LRB-2155

2003 DRAFTING REQUEST

Bill

Received: **02/26/2003**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Scott Loomans**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **tfast**

Subject: **State Govt - miscellaneous**

Extra Copies: **MGG - 1**

Submit via email: **YES**

Requester's email: **Rep.Johnsrud@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice of proposed sale of surplus state lands

Instructions:

Per attached.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkuesel 07/11/2003	kgilfoy 08/25/2003		_____ _____			State
/1			pgreensl 08/26/2003	_____ _____	sbasford 08/26/2003	mbarman 08/28/2003	

FE Sent For:

<END>

At intr.

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/?/1	jkuesel	7/11/1 – 8/25 kmg	8/26 P8	8/26 P8 IRS			

FE Sent For:

<END>

BILL REQUEST FORM

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Johnsrud

Date: 2/21 Person submitting request (name, phone number): Scott Loomans

Persons to contact for questions about this draft (names, phone numbers): Scott Loomans 6-3534

Describe the problem, including any helpful examples.

How do you want to solve the problem?

See attachment

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked–up (not retyped) copy.

You may attach a marked–up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB–2345/1 or 1995 AB–67):

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes ☐ No ☐
- If yes: Anyone who asks? Yes ☐ No ☐ Any legislator? Yes ☐ No ☐ Only the following persons:

Do you consider this request urgent? Yes ☐ No ☐ If yes, please indicate why:

Should we give this request priority over any other pending request of this legislator, agency or body? Yes ☐ No ☐ If yes, sign your name here:

February 14, 2003

Drafting Request from Rep. Johnsrud
Surplus Land Sales Bill

The problem – There have been occasions where DNR and DOT have sold surplus lands that were no longer needed for conservation or transportation purposes. In both cases, neighbors were interested in the land and had contacted the agencies about purchasing those lands. The land was eventually sold to private people through realtors but, in both cases, area citizens were not aware that the sale was taking place (realtors often have waiting lists and do not have to advertise properties). In one case, a farmer who had been renting DNR owned farmland was not able to bid on land that he tilled.

The solution – Require that any time a state agency sells surplus land, the following actions must be taken:

- A sign indicating that property is for sale must appear in a conspicuous place on the property for a period of two weeks any transaction is completed.

- A press release must be sent to at least three local publications that have at least a weekly frequency of circulation.

Boss,

- ~~Want to add some sort of review of sales by JFC or standing cmte., or will that just make it too complicated (Huber had bill last time)?~~

New

2003 Date (time) needed DN ITE

LRB – 2155 / 1

JM + TNF KMG

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] ***to repeal*** . . . ; ***to renumber*** . . . ; ***to consolidate and renumber*** . . . ; ***to renumber and amend*** . . . ; ***to consolidate, renumber and amend*** . . . ; ***to amend*** . . . ; ***to repeal and recreate*** . . . ; and ***to create*** . . . of the statutes; **relating to:** Public notice of proposed sales of state-owned real property.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . **create → anal: → title: → head**

For the subheading, execute: . . . . . **create → anal: → title: → sub**

For the sub–subheading, execute: . . . . . **create → anal: → title: → sub–sub**

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . **create → anal: → text**

attached

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

SECTION #.

highway or street, if no public highway, road, or street abuts the property, is visible highways or street

This bill requires each state agency that proposes to sell any real property owned by the state to post a sign on the property that ~~may be viewed~~ from a ~~a~~ public road, or, ~~if that is not possible~~, in the right-of-way of the nearest public road at a location designated by the department of transportation or the county or municipality having jurisdiction of the road, announcing the proposed sale. In addition, the agency must send an announcement of the proposed sale to at least ~~3~~ three newspapers ~~nonprofit organizations~~ qualified to publish legal notices that are likely to provide effective notice of the proposed sale. Under the bill, the sign must be placed and the announcement must be sent at least 14 days before any agreement to sell the property is executed.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

SECTION 1. 13.48 (14) (b) of the statutes is amended to read:

13.48 **(14)** (b) Subject to par. (d) and s. 20.9095, 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; 2001 a. 16, 103.

SECTION 2. 20.9095 of the statutes is created to read:

(1) Notwithstanding ss. 84.02(4), 84.30, 86.19(1) and (2), 86.191, 86.195, and 86.196 or any rule, regulation, standard, or guideline of the department of transportation relating to highway signs, and except as provided in sub. (2), each

20.9095 Notice of proposed sale of state–owned real property. ~~Each~~ state agency that proposes to sell any real property owned by the state shall post a sign on the property that ~~may be viewed~~ is visible from a public highway, road, or street that abuts such property, or, if ~~that is not possible~~ no public highway, road, or street abuts such property, in the right–of–way of the nearest public highway, road, or street at a location that ~~may be viewed~~ is visible from ~~a public~~ the highway, road, or street designated by the department of transportation or by the county or municipality having jurisdiction of the right–of–way, announcing the proposed sale. In addition, the state agency shall send an announcement of the proposed sale to at least 3 newspapers qualified to publish legal notices under s. 985.03 that are likely to provide effective notice of the proposed sale. The sign shall be posted and announcement sent at least 14 days before any agreement to sell the property is executed. The sign and announcement

shall indicate how the state agency may be contacted concerning purchase of the property.

¶ (2) The posting of signs under sub. (1) shall be consistent with applicable rules, regulations, guidelines and standards adopted by the department of transportation. No sign may be posted under sub. (1) that would result in the loss of federal aid to this state.

(B)

SECTION 3. 23.15 (1) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

23.15 **(1)** The natural resources board may sell, at public or private sale, subject to notice under s. 20.9095, lands and structures owned by the state under the jurisdiction of the department of natural resources when the natural resources board determines that said lands are no longer necessary for the state's use for conservation purposes and, if real property, the real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2).

Proof w/ 2003 WA 33

History: 1983 a. 27; 1983 a. 423 s. 3; Stats. 1983 s. 23.15; 1989 a. 31; 1991 a. 39, 316; 1993 a. 184.

SECTION 4. 24.15 of the statutes is amended to read:

24.15 Private sale. All public lands, including forfeited lands and mortgaged lands bid in by the state, which shall have once been offered or reoffered at public sale and remain unsold, shall be subject to private sale, with notice under s. 20.9095, at the minimum price fixed therefor by law to the person first making application therefor, if the person forthwith complies with the term of sale; but if 2 or more persons shall apply at the same time to purchase any of such lands the same shall be offered to the highest bidder, and the applicant who will pay the highest price shall be the purchaser.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186.

SECTION 5. 84.09 (5) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

84.09 **(5)** Subject to the approval of the governor and with notice under s. 20.9095, the department may sell at public or private sale property of whatever nature owned by the state and under the jurisdiction of the department when the department determines that the property is no longer necessary for the state's use for highway purposes and, if real property, the real property is not the subject of a

Proof w/ 2003 WA 33

560.9810

petition under s. ~~16.375~~ (2). The department shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the same should be sold, together with an application for the governor's approval of the sale. The governor shall thereupon make such investigation as he or she may deem necessary and approve or disapprove the application. Upon such approval and receipt of the full purchase price, the department shall by appropriate deed or other instrument transfer the property to the purchaser. The approval of the governor is not required for public or private sale of property having a fair market value at the time of sale of not more than $3,000, for the transfer of surplus state real property to the department of administration under s. ~~16.375~~ 560.9810 or for the transfer of surplus state personal property to the department of tourism under sub. (5s). The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from such fund.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186.

SECTION 6. 85.09 (4i) of the statutes, as affected by 2003 Wisconsin act 33, is amended to read:

85.09 **(4i)** DISPOSAL OF RAIL PROPERTY. The department shall sell at public or private sale, subject to notice under s. 20.9095, rail property acquired under sub. (4) when the department determines that the rail property is not necessary for a public purpose and, if real property, the real property is not the subject of a petition under s. ~~16.375~~ 560.9810 (2). Upon receipt of the full purchase price, the department shall, by appropriate deed or other instrument, transfer the rail property to the purchaser. The funds derived from sales under this subsection shall be deposited in the

Proof w/ 2003 WA 33

transportation fund, and the expense incurred by the department in connection with the sale shall be paid from the appropriation under s. 20.395 (2) (bq), as affected by 2003 Wisconsin Act 33,

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186.

SECTION 7. 114.33 (10) of the statutes is amended to read:

114.33 **(10)** Subject to the approval of the governor under this subsection and with notice under s. 20.9095, the secretary may sell at public or private sale, with notice under s. 20.9095, property of whatever nature owned by the state and under the jurisdiction of the secretary when the secretary determines that the property is no longer necessary for the state's use for airport purposes and, if real property, the real property is not the subject of a petition under s. ~~16.313~~ 560.9810. The secretary shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the property should be sold, together with an application for the governor's approval of the sale. The governor shall investigate the proposed sale as he or she deems necessary and approve or disapprove the application. Upon approval and receipt of the full purchase price, the secretary shall by appropriate deed or other instrument transfer the property to the purchaser. The funds derived from the sale shall be deposited in the appropriate airport fund, and the expense incurred by the secretary in connection with the sale shall be paid from that fund.

Prop w/2003 WA 33

History: 1971 c. 192; 1973 c. 241; 1977 c. 29; 1979 c. 221; 1981 c. 20 s. 2202 (51) (d); 1987 a. 27; 1991 a. 39; 1997 a. 253, 282; 1999 a. 32.

SECTION 8. Initial applicability.

(1) This act first applies with respect to sales of state real property that are executed on the effective date of this subsection.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB–2155/1dn
JTK:...:...

Representative Johnsrud:

This draft provides that if a property that is proposed to be sold is not situated on a public highway, road or street so that a sign posted on the property would not provide effective notice of the proposed sale, the sign must instead be posted in the right–of–way of the nearest public highway, road or street at a location that ~~may be viewed~~ is visible from the highway, road or street designated by the department of transportation or by the county or municipality having jurisdiction of the right–of–way. Please let me know if you would like to see this issue treated differently.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB–2155/1dn
JTK:kmg:pg

August 26, 2003

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Managing Attorney
Phone: (608) 266–6778

DuWayne Johnsrud

State Representative

Please jacket LRB 2155
for introduction

Thanks, Scott Loomans