

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB534)

Received: **07/25/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **ARG**

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 surplus land

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>
/?							
/1	phurley 07/25/2005	wjackson 07/25/2005	rschluet 07/26/2005	_____	Inorthro 07/26/2005	sbasford 07/26/2005	
	phurley 07/26/2005	kfollett 07/26/2005	rschluet 07/26/2005	_____	sbasford 07/26/2005		
	phurley 08/08/2005	wjackson 08/08/2005		_____			
/2			chaugen 08/08/2005	_____	mbarman 08/08/2005	mbarman 08/08/2005	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	agary 08/09/2005	wjackson 08/09/2005	chaugen 08/09/2005	_____	lemery 08/09/2005	lemery 08/09/2005	

FE Sent For:

<END>

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	phurley 07/26/2005	kfollett 07/26/2005	rschluet 07/26/2005	_____	sbasford 07/26/2005		
	phurley 08/08/2005	wjackson 08/08/2005		_____			
/2		1/3 wj 8/9	chaugen 08/08/2005	_____	mbarman 08/08/2005	mbarman 08/08/2005	

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	phurley 07/26/2005	kfollett 07/26/2005	rschluet 07/26/2005	_____	sbasford 07/26/2005		

1/2 WJ 8/8
 CH 8-8
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/?	phurley	/1 Wlj 7/25 /1 Igf 7/26					

FE Sent For:

<END>

Hurley, Peggy

From: Boardman, Kristina
Sent: Thursday, July 21, 2005 11:49 AM
To: Hurley, Peggy
Subject: RE: AB 534

Yes - I believe we need a sub to AB 534. The basic idea of the sub is that subsequent to the effective date of the act, WisDOT must offer for sale surplus land parcels within 24 months of the completion of the project for which the property was acquired. Also - currently the Department contacts local governments and the DNR to gauge interest in the property before offering it up for public sale. Receiving a response from these groups can take 4-5 months, so we are trying to put a time-table on how long these organizations have to respond to the department. This is what I am attempting to do with the "public use" language. Finally, John would like to require that the biennial report issued by WisDOT contain some additional specific information.

I hope that I have appropriately conveyed this intent. If you have any questions - please let me know. Ideally, I would like to have the sub available for distribution to interested parties by July 27th. Let me know if this is at all possible.

Thanks Peggy.

Kristina

(5) Subject to the approval of the governor, the department may sell at public or private sale property of whatever nature owned by the state and under the jurisdiction of the department when the department determines that the property is no longer necessary for the state's use for transportation purposes and, if real property, the real property is not the subject of a petition under s. 560.9810 (2). The department shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the same should be sold, together with an application for the governor's approval of the sale. The governor shall thereupon make such investigation as he or she may deem necessary and approve or disapprove the application. Upon such approval and receipt of the full purchase price, the department shall by appropriate deed or other instrument transfer the property to the purchaser. The approval of the governor is not required for public or private sale of property having a fair market value at the time of sale of not more than \$15,000, for the transfer of surplus state real property to the department of administration under s. 560.9810, or for the transfer of surplus state personal property to the department of tourism under sub. (5s). The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from such fund.

Subsequent to the effective date of this act,

84.09 (5) (a) The department shall offer for sale or transfer ownership of the property that the department determines is no longer necessary for the state's use for transportation purposes, if the property is not the subject of a petition under s. 560.9810 (2). This disposition process shall take place within 24 months of the completion of the transportation project for which the property was acquired.

Public Use Sales

Prior to conducting a public sale on a general marketable surplus land parcel, the Department shall contact the local government, local school district, and the Department of Natural Resources to solicit interest in acquiring the parcel for public use. Upon notification from the department, the public entity must appropriately respond to the department, stating their interest in the land for public use, within 60 days. To be eligible to participate in the first-right purchase process, the public entity shall provide a plan to the department identifying the proposed public use and acreage involved in the public use. Property for public use must benefit a cross section of the population, may not be purchased for the generation of profit through either the sale price or its long term intended public use, may

only be conveyed contingent upon the public use identified, and must remain in ownership of the public entity preserving these public use conditions. Failure to respond to the department within 60 days constitutes non-interest in acquiring the property for public use via the first-right purchase process. If a public entity appropriately responds to the department with a demonstrated plan for public use, the department shall transfer the parcel upon receipt of fair market valuation.

84.09 (8) (b) Biennially, beginning on January 1, 1984, the department shall submit to the state building commission and the joint committee on finance an inventory of surplus land containing a general description of the location and an estimated value of each parcel. Accompanying this inventory shall be a report including:

- 1) Estimated Marketable Value Totals - by marketable type.
- 2) Net gain and net sale of surplus properties in the last year.
- 3) Summary of surplus land sales in each of the 10 years preceding the report.

From: Hurley, Peggy
Sent: Thursday, July 21, 2005 9:20 AM
To: Boardman, Kristina
Subject: RE: AB 534

Hi Kristina,

Sorry I missed the meeting. Do you have any drafting instructions for me?

Peggy

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

From: Boardman, Kristina
Sent: Tuesday, July 19, 2005 9:08 AM
To: Hurley, Peggy
Subject: AB 534

Peggy:

Rep. Ainsworth and Rep. Albers have a meeting today (Tuesday) at 10:30 with a rep from WisDOT regarding AB 534. Rep. Albers wants to exec on the draft on July 27th - and there are some additional changes that are needed. For clarification in drafting - I was thinking it may be helpful if you sat in on this discussion.

I know this is last minute! If it doesn't work out - no big deal, I can just fill you in after the fact.

Thanks for checking,
Kristina

Kristina Boardman, Committee Clerk
Assembly Committee on Transportation
Representative Ainsworth's Office
608.266.3097 - phone
kristina.boardman@legis.state.wi.us

2005 ASSEMBLY BILL 534

July 5, 2005 – 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. Referred to Committee on Property Rights and Land Management.

1 **AN ACT to amend** 84.09 (5m); and **to repeal and recreate** 84.09 (5) of the
 2 statutes; **relating to:** sale, by the Department of Transportation, of surplus
 3 real property.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may acquire real property for use in transportation projects. If DOT determines that the property is no longer necessary for the state's use for transportation purposes, it may petition the governor's office for permission to sell the property or to convey the property to the municipality in which the property is located.

Under this bill, DOT need not petition the governor before it sells or conveys real property that is no longer necessary for transportation purposes. However, the bill requires DOT to sell or convey, within 12 months of completing the transportation project for which the property was acquired, real property that is no longer necessary for transportation purposes. If the property has no marketable value, DOT must convey the property at no cost to whomever owns adjoining property. If the property has limited marketable value (i.e., the property only has value to adjoining landowners), DOT must offer the property for sale at its appraised value. If, within six months, the property does not sell, DOT may accept sealed bids for the sale of the property. The bill requires DOT to sell generally marketable land via sealed bids.

ASSEMBLY BILL 534

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 repealed and recreated to read:

2 84.09 (5) (a) The department shall ~~sell~~ ^{offer for sale} or transfer ownership of the property
3 that the department determines is no longer necessary for the state's use for
4 transportation purposes, if the property is not the subject of a petition under s.
5 560.9810 (2). The department shall offer the property as follows:

6 1. The department shall transfer, at no cost to the prospective owner, any real
7 property that has no marketable value to the owner or owners of property adjoining
8 the property owned by the state.

9 2. The department shall offer real property that has limited marketable value
10 at its appraised value for not less than 6 months. If the department does not sell the
11 property at or above its appraised value, the department shall solicit sealed bids for
12 the sale of the property.

13 3. The department shall solicit sealed bids for the sale of real property that has
14 general marketable value.

15 (b) The department shall sell or transfer property as provided in par. (a) within
16 12 months of completion of a transportation project for which the department
17 acquired property under this section, or within 6 months of determining that the
18 property is is no longer necessary for the state's use for transportation purposes,
19 whichever occurs first.

ASSEMBLY BILL 534

1 (c) The funds derived from sales under this subsection shall be deposited in the
2 transportation fund, and the expense incurred by the department in connection with
3 the sale shall be paid from such fund.

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

5 84.09 **(5m)** ~~Subject to the approval of the governor in the manner and form~~
6 ~~provided by sub. (5), the~~ The department may sell or convey lands or interests therein
7 acquired pursuant to this section and improvements installed thereon to
8 municipalities within whose limits such lands or interests therein are located. The
9 sale or conveyance of said lands or interests therein and improvements shall restrict
10 the use of the premises by the municipality to the uses for which they were acquired,
11 except that said lands or interests therein declared by the department to be excess
12 may be so sold or conveyed without restrictions as to use.

13

(END)

ASSEMBLY SUBSTITUTE AMENDMENT, ✓
TO 2005 ASSEMBLY BILL 534 ✓

by
7-26-05
am

1 AN ACT ^{Gen}...; relating to: sale, by the Department of Transportation, of surplus real
2 property.

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

3 SECTION 1. 84.09 (5) of the statutes is repealed and recreated to read:

4 84.09 (5) (a) ^I Sale of surplus property. The department shall offer for sale or
5 transfer ownership of the property that the department determines is no longer
6 necessary for the state's use for transportation purposes, if the property is not the
7 subject of a petition under s. 560.9810 (2). This disposition process shall take place
8 within 24 months of the completion of the transportation project for which the
9 property was acquired.

10 (b) ^I Public use sales. 1. Prior to conducting a public sale on a generally
11 marketable surplus land parcel under par. (a), the department shall contact the
12 municipality ^{and} where the land parcel is located, the local school district, and the

1 department of natural resources to solicit interest in acquiring the parcel for public
2 use. Upon notification from the department, the municipality, local school district,
3 and ~~the~~ department of natural resources must respond to the department, stating
4 their interest in the land for public use, within 60 days. Failure to respond within
5 60 days constitutes non-interest in the land parcel.

6 2. If a municipality, local school district, or the department of natural resources
7 expresses interest in acquiring the land for public use, the department shall offer the
8 municipality, local school district, or ~~the~~ department of natural resources the right
9 of first purchase if all of the following are true:

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

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

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

16 3. ~~Transfer of ownership for public use.~~ If the conditions of subd. 2. are met,
17 the department shall transfer ownership of the land parcel to the municipality, local
18 school district, or ~~the~~ department of natural resources upon receipt of the fair market
19 valuation of the land parcel. Ownership of the land parcel shall be transferred
20 contingent upon the public use identified under subd. 2., and shall remain in the
21 ownership of the public entity preserving the public use.

22 (c) Biennial report. Biennially on January 1, the department shall submit to
23 the state building commission and the joint committee on finance an inventory of
24 surplus land containing a general description of the location and an estimated value
25 of each parcel. The inventory shall contain a report including the estimated

1 marketable value totals, by marketable type, of the land parcels, the net gain and net
2 sale of surplus properties in the previous year, and, in the first report submitted, a
3 summary of surplus land sales in each of the 10 years preceding the first report.

4 (END)

Hurley, Peggy

From: Boardman, Kristina
Sent: Tuesday, July 26, 2005 9:31 AM
To: Hurley, Peggy
Subject: RE: AB 534

Peggy:

This bill has become more of a fiasco than originally intended! Is there any way I can add some additional language to the sub?

Rep. Ainsworth would like the following language (or something like it) added:

Limited and general marketable properties shall be offered at appraised value, as determined by a state certified or licensed appraiser for not less than 12 months. If the department does not sell the property at or above its appraised value, re-evaluation shall occur by means of sealed bid or public auction.

Just shall sell the property
Let me know if you can make this work. I did not receive the sub yesterday - so perhaps the stripes are still in editing? I apologize for the continued changes regarding this topic.

Kristina

From: Hurley, Peggy
Sent: Monday, July 25, 2005 11:58 AM
To: Boardman, Kristina
Subject: RE: AB 534

Hi Kristina,

The sub is on its way.

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

From: Boardman, Kristina
Sent: Thursday, July 21, 2005 11:49 AM
To: Hurley, Peggy
Subject: RE: AB 534

Yes - I believe we need a sub to AB 534. The basic idea of the sub is that subsequent to the effective date of the act, WisDOT must offer for sale surplus land parcels within 24 months of the completion of the project for which the property was acquired. Also - currently the Department contacts local governments and the DNR to gauge interest in the property before offering it up for public sale. Receiving a response from these groups can take 4-5 months, so we are trying to put a time-table on how long these organizations have to respond to the department. This is what I am attempting to do with the "public use" language. Finally, John would like to require that the biennial report issued by WisDOT contain some additional specific information.

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determines that the property is no longer necessary for the state's use for transportation purposes and, if real property, the real property is not the subject of a petition under s. 560.9810 (2). The department shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the same should be sold, together with an application for the governor's approval of the sale. The governor shall thereupon make such investigation as he or she may deem necessary and approve or disapprove the application. Upon such approval and receipt of the full purchase price, the department shall by appropriate deed or other instrument transfer the property to the purchaser. The approval of the governor is not required for public or private sale of property having a fair market value at the time of sale of not more than \$15,000, for the transfer of surplus state real property to the department of administration under s. 560.9810, or for the transfer of surplus state personal property to the department of tourism under sub. (5s). The funds derived from sales under this subsection shall be deposited in the transportation fund, and the expense incurred by the department in connection with the sale shall be paid from such fund.

Subsequent to the effective date of this act,

84.09 (5) (a) The department shall offer for sale or transfer ownership of the property that the department determines is no longer necessary for the state's use for transportation purposes, if the property is not the subject of a petition under s. 560.9810 (2). This disposition process shall take place within 24 months of the completion of the transportation project for which the property was acquired.

Public Use Sales

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84.09 (8) (b) Biennially, beginning on January 1, 1984, the department shall submit to the state building commission and the joint committee on finance an inventory of surplus land containing a general description of the location and an estimated value of each parcel. Accompanying this inventory shall be a report including:

- 1) Estimated Marketable Value Totals - by marketable type.
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Kristina

Kristina Boardman, Committee Clerk
Assembly Committee on Transportation
Representative Ainsworth's Office
608.266.3097 - phone
kristina.boardman@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0169/1
PJH:wlj:rs

stays
stays

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 534

No. #
Except as provided in par. (b) 3., the department shall offer limited and general marketable properties at appraised value, as determined by a state-certified or licensed appraiser, for not less than 12 months. If the department does not sell the property at or above its appraised value, the department shall sell the property by means of sealed bids or public auction.

1 AN ACT to repeal and recreate 84.09 (5) of the statutes; relating to: sale, by
2 the Department of Transportation, of surplus real property.

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

3 SECTION 1. 84.09 (5) of the statutes is repealed and recreated to read:

4 84.09 (5) (a) Sale of surplus property. The department shall offer for sale or
5 transfer ownership of the property that the department determines is no longer
6 necessary for the state's use for transportation purposes, if the property is not the
7 subject of a petition under s. 560.9810 (2). This disposition process shall take place
8 within 24 months of the completion of the transportation project for which the
9 property was acquired.

10 (b) Public use sales. 1. Prior to conducting a public sale on a generally
11 marketable surplus land parcel under par. (a), the department shall contact the
12 municipality and the local school district where the land parcel is located and the

1 department of natural resources to solicit interest in acquiring the parcel for public
2 use. Upon notification from the department, the municipality, local school district,
3 and department of natural resources must respond to the department, stating their
4 interest in the land for public use, within 60 days. Failure to respond within 60 days
5 constitutes noninterest in the land parcel.

6 2. If a municipality, a local school district, or the department of natural
7 resources expresses interest in acquiring the land for public use, the department
8 shall offer the municipality, local school district, or department of natural resources
9 the right of first purchase if all of the following are true:

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

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

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

16 3. If the conditions of subd. 2. are met, the department shall transfer ownership
17 of the land parcel to the municipality, local school district, or department of natural
18 resources upon receipt of the fair market valuation of the land parcel. Ownership
19 of the land parcel shall be transferred contingent upon the public use identified
20 under subd. 2., and shall remain in the ownership of the public entity preserving the
21 public use.

22 (c) *Biennial report.* Biennially on January 1, the department shall submit to
23 the state building commission and the joint committee on finance an inventory of
24 surplus land containing a general description of the location and an estimated value
25 of each parcel. The inventory shall contain a report including the estimated

1 marketable value totals, by marketable type, of the land parcels, the net gain and net
2 sale of surplus properties in the previous year, and, in the first report submitted, a
3 summary of surplus land sales in each of the 10 years preceding the first report.

4 (END)

Ainsworth sub

- keep current (S) return to (S)(a)
- cr. new stuff (S)(L), (c)
- initial app: land acquired for projects that are completed on est. date



2

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 534

Today
8-8-05

Insert A

Regen

1 AN ACT to repeal and recreate 84.09 (5) of the statutes; relating to: sale, by
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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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transfer ownership of the property that the department determines is no longer
necessary for the state's use for transportation purposes, if the property is not the
subject of a petition under s. 560.9810 (2). This disposition process shall take place
within 24 months of the completion of the transportation project for which the
property was acquired. Except as provided in par. ^c 3., the department shall offer
limited and general marketable properties at appraised value, as determined by a
state-certified or licensed appraiser, for not less than 12 months. If the department

LPS:
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1 does not sell the property at or above its appraised value, the department shall sell
2 the property by means of sealed bids or public auction.

3 ^(C)
~~(b)~~ *Public use sales.* 1. Prior to conducting a public sale on a generally
4 marketable surplus land parcel under par. ^b(~~a~~), the department shall contact the
5 municipality and the local school district where the land parcel is located and the
6 department of natural resources to solicit interest in acquiring the parcel for public
7 use. Upon notification from the department, the municipality, local school district,
8 and department of natural resources must respond to the department, stating their
9 interest in the land for public use, within 60 days. Failure to respond within 60 days
10 constitutes noninterest in the land parcel.

11 2. If a municipality, a local school district, or the department of natural
12 resources expresses interest in acquiring the land for public use, the department
13 shall offer the municipality, local school district, or department of natural resources
14 the right of first purchase if all of the following are true:

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

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

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

21 3. If the conditions of subd. 2. are met, the department shall transfer ownership
22 of the land parcel to the municipality, local school district, or department of natural
23 resources upon receipt of the fair market valuation of the land parcel. Ownership
24 of the land parcel shall be transferred contingent upon the public use identified

1 under subd. 2., and shall remain in the ownership of the public entity preserving the
2 public use.

3 (d) ~~(c) Biennial report~~ Biennially on January 1, the department shall submit to
4 the state building commission and the joint committee on finance an inventory of
5 surplus land containing a general description of the location and an estimated value
6 of each parcel. The inventory shall contain a report including the estimated
7 marketable value totals, by marketable type, of the land parcels, the net gain and net
8 sale of surplus properties in the previous year, and, in the first report submitted, a
9 summary of surplus land sales in each of the 10 years preceding the first report.

10 (END)

↗
✓
Insert B

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0169/lins
PJH:wlj:rs

1 INSERT A:

2 SECTION ~~#~~ 84.09 (5) of the statutes is renumbered 84.09 (5) (a) and amended
3 to read:

4 84.09 (5) (a) Subject to the approval of the governor, the department may sell
5 at public or private sale property of whatever nature owned by the state and under
6 the jurisdiction of the department when the department determines that the
7 property is no longer necessary for the state's use for transportation purposes and,
8 if real property, the real property is not the subject of a petition under s. 560.9810 (2).
9 The department shall present to the governor a full and complete report of the
10 property to be sold, the reason for the sale, and the minimum price for which the same
11 should be sold, together with an application for the governor's approval of the sale.
12 The governor shall thereupon make such investigation as he or she may deem
13 necessary and approve or disapprove the application. Upon such approval and
14 receipt of the full purchase price, the department shall by appropriate deed or other
15 instrument transfer the property to the purchaser. The approval of the governor is
16 not required for public or private sale of property having a fair market value at the
17 time of sale of not more than \$15,000, for the transfer of surplus state real property
18 to the department of administration under s. 560.9810, or for the transfer of surplus
19 state personal property to the department of tourism under sub. (5s). The funds
20 derived from sales under this subsection shall be deposited in the transportation
21 fund, and the expense incurred by the department in connection with the sale shall
22 be paid from such fund. This paragraph shall apply only to the sale of property
23 acquired by the department for a project that is completed before the effective date

1 of this paragraph [revisor inserts date] The department shall sell property that
 2 is acquired by the department for a project that is completed after the effective date
 3 of this paragraph [revisor inserts date] under par. (b) or (c), as applicable.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327.

4 **INSERT B:**

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

6 **84.09 (5m)** Subject to the approval of the governor in the manner and form
 7 provided by sub. (5), the department may convey lands or interests therein acquired
 8 pursuant to this section and improvements installed thereon to municipalities
 9 within whose limits such lands or interests therein are located. The conveyance of
 10 said lands or interests therein and improvements shall restrict the use of the
 11 premises by the municipality to the uses for which they were acquired, except that
 12 said lands or interests therein declared by the department to be excess may be so
 13 conveyed without restrictions as to use. This subsection shall apply only to the sale

14 of property acquired by the department for a project that is completed before the
 15 effective date of this ^{subsection} paragraph [revisor inserts date] The department may sell
 16 property that is acquired by the department for a project that is completed after the
 17 effective date of this ^{subsection} paragraph [revisor inserts date] to a municipality under sub.
 18 (5) (c), as applicable.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327.

8/9

MTJ w/ Kristin
AB-534 →

→ sub.
§ 0169/2

- make these changes
- (a) : apply now & in future - take out p. 2 lines 12-16
- sect 2 : only new projects after eff date
- & per (d) to sub. (8) (b)
- sect 3 ok



Now

in 8/9

RMR

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 534**

Regen

1 **AN ACT** *to renumber and amend* 84.09 (5); *to amend* 84.09 (5m); and *to create*
2 84.09 (5) (b) to (d) of the statutes; **relating to:** sale, by the Department of
3 Transportation, of surplus real property.

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

4 **SECTION 1.** 84.09 (5) of the statutes is renumbered 84.09 (5) (a) and amended
5 to read:

parso (b) and (c) and to

6 84.09 (5) (a) Subject to the approval of the governor, the department may sell
7 at public or private sale property of whatever nature owned by the state and under
8 the jurisdiction of the department when the department determines that the
9 property is no longer necessary for the state's use for transportation purposes and,
10 if real property, the real property is not the subject of a petition under s. 560.9810 (2).
11 The department shall present to the governor a full and complete report of the
12 property to be sold, the reason for the sale, and the minimum price for which the same

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 \$15,000, for the transfer of surplus state real property
 8 to the department of administration under s. 560.9810, or for the transfer of surplus
 9 state personal property to the department of tourism under sub. (5s). The funds
 10 derived from sales under this subsection shall be deposited in the transportation
 11 fund, and the expense incurred by the department in connection with the sale shall
 12 be paid from such fund. ~~This paragraph shall apply only to the sale of property~~

13 acquired by the department for a project that is completed ^{after} before the effective date
 14 of this paragraph [revisor inserts date]. ~~The department shall sell property that~~
 15 ~~is acquired by the department for a project that is completed after the effective date~~
 16 ~~of this paragraph ... [revisor inserts date], under par. (b) or (c), as applicable.~~

delete
score
plain

17 **SECTION 2.** 84.09 (5) (b) ^{and (c)} ~~to (d)~~ of the statutes are created to read:

18 84.09 (5) (b) [†] The department shall offer for sale or transfer ownership of the
 19 property that the department determines is no longer necessary for the state's use
 20 for transportation purposes, if the property is not the subject of a petition under s.
 21 560.9810 (2). This disposition process shall take place within 24 months of the
 22 completion of the transportation project for which the property was acquired. Except
 23 as provided in par. (c) 3., the department shall offer limited and general marketable
 24 properties at appraised value, as determined by a state-certified or licensed
 25 appraiser, for not less than 12 months. If the department does not sell the property

Not Subject to the approval of the governor in the manner, ^{scope} and form specified in par. (a), ^{with respect to} ^ ^

1 at or above its appraised value, the department shall sell the property by means of
2 sealed bids or public auction.

3 (c) 1. Prior to conducting a public sale on a generally marketable surplus land
4 parcel under par. (b), the department shall contact the municipality and the local
5 school district where the land parcel is located and the department of natural
6 resources to solicit interest in acquiring the parcel for public use. Upon notification
7 from the department, the municipality, local school district, and department of
8 natural resources must respond to the department, stating their interest in the land
9 for public use, within 60 days. Failure to respond within 60 days constitutes
10 noninterest in the land parcel.

11 2. If a municipality, a local school district, or the department of natural
12 resources expresses interest in acquiring the land for public use, the department
13 shall offer the municipality, local school district, or department of natural resources
14 the right of first purchase if all of the following are true:

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

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

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

21 3. If the conditions of subd. 2. are met, the department shall transfer ownership
22 of the land parcel to the municipality, local school district, or department of natural
23 resources upon receipt of the fair market valuation of the land parcel. Ownership
24 of the land parcel shall be transferred contingent upon the public use identified

1 under subd. 2., and shall remain in the ownership of the public entity preserving the
2 public use.

3 (d) Biennially on January 1, the department shall submit to the state building
4 commission and the joint committee on finance an inventory of surplus land
5 containing a general description of the location and an estimated value of each
6 parcel. The inventory shall contain a report including the estimated marketable
7 value totals, by marketable type, of the land parcels, the net gain and net sale of
8 surplus properties in the previous year, and, in the first report submitted, a summary
9 of surplus land sales in each of the 10 years preceding the first report.

10 SECTION 3. 84.09 (5m) of the statutes is amended to read:

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

scope

24

(END)

insert
4-24

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0169/3ins
ARG:.....

INSERT 4-24:

SECTION ~~84~~ 84.09 (8) (b) of the statutes is amended to read:

84.09 (8) (b) Biennially, beginning on January 1, 1984, the department shall submit to the state building commission and the joint committee on finance an inventory of surplus land containing a general description of the location and an estimated value of each parcel. For each inventory submitted after the effective date of this paragraph ... [revisor inserts date], the inventory shall contain a report including the estimated marketable value totals, by marketable type, of the land parcels, the net gain and net sale of surplus properties in the previous year, and, in the first report submitted after the effective date of this paragraph ... [revisor inserts date], a summary of surplus land sales in each of the 10 years preceding the first report.

History: 1971 c. 40; 1973 c. 118 s. 7; 1977 c. 29 ss. 936, 1654 (1), (8) (a), (b); 1977 c. 272, 418; 1979 c. 310; 1983 a. 27; 1991 a. 39; 1993 a. 246; 1995 a. 201, 406; 1997 a. 27, 35, 282; 1999 a. 83, 186; 2003 a. 33, 211, 327.