

2003 DRAFTING REQUEST

Bill

Received: 05/21/2003

Received By: agary

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing: Kristina Boardman (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: TNF, PJH

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale of land by DOT

Instructions:

Increase from \$3,000 to \$15,000 the exempt amount for which DOT is not required to obtain the governor's approval prior to sale of property under s. 84.09 (5)

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>
/?							State
/1	agary 06/04/2003	jdyer 06/04/2003	rschluet 06/05/2003		mbarman 06/05/2003		State
		jdyer 06/05/2003					

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	agary 06/24/2003	jdyer 06/24/2003	pgreensl 06/24/2003	_____	mbarman 06/24/2003	sbasford 06/25/2003	sbasford 06/25/2003

FE Sent For:

AA intro

<END>

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1/2 6/24 jld
by ps
ps

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

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Pre Topic:

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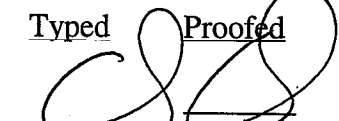
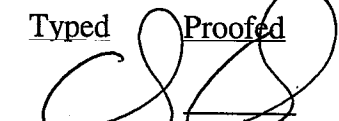
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1?	agary	1/6/03 jld					State

FE Sent For:

653

<END>

JLD

D-Note

2003 BILL

Gen

1 AN ACT ...; relating to: the sale or donation of state property by the Department
2 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.

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:

BILL**SECTION 1**

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 purposes and, if real property,
6 the real property is not the subject of a petition under s. 16.375 (2). The department
7 shall present to the governor a full and complete report of the property to be sold, the
8 reason for the sale, and the minimum price for which the same should be sold,
9 together with an application for the governor's approval of the sale. The governor
10 shall thereupon make such investigation as he or she may deem necessary and
11 approve or disapprove the application. Upon such approval and receipt of the full
12 purchase price, the department shall by appropriate deed or other instrument
13 transfer the property to the purchaser. The approval of the governor is not required
14 for public or private sale of property having a fair market value at the time of sale
15 of not more than \$3,000 \$15,000, for the transfer of surplus state real property to the
16 department of administration under s. 16.375 or for the transfer of surplus state
17 personal property to the department of tourism under sub. (5s). The funds derived
18 from sales under this subsection shall be deposited in the transportation fund, and
19 the expense incurred by the department in connection with the sale shall be paid
20 from such fund.

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

22 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),
23 the department may, subject to the approval of the governor, donate real property
24 that is adjacent to the veterans memorial site located at The Highground in Clark
25 County and owned by the state and under the jurisdiction of the department to the

BILL

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

20 (END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2741/1dn

ARG:.....

JGD

ATTN: Kristina Boardman

The attached draft treats s. 84.09 (5r)[✓] in addition to s. 84.09 (5)[✓] because both subsections contain the identical provision. If this is not consistent with your intent, please let me know.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2741/1dn
ARG:jld:rs

June 5, 2003

ATTN: Kristina Boardman

The attached draft treats s. 84.09 (5r) in addition to s. 84.09 (5) because both subsections contain the identical provision. If this is not consistent with your intent, please let me know.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, June 24, 2003 12:41 PM
To: Boardman, Kristina
Subject: RE: LRB 2741

Kristina,

Sorry this has taken so long. The budget has kept us pretty busy.

I have redrafted LRB-2741. Regarding # 1 below, I also made the same change to the identical language at p. 3, line 5.

Regarding # 2 below, our grammatical drafting conventions prevent me from inserting "or" but I did insert the comma, which should have been in there in the first place and will hopefully clear this up a bit.

With these changes, I wanted you to have another chance to look at it before it is jacketed. If you would like it jacketed after you receive it, let me know and I'll have that done immediately.

Let me know if you have any questions or concerns. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Boardman, Kristina
Sent: Thursday, June 12, 2003 11:06 AM
To: Gary, Aaron
Subject: LRB 2741

Aaron:

The DOT has requested a couple of minor changes to LRB 2741/1. Could we please make these two changes - and then go ahead and jacket the proposal?

#1

Page 2, line 5 - delete the word "highway" and substitute "transportation".

#2

Page 2 - line 15

DOT feels (and has felt) that this section is confusing. Perhaps inserting the word "or" prior to "for the transfer...." and inserting a comma after s.16.375 on line 16 would help clear this up.

Thank you Aaron.

Kristina Boardman
Representative Ainsworth's Office
608.266.3097

soon turned in 6/24

RMK

2003 BILL

Regen

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.

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:

NO #

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.

BILL

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 ^{strike} ~~highway~~ ^{✓ transportation} purposes and, if real property,
6 the real property is not the subject of a petition under s. 16.375 (2). The department
7 shall present to the governor a full and complete report of the property to be sold, the
8 reason for the sale, and the minimum price for which the same should be sold,
9 together with an application for the governor's approval of the sale. The governor
10 shall thereupon make such investigation as he or she may deem necessary and
11 approve or disapprove the application. Upon such approval and receipt of the full
12 purchase price, the department shall by appropriate deed or other instrument
13 transfer the property to the purchaser. The approval of the governor is not required
14 for public or private sale of property having a fair market value at the time of sale
15 of not more than \$3,000 \$15,000, for the transfer of surplus state real property to the
16 department of administration under s. 16.375 [✓] _{or} ² for the transfer of surplus state
17 personal property to the department of tourism under sub. (5s). The funds derived
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18 of not more than ~~\$3,000~~ \$15,000. Any expense incurred by the department in
19 connection with the donation shall be paid from the transportation fund.

(END)

Barman, Mike

From: Gary, Aaron
Sent: Wednesday, June 25, 2003 10:48 AM
To: Boardman, Kristina
Cc: Barman, Mike
Subject: RE: LRB 2741

Mike,

Can you please jacket LRB-2741 for Rep. Ainsworth? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Boardman, Kristina
Sent: Wednesday, June 25, 2003 10:43 AM
To: Gary, Aaron
Subject: RE: LRB 2741

Looks great Aaron. DOT signed off as well. Can we please have it jacketed at your convenience.

Thanks again.
Kristina

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