



State of Wisconsin
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 517**

February 9, 2004 - Offered by Representative JOHNSRUD.

1 **AN ACT to amend** 13.48 (14) (b), 23.15 (1), 24.15, 84.09 (5), 85.09 (4i) and 114.33
2 (10); and **to create** 20.9095 of the statutes; **relating to:** public notice of
3 proposed sales of state-owned real property and requiring the exercise of
4 rule-making authority.

Analysis by the Legislative Reference Bureau

This substitute amendment requires each state agency that proposes to sell any real property owned by the state to promulgate a rule specifying the manner by which members of the public may receive prior notice of the proposed sale and have an opportunity to submit an offer to purchase the property. Under the substitute amendment, the method of providing notice used by the agency must afford the greatest possible effective notice to members of the public that is practical under the circumstances. Prior to selling any real property owned by the state, the substitute amendment requires the agency to provide notice to members of the public in the manner specified in the rule.

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

5 **SECTION 1.** 13.48 (14) (b) of the statutes is amended to read:

1 13.48 (14) (b) Subject to par. (d) and s. 20.9095, the building commission shall
2 sell or lease on the basis of either public bids, with the building commission reserving
3 the right to reject any or all bids in the best interest of the state, or negotiated prices.
4 Buildings, structures and land mentioned in this subsection shall be subject to
5 general property taxes levied by those taxing bodies within whose area they lie if
6 used for commercial purposes, and shall be subject to special assessments for public
7 improvements in the same manner and to the same extent as privately owned
8 buildings, structures and land, subject to approval of the building commission when
9 required under s. 66.0703 (6).

10 **SECTION 2.** 20.9095 of the statutes is created to read:

11 **20.9095 Notice of proposed sale of state-owned real property.** Each
12 state agency that sells any real property owned by this state shall promulgate a rule
13 specifying the manner by which members of the public may receive prior notice of the
14 proposed sale and have an opportunity to submit an offer to purchase the property.
15 The state agency shall ensure that the method of providing notice affords the
16 greatest possible effective notice to members of the public that is practical under the
17 circumstances. Prior to selling any real property owned by the state, the state agency
18 shall provide notice to members of the public in the manner specified in the rule.

19 **SECTION 3.** 23.15 (1) of the statutes, as affected by 2003 Wisconsin Act 33, is
20 amended to read:

21 23.15 (1) The natural resources board may sell, at public or private sale, subject
22 to notice under s. 20.9095, lands and structures owned by the state under the
23 jurisdiction of the department of natural resources when the natural resources board
24 determines that said lands are no longer necessary for the state's use for

1 conservation purposes and, if real property, the real property is not the subject of a
2 petition under s. 560.9810 (2).

3 **SECTION 4.** 24.15 of the statutes is amended to read:

4 **24.15 Private sale.** All public lands, including forfeited lands and mortgaged
5 lands bid in by the state, which shall have once been offered or reoffered at public sale
6 and remain unsold, shall be subject to private sale, with notice under s. 20.9095, at
7 the minimum price fixed therefor by law to the person first making application
8 therefor, if the person forthwith complies with the term of sale; but if 2 or more
9 persons shall apply at the same time to purchase any of such lands the same shall
10 be offered to the highest bidder, and the applicant who will pay the highest price shall
11 be the purchaser.

12 **SECTION 5.** 84.09 (5) of the statutes, as affected by 2003 Wisconsin Act 33, is
13 amended to read:

14 84.09 (5) Subject to the approval of the governor and with notice under s.
15 20.9095, the department may sell at public or private sale property of whatever
16 nature owned by the state and under the jurisdiction of the department when the
17 department determines that the property is no longer necessary for the state's use
18 for highway purposes and, if real property, the real property is not the subject of a
19 petition under s. 560.9810 (2). The department shall present to the governor a full
20 and complete report of the property to be sold, the reason for the sale, and the
21 minimum price for which the same should be sold, together with an application for
22 the governor's approval of the sale. The governor shall thereupon make such
23 investigation as he or she may deem necessary and approve or disapprove the
24 application. Upon such approval and receipt of the full purchase price, the
25 department shall by appropriate deed or other instrument transfer the property to

1 the purchaser. The approval of the governor is not required for public or private sale
2 of property having a fair market value at the time of sale of not more than \$3,000,
3 for the transfer of surplus state real property to the department of administration
4 under s. 560.9810 or for the transfer of surplus state personal property to the
5 department of tourism under sub. (5s). The funds derived from sales under this
6 subsection shall be deposited in the transportation fund, and the expense incurred
7 by the department in connection with the sale shall be paid from such fund.

8 **SECTION 6.** 85.09 (4i) of the statutes, as affected by 2003 Wisconsin Act 33, is
9 amended to read:

10 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
11 private sale, subject to notice under s. 20.9095, rail property acquired under sub. (4)
12 when the department determines that the rail property is not necessary for a public
13 purpose and, if real property, the real property is not the subject of a petition under
14 s. 560.9810 (2). Upon receipt of the full purchase price, the department shall, by
15 appropriate deed or other instrument, transfer the rail property to the purchaser.
16 The funds derived from sales under this subsection shall be deposited in the
17 transportation fund, and the expense incurred by the department in connection with
18 the sale shall be paid from the appropriation under s. 20.395 (2) (bq).

19 **SECTION 7.** 114.33 (10) of the statutes, as affected by 2003 Wisconsin Act 33,
20 is amended to read:

21 114.33 (10) Subject to the approval of the governor under this subsection and
22 with notice under s. 20.9095, the secretary may sell at public or private sale, with
23 notice under s. 20.9095, property of whatever nature owned by the state and under
24 the jurisdiction of the secretary when the secretary determines that the property is
25 no longer necessary for the state's use for airport purposes and, if real property, the

1 real property is not the subject of a petition under s. 560.9810. The secretary shall
2 present to the governor a full and complete report of the property to be sold, the
3 reason for the sale, and the minimum price for which the property should be sold,
4 together with an application for the governor's approval of the sale. The governor
5 shall investigate the proposed sale as he or she deems necessary and approve or
6 disapprove the application. Upon approval and receipt of the full purchase price, the
7 secretary shall by appropriate deed or other instrument transfer the property to the
8 purchaser. The funds derived from the sale shall be deposited in the appropriate
9 airport fund, and the expense incurred by the secretary in connection with the sale
10 shall be paid from that fund.

11 **SECTION 8. Initial applicability.**

12 (1) This act first applies with respect to sales of real property that are executed
13 on the first day of the 10th month beginning after publication.

14 (END)