p. 13.48 (14) (d) 4. of the statutes is amended to read:

13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus land having a fair market value of at least \$20,000 that is not subject to sale under s. 20.9145, the commission shall notify the joint committee on finance in writing of

its proposed action. If the cochairpersons of the committee do not notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer within 14 working days after the date of the commission's notification, the parcel may be sold or transferred by the commission. If, within 14 working days after the date of the commission's notification, the cochairpersons of the committee notify the commission that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the parcel may be sold or transferred under this subdivision only upon approval of the committee."

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197.

2. Page 425, line 18: after that line insert:

* **SECTION 983m.** 20.9145 of the statutes is created to read:

20.9145 Sale of residual state property. (1) In this section, "residual state property" means vacant state-owned land, together with any improvements thereon, that are not utilized under any statutory program, or any plan or proposal of a state agency.

* (2) No later than the end of the 2-year period beginning on the effective date of this subsection [revisor inserts date], each state agency that has jurisdiction over residual property shall solicit bids for the sale of the property.

(3) During the 2-year period under sub. (2), the state agency selling residual property shall sell the property to the highest responsible bidder, if any, who offers to pay at least the fair market value of the property.

* (4) If no responsible bids are received by a state agency under sub. (2) for the purchase of a parcel of residual property at or above the fair market value of the property, the state agency having jurisdiction of the property shall, no later than one

year after expiration of the period under sub. (2),[✓] resolicit bids for the sale of the property and shall sell the property to the highest responsible bidder, if any.

(5) This section[✓] does not apply to residual property that is leased to a person other than a state agency on the effective date of this[✓] subsection^{.....} [revisor inserts date][↓] * if the lease contains terms that preclude sale of the property during the term of the lease, until the lease expires or the lease^{check Δ} is modified, renewed[↓] or extended, * whichever first occurs.”.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1596/1dn

JTK.....

date

JLd

Greg Hubbard:

1. This draft excludes from the definition of "residual property" any property that is utilized under a statutory program, even if the property is not included in a plan or proposal of a state agency. Please let me know if this is not consistent with your intent.
2. This draft requires agencies to reoffer residual property that does not attract a responsible buyer within the first two years after the date^{on which} this proposal becomes law within one year after the expiration of the two-year period. Please let me know if you would like to see this situation treated differently.
3. When this state purchases property with federal financial assistance, the federal government generally requires the proceeds of the sale, at least equal to the amount of federal assistance provided, to be paid into the U.S. treasury. Sales of such property would not, therefore, necessarily generate revenue for the state, but if the buyer were ~~not~~ a tax-exempt entity, they would return the property to the tax rolls. If you would like to make any change in this amendment relating to these purchases, please let me know.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1596/1dn
JTK:jld:pg

June 26, 2001

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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Hanaman, Cathlene

JTK

From: Hubbard, Gregory
Sent: Tuesday, June 26, 2001 3:38 PM
To: Hanaman, Cathlene
Subject: RE: LRB Draft: 01b1596/1 Sale of residual state property

Rep. Suder had two questions regarding the draft:

- 1) Is it stated in the draft where the proceeds of the sale of property goes? Does it go into the general fund?
- 2) Are the agencies required to report what property has been sold and for how much in the draft?

-----Original Message-----

From: Greenslet, Patty
Sent: Tuesday, June 26, 2001 1:27 PM
To: Hubbard, Gregory
Cc: Legislative Fiscal Bureau; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01b1596/1 Sale of residual state property

Following is the PDF version of draft 01b1596/1.

<< File: 01b1596/1 >> << File: 01b1596/1dn >>



DN 6/25

State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1596/k 2
JTK:jld:pg

Wanted THU 6/25

ARC:.....Hubbard - AM60, Sale of residual state property

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 13, line 8: after that line insert:

3 "SECTION 107m. 13.48 (14) (am) of the statutes is amended to read:

4 13.48 (14) (am) Subject to par. (d) and s. 20.9145, the building commission shall
5 have the authority to sell or lease all or any part of a state-owned building or
6 structure or state-owned land, including farmland, where such authority is not
7 otherwise provided to an agency by law, and may transfer land under its jurisdiction
8 among agencies.

9 SECTION 107n. 13.48 (14) (b) of the statutes is amended to read:

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2 sell or lease on the basis of either public bids, with the building commission reserving
3 the right to reject any or all bids in the best interest of the state, or negotiated prices.
4 Buildings, structures and land mentioned in this subsection shall be subject to
5 general property taxes levied by those taxing bodies within whose area they lie if
6 used for commercial purposes, and shall be subject to special assessments for public
7 improvements in the same manner and to the same extent as privately owned
8 buildings, structures and land, subject to approval of the building commission when
9 required under s. 66.0703 (6).

10 **SECTION 107p.** 13.48 (14) (d) 4. of the statutes is amended to read:

11 13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus
12 land having a fair market value of at least \$20,000 that is not subject to sale under
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14 its proposed action. If the cochairpersons of the committee do not notify the
15 commission that the committee has scheduled a meeting for the purpose of reviewing
16 the proposed sale or transfer within 14 working days after the date of the
17 commission's notification, the parcel may be sold or transferred by the commission.
18 If, within 14 working days after the date of the commission's notification, the
19 cochairpersons of the committee notify the commission that the committee has
20 scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the
21 parcel may be sold or transferred under this subdivision only upon approval of the
22 committee.”.

23 **2.** Page 425, line 18: after that line insert:

24 **“SECTION 983m.** 20.9145 of the statutes is created to read:

1 **20.9145 Sale of residual state property.** (1) In this section, "residual state
 2 property" means vacant state-owned land, together with any improvements
 3 thereon, that are not utilized under any statutory program, or any plan or proposal
 4 of a state agency.

5 (2) No later than the end of the 2-year period beginning on the effective date
 6 of this subsection [revisor inserts date], each state agency that has jurisdiction
 7 over residual property shall solicit bids for the sale of the property.

8 (3) During the 2-year period under sub. (2), the state agency selling residual
 9 property shall sell the property to the highest responsible bidder, if any, who offers
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 13 property, the state agency having jurisdiction of the property shall, no later than one
 14 year after expiration of the period under sub. (2), resolicit bids for the sale of the
 15 property and shall sell the property to the highest responsible bidder, if any.

16 (5) This section does not apply to residual property that is leased to a person
 17 other than a state agency on the effective date of this subsection [revisor inserts
 18 date], if the lease contains terms that preclude sale of the property during the term
 19 of the lease, until the lease expires or the lease is modified, renewed, or extended,
 20 whichever first occurs."

(END)

✓
 DWS
 3-15 →

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB01789/2ms

JTK.....

6/5 96/2

INSERT 3-15:

text: treat

(5) No later than September 1 annually, each state agency that sold a parcel of residual state property in the preceding fiscal year shall file a report with the cochairpersons of the joint committee on finance specifying the location and size of the parcel, the date sold, the estimated fair market value, the sales price and the allocation of the proceeds of the sale.

(end ins 3-15)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

6/5/96/2
LRB 1789/2dn
JTK.....
jld

date

Greg Hubbard:

Per our conversation of June 29, this redraft adds an annual reporting requirement. ✓

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1596/2dn
JTK:jld:rs

June 28, 2001

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21

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1596/2
JTK:jld:rs

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