



2003 ASSEMBLY BILL 517

September 11, 2003 - Introduced by Representatives JOHNSRUD, M. WILLIAMS, GUNDERSON, GRONEMUS, BIES, FREESE, ALBERS, RHOADES, SERATTI, JENSEN, HAHN, HINES, OWENS, LEMAHIEU, AINSWORTH, MUSSER, NASS, SUDER, JESKEWITZ and W. WOOD, cosponsored by Senators SCHULTZ, WELCH, LASSA and BRESKE. Referred to Committee on Government Operations and Spending Limitations.

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.

Analysis by the Legislative Reference Bureau

This bill requires each state agency that proposes to sell any real property owned by the state to post a sign on the property that is visible from a public highway, road, or street, or, if no public highway, road, or street abuts the property, in the right-of-way of the nearest public highway, road, or street at a location designated by the Department of Transportation or the county or municipality having jurisdiction of the road, announcing the proposed sale. In addition, the agency must send an announcement of the proposed sale to at least three newspapers qualified to publish legal notices that are likely to provide effective notice of the proposed sale. Under the bill, the sign must be placed and the announcement must be sent at least 14 days before any agreement to sell the property is executed.

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:

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

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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. (1)**

12 Notwithstanding ss. 84.02 (4), 84.30, 86.19 (1) and (2), 86.191, 86.195, and 86.196 or
13 any rule, regulation, standard, or guideline of the department of transportation
14 relating to highway signs, and except as provided in sub. (2), each state agency that
15 proposes to sell any real property owned by the state shall post a sign on the property
16 that is visible from a public highway, road, or street that abuts such property, or, if
17 no public highway, road, or a street abuts such property, in the right-of-way of the
18 nearest public highway, road, or street at a location that is visible from the highway,
19 road, or street designated by the department of transportation or by the county or
20 municipality having jurisdiction of the right-of-way, announcing the proposed sale.
21 In addition, the state agency shall send an announcement of the proposed sale to at
22 least 3 newspapers qualified to publish legal notices under s. 985.03 that are likely
23 to provide effective notice of the proposed sale. The sign shall be posted and
24 announcement sent at least 14 days before any agreement to sell the property is

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1 executed. The sign and announcement shall indicate how the state agency may be
2 contacted concerning purchase of the property.

3 **(2)** The posting of signs under sub. (1) shall be consistent with applicable rules,
4 regulations, guidelines, and standards adopted by the department of transportation.
5 No sign may be posted under sub. (1) that would result in the loss of federal aid to
6 this state.

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

9 23.15 **(1)** The natural resources board may sell, at public or private sale, subject
10 to notice under s. 20.9095, lands and structures owned by the state under the
11 jurisdiction of the department of natural resources when the natural resources board
12 determines that said lands are no longer necessary for the state's use for
13 conservation purposes and, if real property, the real property is not the subject of a
14 petition under s. 560.9810 (2).

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

16 **24.15 Private sale.** All public lands, including forfeited lands and mortgaged
17 lands bid in by the state, which shall have once been offered or reoffered at public sale
18 and remain unsold, shall be subject to private sale, with notice under s. 20.9095, at
19 the minimum price fixed therefor by law to the person first making application
20 therefor, if the person forthwith complies with the term of sale; but if 2 or more
21 persons shall apply at the same time to purchase any of such lands the same shall
22 be offered to the highest bidder, and the applicant who will pay the highest price shall
23 be the purchaser.

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

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1 84.09 (5) Subject to the approval of the governor and with notice under s.
2 20.9095, the department may sell at public or private sale property of whatever
3 nature owned by the state and under the jurisdiction of the department when the
4 department determines that the property is no longer necessary for the state's use
5 for highway purposes and, if real property, the real property is not the subject of a
6 petition under s. 560.9810 (2). The department shall present to the governor a full
7 and complete report of the property to be sold, the reason for the sale, and the
8 minimum price for which the same should be sold, together with an application for
9 the governor's approval of the sale. The governor shall thereupon make such
10 investigation as he or she may deem necessary and approve or disapprove the
11 application. Upon such approval and receipt of the full purchase price, the
12 department shall by appropriate deed or other instrument transfer the property to
13 the purchaser. The approval of the governor is not required for public or private sale
14 of property having a fair market value at the time of sale of not more than \$3,000,
15 for the transfer of surplus state real property to the department of administration
16 under s. 560.9810 or for the transfer of surplus state personal property to the
17 department of tourism under sub. (5s). The funds derived from sales under this
18 subsection shall be deposited in the transportation fund, and the expense incurred
19 by the department in connection with the sale shall be paid from such fund.

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

22 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
23 private sale, subject to notice under s. 20.9095, rail property acquired under sub. (4)
24 when the department determines that the rail property is not necessary for a public
25 purpose and, if real property, the real property is not the subject of a petition under

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1 s. 560.9810 (2). Upon receipt of the full purchase price, the department shall, by
2 appropriate deed or other instrument, transfer the rail property to the purchaser.
3 The funds derived from sales under this subsection shall be deposited in the
4 transportation fund, and the expense incurred by the department in connection with
5 the sale shall be paid from the appropriation under s. 20.395 (2) (bq).

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

8 114.33 (10) Subject to the approval of the governor under this subsection and
9 with notice under s. 20.9095, the secretary may sell at public or private sale, with
10 notice under s. 20.9095, property of whatever nature owned by the state and under
11 the jurisdiction of the secretary when the secretary determines that the property is
12 no longer necessary for the state's use for airport purposes and, if real property, the
13 real property is not the subject of a petition under s. 560.9810. The secretary shall
14 present to the governor a full and complete report of the property to be sold, the
15 reason for the sale, and the minimum price for which the property should be sold,
16 together with an application for the governor's approval of the sale. The governor
17 shall investigate the proposed sale as he or she deems necessary and approve or
18 disapprove the application. Upon approval and receipt of the full purchase price, the
19 secretary shall by appropriate deed or other instrument transfer the property to the
20 purchaser. The funds derived from the sale shall be deposited in the appropriate
21 airport fund, and the expense incurred by the secretary in connection with the sale
22 shall be paid from that fund.

23 **SECTION 8. Initial applicability.**

