

2003 DRAFTING REQUEST

Bill

Received: 05/29/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing: Kristina Boardman

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: TNF, PJH, MES

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 public land to adjoining landowner by county highway commissioner

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>
/?							Local
/P1	agary 06/05/2003	jdye 06/06/2003	rschlue 06/06/2003		amentkow 06/06/2003		Local
		rschlue 06/06/2003					

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 08/12/2003	kfollett 08/12/2003	rschluet 08/12/2003	_____	sbasford 08/12/2003	sbasford 08/12/2003	

FE Sent For:

<END>

AA
Intro.

2003 DRAFTING REQUEST

Bill

Received: 05/29/2003

Wanted: As time permits

For: John Ainsworth (608) 266-3097

This file may be shown to any legislator: NO

May Contact:

Subject: Transportation - highways

Submit via email: YES

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

Carbon copy (CC:) to:

Received By: mshovers

Identical to LRB:

By/Representing: Kristina Boardman

Drafter: agary

Addl. Drafters:

Extra Copies: TNF, PJH, MES

changed
07-30-03
- see
attached

Pre Topic:

No specific pre topic given

Topic:

Sale of public land to adjoining landowner by county highway commissioner

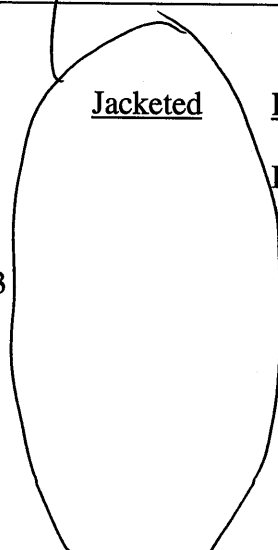
Instructions:

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>
/?							Local
/P1	agary 06/05/2003	jdyer 06/06/2003 rschluet 06/06/2003 11 kij 8/12	rschluet 06/06/2003		amentkow 06/06/2003		

* please send "1" draft out jacketed. ANB



8-12-3

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 05/29/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Roger Breske (608) 266-2509

By/Representing: Beth (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: TNF, PJH, MES

Submit via email: YES

Requester's email: Sen.Breske@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale of public land to adjoining landowner by county highway commissioner

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>
/?							Local
/P1	agary 06/05/2003	jdyer 06/06/2003	rschluet 06/06/2003		amentkow 06/06/2003		
		rschluet 06/06/2003					

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 05/29/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Roger Breske (608) 266-2509

By/Representing: Beth (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: TNF, PJH, MES

Submit via email: YES

Requester's email: Sen.Breske@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given



Topic:

Sale of public land to adjoining landowner by county highway commissioner

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>
/?	agary	PI 6/16 jld					Local

6-6-3

FE Sent For:

<END>

LRB 2771
5/28/03

Telephone conference with Marc Shovers; Beth (and Susan) in Sen. Breske's ofc., 6-2509, want to allow county highway commissioner to be able to sell land to adjoining landowner without going through a public sale. See sections 83.01, 83.015, 83.08. Confirmed with Susan on 5/29/03.

ARG

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, June 04, 2003 3:52 PM
To: Piliouras, Elizabeth
Cc: Shovers, Marc
Subject: RE: Draft Request - re: 83.08(4)

Thanks Beth. I actually entered this request last week as LRB-2771 and confirmed with Susan since you were out of the office. I haven't looked at municipal authority, but the Highway Commissioner is partially right about DOT authority. DOT may sell property (including real property) by private sale to anyone (not just an adjoining landowner) upon approval by the governor (after certain requirements are fulfilled, including a report to the governor, etc.) DOT may also donate land adjacent to a specific veterans memorial upon approval by the governor. See s. 84.09 (5) and (5r). But I am not aware of any provision exactly like that which the Highway Commissioner describes.

I will go ahead and prepare the bill as described below. It's a pretty simple draft and I should be able to get to it shortly, but when you will receive it will depend on our editing dept.'s budget workload.

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: Piliouras, Elizabeth
Sent: Wednesday, June 04, 2003 3:04 PM
To: Gary, Aaron
Cc: Shovers, Marc
Subject: Draft Request - re: 83.08(4)

Aaron:

I just spoke with Marc Shovers... I think there was a mix up -- and I think he left a message for you.

Senator Breske wants to change 83.08(4) to allow counties the option to offer excess public land to the adjoining land owner at the assessed market value. According to a Highway Commissioner in Senator Breske's district, the state, cities, villages and towns all have this authority now.

Let me know if you have any questions.

*Thanks,
Beth*

Beth Piliouras
Senator Roger Breske

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, June 05, 2003 9:12 AM
To: Piliouras, Elizabeth
Subject: RE: Draft Request - re: 83.08(4)

Beth,

In response to your questions, we could define "assessed value" similar to the definition in s. 66.0217 (1) (a), although I think it is OK to use it without definition, as there are many instances in the statutes where this is done. In terms of what works for statutory language, I think both "assessed value" and "fair market value" are workable.

With regard to your second question, I think the assessed value is a definite number established by the taxing authority, so it is not subjective or subject to manipulation, but may be well below the fair market value. As you point out, if we use the term "fair market value" the county would have the responsibility to the taxpayers to get the best/fair price. However, if a state statute sets the price for the sale at the "assessed value", this trumps the county's obligation to get the best price and requires the county to sell the property for the assessed value, period.

We could use a combination of the two concepts and require the county to sell the property "at the fair market value, but for no less than the assessed value" of the property. This would require the county to sell above the assessed value where possible, but prevent a sale below the assessed value. Of course, if it turned out that no buyer was willing to purchase the property for as much as the assessed value, the county would be unable to sell the property at all.

How would you like to proceed? Or give me a call if you would like to discuss further. Thanks. Aaron

Hic w/ Beth 6-25-09 6/5/03 9:30 am

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

*• talked w/ Marathon County Highway
Commissioner and they think it
should be "fair market value" =>
use that term*

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

From: Piliouras, Elizabeth
Sent: Wednesday, June 04, 2003 4:56 PM
To: Gary, Aaron
Subject: RE: Draft Request - re: 83.08(4)

sorry - that was my misuse of terms - I think.

Wouldn't we run into problems with the lack of definition for "assessed value" in the statutes - open it up for legal interpretation?

Also, doesn't the public entity (the county in this case) have a responsibility to the taxpayers to get the most reliable price? In my mind, I see assessed value as subjective or at least more easily tampered with???

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

From: Gary, Aaron
Sent: Wednesday, June 04, 2003 4:32 PM
To: Piliouras, Elizabeth
Subject: RE: Draft Request - re: 83.08(4)

Beth,

One follow up: Do you want the draft to refer to "assessed value" as opposed to "fair market value" (FMV)? FMV is a term used in s. 84.09 (5). Using assessed value may also tie the hands of the Highway Commissioner. Often the FMV of land is not identical to assessed value (and the statutes don't use the term "assessed market value" because assessed value, while based on estimated fair market value, usually isn't the actual market value). If we use the term "assessed value" and the FMV value is higher, the Highway Commissioner has to sell the land for the lower assessed value or go through the steps of a public sale. However, if we use the term FMV value, the Highway Commissioner can sell the land at the assessed value or at a different

price if he or she believes the assessed value is not reflective of the FMV. However, I understand using the term "assessed value" creates a certainty and objectivity that FMV does not.

Do you want the draft to use the term FMV or "assessed value"? 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: Piliouras, Elizabeth
Sent: Wednesday, June 04, 2003 3:04 PM
To: Gary, Aaron
Cc: Shovers, Marc
Subject: Draft Request - re: 83.08(4)

Aaron:

I just spoke with Marc Shovers... I think there was a mix up -- and I think he left a message for you.

Senator Breske wants to change 83.08(4) to allow counties the option to offer excess public land to the adjoining land owner at the assessed market value. According to a Highway Commissioner in Senator Breske's district, the state, cities, villages and towns all have this authority now.

Let me know if you have any questions.

*Thanks,
Beth*

Beth Piliouras
Senator Roger Breske

JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D - Note

Gen

1 AN ACT ...; relating to: the sale of surplus county highway land. ✓

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) ✓ may, with the approval of the governor and subject to certain requirements and exceptions, sell at public or private sale state property, including land, that is under its jurisdiction when DOT determines that the property is not necessary for highway purposes. DOT may also order a county highway committee to acquire land for highway purposes and may order the county highway committee to sell such land at public or private sale, subject to conditions and terms authorized by DOT. ✓

Also under current law, a county board may sell at public sale county land that was acquired for highway purposes if the board determines that the land is no longer needed for highway purposes. DOT must approve the sale if the county acquired the land by purchase using any funds other than county funds.

This bill allows a county to sell surplus county highway land at fair market value by private, rather than public, sale to an owner of land adjacent to the surplus county highway land. The bill does not affect the sale of county highway land ordered by DOT.

For further information see the *local* 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:

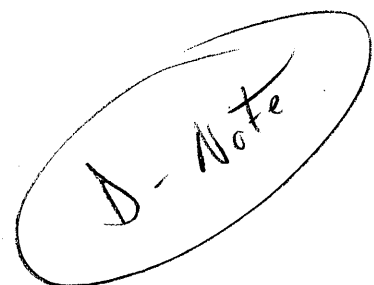
1 SECTION 1. 83.08 (4) [✓] of the statutes is amended to read:

2 83.08 (4) Subject to s. 84.09 (3) (c) [✓] and to the approval of the department, the
3 county board is authorized and empowered to sell at public sale, or to sell at private
4 sale for fair market value to an owner of adjacent property, property owned by the
5 county in fee for highway purposes, when the county board shall determine that such
6 property is no longer necessary for the county's use for highway purposes. The funds
7 derived from such sale shall be deposited in the county highway fund and the expense
8 incurred in connection with the sale shall be paid from that fund. However, approval
9 of the department is not required where county funds only have been used.

10 SECTION 2. **Initial applicability.**

11 (1) This act first applies to property sold on the effective date of this [✓] subsection.

12 (END)



D-Note

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

LRB-2771/P1dn

ARG:.....

Jld

ATTN: Beth Piliouras

As we discussed, the attached draft requires sale of the land at "fair market value." ✓

If you would like any changes made to the attached draft, please let me know. If the attached draft meets with your approval, please let me know and I will turn it into an introducible "/1" draft.

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-2771/P1dn
ARG:jld:rs

June 6, 2003

ATTN: Beth Piliouras

As we discussed, the attached draft requires sale of the land at "fair market value."

If you would like any changes made to the attached draft, please let me know. If the attached draft meets with your approval, please let me know and I will turn it into an introducible "/1" draft.

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

Barman, Mike

From: Gary, Aaron
Sent: Wednesday, July 30, 2003 3:07 PM
To: Barman, Mike
Subject: FW: LRB-2771

Mike, Can you "transfer" the requester to Rep. Ainsworth on this draft? 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, July 30, 2003 2:47 PM
To: Gary, Aaron
Cc: Piliouras, Elizabeth
Subject: RE: LRB-2771

That's right Aaron. Thanks for your help.

Kristina

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

From: Gary, Aaron
Sent: Wednesday, July 30, 2003 2:46 PM
To: Boardman, Kristina
Cc: Piliouras, Elizabeth
Subject: LRB-2771

Hi Kristina,

I understand from Beth that Rep. Ainsworth is going to be substituted as the requester on this draft. Can you give me the "official" okay to transfer the file over to 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

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, August 12, 2003 12:55 PM
To: Boardman, Kristina
Subject: RE: LRB2771

At the time it was drafted, I was unsure how exactly the requester wanted the draft phrased in terms of property value. My understanding is that, prior to transfer of the file to Rep. Ainsworth, the draft was determined to be fine and to meet the needs of what was wanted

So I'll go ahead and redraft and get the jacketed draft over to you today. 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: Tuesday, August 12, 2003 12:49 PM
To: Gary, Aaron
Subject: RE: LRB2771

Was there a reason for the preliminary draft - meaning were there some questions that needed to be answered?

If not - you can go ahead and draft it as a slash one and send over the jacket.

Thanks again Aaron.

Kristina

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

From: Gary, Aaron
Sent: Tuesday, August 12, 2003 12:46 PM
To: Boardman, Kristina
Subject: RE: LRB2771

Hi Kristina,

It is still a preliminary draft. I can redraft it as a "/1" and get it over to you, jacketed, today. Is that what you want? 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: Tuesday, August 12, 2003 12:09 PM
To: Gary, Aaron
Subject: LRB2771

Aaron:

I just wanted to check on the status of LRB 2771 that was transferred to our office from Senator Breske. Is this still considered a preliminary draft?

If not - could I receive a jacketed copy?

Thanks for checking on this Aaron. If you have any questions - let me know.

Kristina

Kristina Boardman
Representative Ainsworth's Office
608.266.3097



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRB-2771/1

ARG:jld:rs

Kap
KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 AN ACT *to amend* 83.08 (4) of the statutes; **relating to:** the sale of surplus county
2 highway land.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may, with the approval of the governor and subject to certain requirements and exceptions, sell at public or private sale state property, including land, that is under its jurisdiction when DOT determines that the property is not necessary for highway purposes. DOT may also order a county highway committee to acquire land for highway purposes and may order the county highway committee to sell such land at public or private sale, subject to conditions and terms authorized by DOT.

Also under current law, a county board may sell at public sale county land that was acquired for highway purposes if the board determines that the land is no longer needed for highway purposes. DOT must approve the sale if the county acquired the land by purchase using any funds other than county funds.

This bill allows a county to sell surplus county highway land at fair market value by private, rather than public, sale to an owner of land adjacent to the surplus county highway land. The bill does not affect the sale of county highway land ordered by DOT.

For further information see the *local* 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.** 83.08 (4) of the statutes is amended to read:

2 83.08 (4) Subject to s. 84.09 (3) (c) and to the approval of the department, the
3 county board is authorized and empowered to sell at public sale, or to sell at private
4 sale for fair market value to an owner of adjacent property, property owned by the
5 county in fee for highway purposes, when the county board shall determine that such
6 property is no longer necessary for the county's use for highway purposes. The funds
7 derived from such sale shall be deposited in the county highway fund and the expense
8 incurred in connection with the sale shall be paid from that fund. However, approval
9 of the department is not required where county funds only have been used.

10 **SECTION 2. Initial applicability.**

11 (1) This act first applies to property sold on the effective date of this subsection.

12

(END)

Barman, Mike

From: Boardman, Kristina
Sent: Wednesday, August 13, 2003 1:28 PM
To: LRB.Legal
Subject: LRB 2771/1

May I please have a copy of LRB 2771 e-mailed to my boss - Representative John Ainsworth?

Thank you.

Kristina Boardman
Representative Ainsworth's Office
608.266.3097

Barman, Mike

From: Barman, Mike
Sent: Wednesday, August 13, 2003 1:34 PM
To: Rep.Ainsworth
Cc: Boardman, Kristina
Subject: LRB 03-2771/1 (attached - per your request)



03-2771/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703