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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Natural Resources and Transportation...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

## Senate

### Record of Committee Proceedings

#### **Committee on Natural Resources and Transportation**

##### **Assembly Bill 534**

Relating to: sale, by the Department of Transportation, of surplus real property.

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.

September 30, 2005 Referred to Committee on Natural Resources and Transportation.

January 11, 2006 **PUBLIC HEARING HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Absent: (0) None.

##### Appearances For

- John Ainsworth — Representative, 6th Assembly District

##### Appearances Against

- None.

##### Appearances for Information Only

- John Fandrich — Wisconsin Department of Transportation

##### Registrations For

- Tom Larson, Madison — WI Realtors Association

##### Registrations Against

- None.

February 1, 2006 **EXECUTIVE SESSION HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Absent: (0) None.

Moved by Senator Breske, seconded by Senator Kapanke that  
**Senate Substitute Amendment 1** be recommended for  
introduction and adoption.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and  
Breske.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE  
SUBSTITUTE AMENDMENT 1 RECOMMENDED, Ayes 5,  
Noes 0

Moved by Senator Breske, seconded by Senator Kapanke that  
**Assembly Bill 534** be recommended for concurrence as amended.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and  
Breske.

Noes: (0) None.

CONCURRENCE AS AMENDED RECOMMENDED, Ayes 5,  
Noes 0

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Matt Phillips  
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: 2-1-06

Bill Number: AB 534

Moved by: Breske Seconded by: Kapanke

Motion: Introduction & Adaption of LRB 0494/1

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	_____	_____	_____	_____

Motion Carried

Motion Failed

Vote Record

Committee on Natural Resources and Transportation

Date: 2-1-06

Bill Number: AB 534

Moved by: Breske      Seconded by: Kapanke

Motion: Concurrence as Amended

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

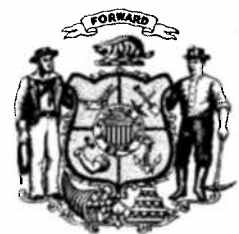
Totals:      \_\_\_\_\_

Motion Carried

Motion Failed



# WISCONSIN STATE LEGISLATURE





# JOHN AINSWORTH

STATE REPRESENTATIVE • 6<sup>TH</sup> ASSEMBLY DISTRICT

CHAIRMAN:

COMMITTEE ON TRANSPORTATION

## MEMORANDUM

**To:** Chairman Neal Kedzie  
Senate Natural Resources & Transportation Committee

**From:** John Ainsworth

**Subject:** Committee Scheduling Request

**Date:** November 10, 2005

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Currently, the following bills which I have authored (listed in order of my opinion of value to the citizens of Wisconsin) have been referred to the Senate Natural Resources & Transportation Committee:

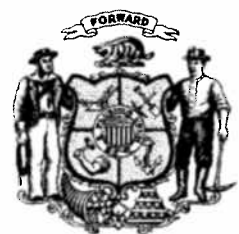
Assembly Bill 534 (DOT Surplus Land Sales)  
Assembly Bill 426 (Specialized Transportation Assistance Program)  
Assembly Bill 340 (Agricultural Vehicle Lighting)  
Assembly Bill 97 (Empty Weight Display on Commercial Motor Vehicles)  
Assembly Bill 95 (Low Speed Electric Bicycles)

I would like to respectfully request that Assembly Bills 534, 426, 95, and 97 be scheduled for a public hearing at your earliest convenience.

Assembly Bill 340 received a public hearing before your committee on October 26, 2005, but has yet to be scheduled for executive committee action. Your consideration of scheduling this bill for a vote would also be sincerely appreciated.



# WISCONSIN STATE LEGISLATURE





# Chairman's Notes: Senate Committee on Natural Resources and Transportation Public Hearing – January 11, 2005

- ✓ Welcome to today's hearing of the Senate Committee on Natural Resources and Transportation.
- ✓ Committee Clerk will take Attendance. The roll will be left open for members who have yet to arrive.
- ✓ I would like to remind individuals wishing to testify to fill out a hearing slip and give it to the member of the Sergeant's Staff.

## ✓ **Senate Bill 162 (Introduced by the Joint Legislative Council)**

Relating to: creating a Council on Transportation Infrastructure in the Department of Transportation.

**Summary:** This bill creates a 16-member Council on Transportation Infrastructure (council) in the Department of Transportation (DOT). The membership of the council is composed of the following:

- four persons who have knowledge or experience in matters related to transportation infrastructure, appointed by the governor;
- four persons who have knowledge or experience in matters related to transportation infrastructure, of whom one person is appointed by, respectively, the speaker of the assembly, the assembly minority leader, the senate majority leader, and the senate minority leader;
- two state officers with duties related to transportation infrastructure, appointed by the governor;
- the secretary of transportation (secretary) or his or her designee, who serves as the chairperson; and,
- five legislative members, three from the assembly and two from the senate, who serve on standing committees dealing with transportation matters, appointed as are members of legislative standing committees.

The council is authorized to consider and make recommendations to DOT on matters related to transportation infrastructure development, including

✓ **Assembly Bill 509 (Rep. Albers and Senator Breske)**

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway. (FE)

**Summary:** This bill eliminates the specific immunity exception under which cities, villages, towns, and counties may be held liable for an insufficiency or want of repairs of a highway. This bill does not affect the immunity exception under which cities, villages, towns, and counties may be held liable for damages of up to \$50,000 for the accumulation of snow or ice that has existed on a highway for at least three weeks. The bill also eliminates secondary liability for cities, villages, towns, and counties.

**Assembly History:**

- Assembly Committee on Urban and Local Affairs voted 5-2 to recommend passage of AB 509.
- The Assembly passed AB 509 on a 61-36 vote.

✓ **Assembly Bill 534 (Rep. Ainsworth and Rep. Zien)**

Relating to: sale, by the Department of Transportation, of surplus real property.

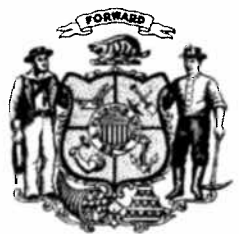
**Summary:** Under this bill, DOT need not petition the governor before it sells or conveys real property that is no longer necessary for transportation purposes. However, the bill requires DOT to sell or convey, within 12 months of completing the transportation project for which the property was acquired, 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 History:**

- Assembly Committee on Property Rights and Land Management voted 5-0 to recommend passage.
- Joint Committee on Finance voted 16-0 to recommend passage.
- Passed by the Assembly on a voice vote.



# WISCONSIN STATE LEGISLATURE





SENATE COMMITTEE ON NATURAL RESOURCES & TRANSPORTATION  
Testimony for Assembly Bill 534  
January 11, 2005

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Thank you, Senator Kedzie, for scheduling AB 534 for a public hearing.

As we all know, the Department of Transportation (DOT) acquires property for use in transportation projects.

Once the project is finished, DOT determines what portion of the property is no longer necessary for transportation purposes.

This property, known as SURPLUS LAND, may then be sold to the public or conveyed to the municipality in which it is located.

As of May 2005, DOT held 850 surplus land units, with an estimated total market value of \$12.5 million.

I have long been frustrated by the amount of surplus land held by the Department, and the length of time that it takes for the Department to offer these parcels back to the public. The majority of these parcels are small and of little value, however, some are very valuable. Some have been owned by the DOT for 60-70 years and are still on record at the local Register of Deeds as owned by the county because of laws in effect at the time of acquisition.

Assembly Bill 534 is an attempt to streamline the state's land disposal process, and place statutory requirements on the timeframe expected for selling off this property.

DOT categorizes surplus properties by marketability type.

- Non-marketable properties have no anticipated market or value to anyone based on the characteristics of the land.  
DOT currently holds \$100,000 of such parcels.
- Limited-marketability properties are of potential interest to the abutting landowners, but not the general public.  
DOT currently holds \$10,193,100 of such parcels.
- General marketability properties may be sold to the general public by competitive or sealed bid.  
DOT currently holds \$2,283,900 of such parcels.

AB 534 requires the DOT to offer for sale or convey surplus land parcels within one year of completing the transportation project for which the department acquired the property, or within one year of determining the parcel as “surplus property” – whichever occurs first.

This one-year requirement affects specific surplus property types in the following ways:

- 1) Requires the DOT to offer, at no cost to the prospective owner, any real property that has no marketable value, to the owner or owners of property adjoining the property owned by the state.

Rental of a small parcel – as little as \$50.00 per year – may not even cover the cost of the rental transaction. This property should be deeded to the willing adjacent landowner.

In March 2005, WisDOT reported a similar “policy change” to return hundreds of small, non-marketable surplus land parcels to adjoining landowners.

Making this change in statute will help clarify this practice, and ensure that it takes place in a timely manner.

- 2) Requires the DOT to offer limited marketability properties, at appraised value, for not less than one year.

If the Department does not sell the properties within one year, DOT may solicit sealed bids or conduct a public auction for the sale of the property.

- 3) Requires the DOT to solicit sealed bids, or conduct a public auction for the sale of real property that has general marketable value.

This is also subject to the “one year” requirement.

The one bid opening I attended showed that many of the parcels held will bring more than anticipated by the appraisal process.

I realize that the DOT may not currently have adequate staff to meet the requirements of AB 534 – but the bill does include language specifying that the department’s expenses incurred in connection with such sales shall be paid from the transportation fund – the fund which also collects the funds derived from the property sales.

An amendment has been requested for AB 534, to accomplish the following:

- 1) Clarify that the land must be “offered for sale” – rather than sold, since the state cannot force a purchase.
- 2) Clarify that the “appraised” price must be determined by a state certified or licensed appraiser.
- 3) Offer the opportunity of public auction, as well as sealed bids, for general marketability properties.
- 4) Specify that surplus property, acquired for transportation projects completed prior to the effective date of the bill, shall be sold or transferred within one year of the effective date.

In closing, I am concerned that DOT does not appear to have any idea how much each parcel has appreciated (or depreciated) since its purchase date, or whether that appreciation even covers the cost of holding the property and interest on money invested.

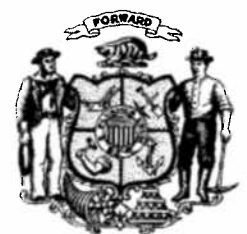
Hopefully AB 534 will help to move property back into the hands of local property owners in a timelier fashion.

AB 534 was unanimously recommended for passage by both the Assembly Committee on Property Rights and Land Management as well as the Joint Finance Committee and was passed by the full Assembly on a voice vote.

At this time, I would be happy to answer any questions.



# WISCONSIN STATE LEGISLATURE





**Chairman's Notes: Senate Committee on  
Natural Resources and Transportation  
Executive Session – January 31, 2006**

**Senate Bill 162 (Joint Legislative Council)**

Relating to: creating a Council on Transportation Infrastructure in the Department of Transportation.

- **MOTION FOR INTRODUCTION AND ADOPTION OF LRB 2072/1 AS SA 1**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**
  
- **MOTION FOR PASSAGE OF SB 162 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

**ASSEMBLY BILL 20 (AINSWORTH/ZIEN)**

Relating to: displaying attractions on highway specific information signs.

- **MOTION FOR CONCURRENCE OF AB 20**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

**Assembly Bill 509 (Rep. Albers and Senator Breske)**

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway. (FE)

- **MOTION FOR CONCURRENCE OF AB 509**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

**Assembly Bill 534 (Rep. Ainsworth and Rep. Zien)**

Relating to: sale, by the Department of Transportation, of surplus real property.

- **MOTION FOR INTRODUCTION AND ADOPTION OF LRB 0494/1 AS SSA 1**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**
  
- **MOTION FOR CONCURRENCE OF AB 534 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

**Senate Bill 208 – Authored by Senator Zien and Colon**

Relating to: designating and marking USH 45 as the Wisconsin Labor Highway.

- **MOTION FOR PASSAGE OF SB 208**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

**Senate Bill 306 – Authored by Senator Miller and Representative Hebl**

Relating to: designation of state aviation facilities at the Dane County Regional Airport as the Fritz E. Wolf Aviation Center.

- **MOTION FOR PASSAGE OF SB 306**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**