

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:

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1 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),
2 the department may, subject to the approval of the governor, donate real property
3 that is adjacent to the veterans memorial site located at The Highground in Clark
4 County and owned by the state and under the jurisdiction of the department to the
5 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans
6 memorial site located at The Highground in Clark County for the purpose of a
7 memorial hall specified in s. 70.11 (9). The department may donate property under
8 this subsection only when the department determines that the property is no longer
9 necessary for the state's use for highway transportation purposes and is not the
10 subject of a petition under s. 16.375 (2) and is transferred with a restriction that the
11 donee may not subsequently transfer the real property to any person except to this
12 state, which shall not be charged for any improvements thereon. Such restriction
13 shall be recorded in the office of the register of deeds in the county in which the
14 property is located. The department shall present to the governor a full and complete
15 report of the property to be donated, the reason for the donation, and the minimum
16 price for which the property could likely be sold under sub. (5), together with an
17 application for the governor's approval of the donation. The governor shall
18 thereupon make such investigation as he or she considers necessary and approve or
19 disapprove the application. Upon such approval, the department shall by
20 appropriate deed or other instrument transfer the property to the donee. The
21 approval of the governor is not required for donation of property having a fair market
22 value at the time of donation of not more than ~~\$3,000~~ \$15,000. Any expense incurred
23 by the department in connection with the donation shall be paid from the
24 transportation fund.

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(END)