

**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)