

2003 ASSEMBLY BILL 436

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

Analysis by the Legislative Reference Bureau

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

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1 should be sold, together with an application for the governor's approval of the sale.
2 The governor shall thereupon make such investigation as he or she may deem
3 necessary and approve or disapprove the application. Upon such approval and
4 receipt of the full purchase price, the department shall by appropriate deed or other
5 instrument transfer the property to the purchaser. The approval of the governor is
6 not required for public or private sale of property having a fair market value at the
7 time of sale of not more than ~~\$3,000~~ \$15,000, for the transfer of surplus state real
8 property to the department of administration under s. 16.375₁, or for the transfer of
9 surplus state personal property to the department of tourism under sub. (5s). The
10 funds derived from sales under this subsection shall be deposited in the
11 transportation fund, and the expense incurred by the department in connection with
12 the sale shall be paid from such fund.

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

14 **84.09 (5r)** In lieu of the sale or conveyance of property under sub. (5) or (5m),
15 the department may, subject to the approval of the governor, donate real property
16 that is adjacent to the veterans memorial site located at The Highground in Clark
17 County and owned by the state and under the jurisdiction of the department to the
18 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans
19 memorial site located at The Highground in Clark County for the purpose of a
20 memorial hall specified in s. 70.11 (9). The department may donate property under
21 this subsection only when the department determines that the property is no longer
22 necessary for the state's use for ~~highway~~ transportation purposes and is not the
23 subject of a petition under s. 16.375 (2) and is transferred with a restriction that the
24 donee may not subsequently transfer the real property to any person except to this
25 state, which shall not be charged for any improvements thereon. Such restriction

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1 shall be recorded in the office of the register of deeds in the county in which the
2 property is located. The department shall present to the governor a full and complete
3 report of the property to be donated, the reason for the donation, and the minimum
4 price for which the property could likely be sold under sub. (5), together with an
5 application for the governor's approval of the donation. The governor shall
6 thereupon make such investigation as he or she considers necessary and approve or
7 disapprove the application. Upon such approval, the department shall by
8 appropriate deed or other instrument transfer the property to the donee. The
9 approval of the governor is not required for donation of property having a fair market
10 value at the time of donation of not more than ~~\$3,000~~ \$15,000. Any expense incurred
11 by the department in connection with the donation shall be paid from the
12 transportation fund.

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(END)