

ASSEMBLY BILL 534 (LRB -3211)

An Act to amend 84.09 (5m); and to repeal and recreate 84.09 (5) of the statutes; relating to: sale, by the Department of Transportation, of surplus real property. (FE)

2005

- 08-10. A. Introduced by Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gard, Gielow, Gottlieb, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Steinbrink, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams and Wood; cosponsored by Senators Zien, Brown, A. Lasee, Leibham, Olsen and Roessler.
- 07-05. A. Read first time and referred to committee on Property Rights and Land Management 349
- 07-13. A. Fiscal estimate received.
- 07-13. A. Public hearing held.
- 08-10. A. Public hearing held.
- 08-10. A. Executive action taken.
- 08-10. A. Assembly substitute amendment 1 offered by committee on Property Rights and Land Management (LRB s0169) 432
- 09-09. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Property Rights and Land Management, Ayes 5, Noes 0 456
- 09-09. A. Report passage as amended recommended by committee on Property Rights and Land Management, Ayes 5, Noes 0 456
- 09-09. A. Referred to joint committee on Finance 456
- 09-15. A. Assembly amendment 1 to Assembly substitute amendment 1 offered by Representative Ainsworth (LRB a0915) 459
- 09-21. A. Executive action taken.
- 09-22. A. Report Assembly Substitute Amendment 1 adoption recommended by joint committee on Finance, Ayes 16, Noes 0 473
- 09-22. A. Report passage as amended recommended by joint committee on Finance, Ayes 16, Noes 0 473
- 09-22. A. Referred to committee on Rules 473
- 09-22. A. Made a special order of business at 11:31 A.M. on 9-27-2005 pursuant to Assembly Resolution 38 479
- 09-27. A. Read a second time 502
- 09-27. A. Assembly amendment 2 to Assembly substitute amendment 1 offered by Representatives Rhoades, Ainsworth and Gunderson (LRB a1089) 502
- 09-27. A. Assembly amendment 2 to Assembly substitute amendment 1 adopted 502
- 09-27. A. Assembly substitute amendment 1 adopted 502
- 09-27. A. Ordered to a third reading 502
- 09-27. A. Rules suspended 502
- 09-27. A. Read a third time and passed 502
- 09-27. A. Ordered immediately messaged 502
- 09-30. S. Received from Assembly 382
- 09-30. S. Read first time and referred to committee on Natural Resources and Transportation 384

2006

- 01-11. S. Public hearing held.
- 02-01. S. Executive action taken.
- 02-01. S. Report introduction and adoption of Senate Substitute Amendment 1 recommended by committee on Natural Resources and Transportation, Ayes 5, Noes 0 (LRB s0494) 572
- 02-01. S. Report concurrence as amended recommended by committee on Natural Resources and Transportation, Ayes 5, Noes 0 572
- 02-01. S. Available for scheduling.
- 03-08. S. Placed on calendar 3-9-2006 by committee on Senate Organization.
- 03-09. S. Read a second time 732
- 03-09. S. Senate amendment 1 offered by Senator Roessler (LRB a2460) 732
- 03-09. S. Placed at the foot of the ninth order of business on the calendar of 3-9-2006 732
- 03-09. S. Read a second time 738
- 03-09. S. Senate amendment 1 to Senate substitute amendment 1 offered by Senator Roessler (LRB a2827) 739
- 03-09. S. Senate amendment 1 to Senate substitute amendment 1 withdrawn and returned to author 739
- 03-09. S. Senate substitute amendment 1 adopted 739
- 03-09. S. Ordered to a third reading 739
- 03-09. S. Rules suspended 739

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03-09.	S.	Read a third time and concurred in as amended, Ayes 32, Noes 0	739
03-09.	S.	Ordered immediately messaged	739
03-14.	A.	Received from Senate amended and concurred in as amended (Senate substitute amendment 1 adopted)	972
03-14.	A.	Referred to committee on Rules	973
04-19.	A.	Placed on calendar 4-25-2006 by committee on Rules.	
04-25.	A.	Senate substitute amendment 1 concurred in , Ayes 90, Noes 3	1036
04-25.	A.	Action ordered immediately messaged	1036

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig Engr S SubAmdt 1

05 8049411

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-27-06 J. R. Muller
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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 534**

February 1, 2006 - Offered by COMMITTEE ON NATURAL RESOURCES AND
TRANSPORTATION.

1 **AN ACT** *to renumber and amend* 84.09 (5); *to amend* 84.01 (30) (a), 84.01 (30)
2 (g) 3., 84.09 (5m), 84.09 (5r) and 84.09 (8) (b); and *to create* 84.09 (5) (b) and
3 (c) of the statutes; **relating to:** sale, by the Department of Transportation, of
4 surplus real property.

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

5 **SECTION 1.** 84.01 (30) (a) of the statutes is amended to read:

6 84.01 (30) (a) A provision specifying that title is held by the private entity until
7 title is transferred to the department pursuant to a lease with option to purchase at
8 ~~fair market~~ the appraised value or purchase at ~~fair market~~ the appraised value of the
9 constructed project upon its completion.

10 **SECTION 2.** 84.01 (30) (g) 3. of the statutes, as created by 2005 Wisconsin Act
11 25, is amended to read:

1 84.01 **(30)** (g) 3. Notwithstanding any other statute, the department may sell,
2 at ~~fair market~~ the appraised value, the real estate upon which a park-and-ride
3 facility is or may be located, if the department determines that the sale is in the best
4 interests of the public and the department determines that the real estate will be
5 used in a manner consistent with the state's transportation interests.

6 **SECTION 3.** 84.09 (5) of the statutes is renumbered 84.09 (5) (a) and amended
7 to read:

8 84.09 **(5)** (a) Subject to pars. (b) and (c) and to the approval of the governor, the
9 department may sell at public or private sale property of whatever nature owned by
10 the state and under the jurisdiction of the department when the department
11 determines that the property is no longer necessary for the state's use for
12 transportation purposes and, if real property, the real property is not the subject of
13 a petition under s. 560.9810 (2). The department shall present to the governor a full
14 and complete report of the property to be sold, the reason for the sale, and the
15 minimum price for which the same should be sold, together with an application for
16 the governor's approval of the sale. The governor shall thereupon make such
17 investigation as he or she may deem necessary and approve or disapprove the
18 application. Upon such approval and receipt of the full purchase price, the
19 department shall by appropriate deed or other instrument transfer the property to
20 the purchaser. The approval of the governor is not required for public or private sale
21 of property having ~~a fair market~~ an appraised value at the time of sale of not more
22 than \$15,000, for the transfer of surplus state real property to the department of
23 administration under s. 560.9810, or for the transfer of surplus state personal
24 property to the department of tourism under sub. (5s). The funds derived from sales

1 under this subsection shall be deposited in the transportation fund, and the expense
2 incurred by the department in connection with the sale shall be paid from such fund.

3 **SECTION 4.** 84.09 (5) (b) and (c) of the statutes are created to read:

4 84.09 (5) (b) Subject to the approval of the governor in the manner, scope, and
5 form specified in par. (a), with respect to the sale of property acquired by the
6 department for a project that is completed after the effective date of this paragraph
7 [revisor inserts date], the department shall, and with respect to the sale of
8 property acquired by the department for a project that is completed before the
9 effective date of this paragraph [revisor inserts date], the department may offer
10 for sale or transfer ownership of the property that the department determines is no
11 longer necessary for the state's use for transportation purposes, if the property is not
12 the subject of a petition under s. 560.9810 (2). This disposition process shall take
13 place within 24 months of the completion of the transportation project for which the
14 property was acquired. Except as provided in par. (c) 3., the department shall offer
15 limited and general marketable properties at appraised value, as determined by a
16 state-certified or licensed appraiser, for not less than 12 months. If the department
17 does not sell the property at or above its appraised value, the department shall offer
18 the property for sale by means of sealed bids or public auction. For the purposes of
19 this paragraph, a project is completed when final payment is made under the
20 contract for the project.

21 (c) 1. Prior to conducting a public sale on a generally marketable surplus land
22 parcel under par. (b), the department shall contact the county, municipality, and the
23 local school district where the land parcel is located and the department of natural
24 resources to solicit interest in acquiring the parcel for public use. Upon notification
25 from the department, the county, municipality, local school district, and department

1 of natural resources must respond to the department, stating their interest in the
2 land for public use, within 60 days. Failure to respond within 60 days constitutes
3 noninterest in the land parcel.

4 2. Except as provided in subd. 2m. if a county, a municipality, a local school
5 district, or the department of natural resources expresses interest in acquiring the
6 land for public use, the department shall offer the county, municipality, local school
7 district, or department of natural resources the property at its appraised value if all
8 of the following are true:

9 a. The county, municipality, local school district, or department of natural
10 resources provides a plan to the department identifying the proposed public use for
11 the land parcel and the acreage involved in the public use.

12 b. The public use would benefit a cross-section of the population.

13 c. The land parcel will not be purchased for the generation of profit either
14 through the sale price or its long-term intended public use.

15 2m. If a county, municipality, or a local school district expresses interest in
16 acquiring the land for public use related to transportation or infrastructure, the
17 department may offer the county, municipality, or the local school district the
18 property, for less than the appraised value of the property, if all of the following are
19 true:

20 a. The county, municipality, or local school district provides a plan to the
21 department identifying the proposed use of the property for transportation or
22 infrastructure purposes.

23 b. The county, municipality, or local school district agrees to a permanent
24 restriction on the use of the land for the purpose identified.

1 3. If the conditions of subd. 2. are met, the department shall transfer ownership
2 of the land parcel to the county, municipality, local school district, or department of
3 natural resources upon receipt of the appraised value of the land parcel. If the
4 conditions of subd. 2m. are met, the department shall transfer ownership of the land
5 parcel to the county, municipality, or local school district upon receipt of the agreed
6 purchase price of the land parcel. Ownership of the land parcel shall be transferred
7 contingent upon the public use identified under subd. 2., and shall remain in the
8 ownership of the public entity preserving the public use.

9 **SECTION 5.** 84.09 (5m) of the statutes is amended to read:

10 84.09 (5m) Subject to the approval of the governor in the manner, scope, and
11 form provided by sub. (5) (a), the department may convey lands or interests therein
12 acquired pursuant to this section and improvements installed thereon to
13 municipalities within whose limits such lands or interests therein are located. The
14 conveyance of said lands or interests therein and improvements shall restrict the use
15 of the premises by the municipality to the uses for which they were acquired, except
16 that said lands or interests therein declared by the department to be excess may be
17 so conveyed without restrictions as to use. This subsection shall apply only to the
18 sale of property acquired by the department for a project that is completed before the
19 effective date of this subsection ... [revisor inserts date]. The department may sell
20 property that is acquired by the department for a project that is completed after the
21 effective date of this subsection ... [revisor inserts date], to a municipality under sub.
22 (5) (c), as applicable.

23 **SECTION 6.** 84.09 (5r) of the statutes is amended to read:

24 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),
25 the department may, subject to the approval of the governor, donate real property

1 that is adjacent to the veterans memorial site located at The Highground in Clark
2 County and owned by the state and under the jurisdiction of the department to the
3 Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the veterans
4 memorial site located at The Highground in Clark County for the purpose of a
5 memorial hall specified in s. 70.11 (9). The department may donate property under
6 this subsection only when the department determines that the property is no longer
7 necessary for the state's use for transportation purposes and is not the subject of a
8 petition under s. 560.9810 (2) and is transferred with a restriction that the donee may
9 not subsequently transfer the real property to any person except to this state, which
10 shall not be charged for any improvements thereon. Such restriction shall be
11 recorded in the office of the register of deeds in the county in which the property is
12 located. The department shall present to the governor a full and complete report of
13 the property to be donated, the reason for the donation, and the minimum price for
14 which the property could likely be sold under sub. (5), together with an application
15 for the governor's approval of the donation. The governor shall thereupon make such
16 investigation as he or she considers necessary and approve or disapprove the
17 application. Upon such approval, the department shall by appropriate deed or other
18 instrument transfer the property to the donee. The approval of the governor is not
19 required for donation of property having ~~a fair market~~ an appraised value at the time
20 of donation of not more than \$15,000. Any expense incurred by the department in
21 connection with the donation shall be paid from the transportation fund.

22 **SECTION 7.** 84.09 (8) (b) of the statutes is amended to read:

23 84.09 (8) (b) Biennially, beginning on January 1, 1984, the department shall
24 submit to the state building commission and the joint committee on finance an
25 inventory of surplus land containing a general description of the location and an

1 estimated value of each parcel. For each inventory submitted after the effective date
2 of this paragraph ... [revisor inserts date], the inventory shall contain a report
3 including the estimated marketable value totals, by marketable type, of the land
4 parcels, the net gain and net sale of surplus properties in the previous 2-year period,
5 and a summary of the 5 most recent reports submitted under this paragraph.

6

(END)