

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1130/1ins
JTK.....

INS 2A:

NOT Under the bill, except with respect to exempt property, if any agency has authority to sell or lease real property under any other law, the authority of that agency does not apply after DOA or the Building Commission notifies the agency in writing that an offer of sale or lease, or a lease agreement, is pending with respect to the property. If the sale or lease is not completed and no further action is pending with respect to the property, the authority of the agency to sell or lease the property is restored.

INS 3A:

NOT The bill directs each state agency, no later than January 1, 2014, and biennially thereafter, to submit to DOA an inventory of all real property under its jurisdiction together with the estimated fair market value of each property. Each agency must specifically identify any underutilized assets in the inventory. Under the bill, no later than July 1 following receipt of the inventories, DOA must obtain appraisals of all properties in the inventory that are identified by DOA for potential sale and submit to the Building Commission an inventory containing a location, description, and fair market value of each property identified for potential sale.

INS 4-1:

SECTION . 13.48 (2) (b) 3. of the statutes is amended to read:

13.48 (2) (b) 3. The Except as provided in sub. (14) (am), the building commission may lease space in buildings described under subd. 2. to other governmental bodies or to nonprofit associations organized for public purposes and shall charge those bodies or associations an annual rental which shall be not less than the cost of operating, maintaining and amortizing the construction cost of the leased space.

History: 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32.

LPS: You will have to "redo" all of the action phrases in this insert. They are missing the bill section number (autonumber) and also the various inline markers that should be there.

INS 6-23:

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SECTION . 13.48 (14) (cm) of the statutes is created to read:

13.48 (14) (cm) If there are any outstanding revenue obligations, issued pursuant to subch. II of ch. 18, used to finance the acquisition, construction, or improvement of any property that is sold under par. (am), the commission shall deposit a sufficient amount of the net proceeds from the sale of the property in the respective redemption fund provided under s. 18.561 (5) or 18.562 (3) to repay the principal and pay the interest on the revenue obligations, and any premium due upon refunding any of the revenue obligations. For the purpose of paying principal and interest costs on other outstanding revenue obligations, the commission may cause outstanding revenue obligations to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem obligations at their optional redemption date, or purchase bonds on the open market.

INS 4-19:

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Except with respect to property identified in s. 16.848 (2), if any agency has authority to sell or lease real property under any other law, the authority of that agency does not apply after the commission notifies the agency in writing that an offer of sale or lease, or a lease agreement, is pending with respect to the property under this paragraph. If the sale or lease is not completed and no further action is pending with respect to the property, the authority of the agency to sell or lease the property is restored.

INS 8-2:

SECTION . 16.310 (5) of the statutes is amended to read:

16.310 (5) NONAPPLICATION. This section does not apply to property that is authorized to be sold ~~under or leased or property that is operated under contract as provided in s. 16.848 while an offer of sale, sale, or lease agreement is pending or while the property is leased or under contractual operation.~~

History: 1991 a. 39; 2001 a. 103; 2003 a. 33 s. 161; Stats. 2003 s. 560.9810; 2005 a. 25; 2011 a. 32 s. 3460m; Stats. 2011 s. 16.310.

INS 7-9:

SECTION . 13.48 (19) of the statutes is amended to read:

13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building commission determines that the use of innovative types of design and construction processes will make better use of the resources and technology available in the building industry, the building commission may waive any or all of s. 16.855 if such action is in the best interest of the state and if the waiver is accomplished through formal action of the building commission. The building commission may authorize the lease, lease purchase or acquisition of such facilities constructed in the manner authorized by the building commission. Subject to sub. (14) (am) and the requirements of s. 20.924 (1) (i), the building commission may also authorize the lease, lease purchase or acquisition of existing facilities in lieu of state construction ~~of any project enumerated in the authorized state building program.~~

SECTION . 13.48 (20) of the statutes is amended to read:

13.48 (20) RESIDENCE HALLS. ~~The~~ Except as provided in sub. (14) (am), the building commission may approve the sale or lease of state-owned residence halls by the board of regents of the University of Wisconsin System to another state agency or a nonstate nonprofit agency for purposes provided in s. 36.11 (1) (e).

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SECTION . 13.48 (22) of the statutes is amended to read:

13.48 (22) SALE OR LEASE OF CAPITOL AREA LANDS. The Except as provided in sub.

(14) (am) the building commission may lease or resell lands acquired in the capitol planning area for public or private redevelopment and may set such conditions of sale or lease as it deems necessary to ensure development compatible with the needs of the community and the state. This subsection does not apply to lands that are authorized to be sold ^{or leased} under s. 16.848 while an offer of sale; sales or lease agreement is pending or while

History: 1971 c. 125; 1973 c. 90; 1975 c. 243 s. 82; 1973 c. 335 s. 13; 1975 s. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 14n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 188, 361; 2011 a. 7, 10

the lands are leased

SECTION . 13.48 (23) of the statutes is amended to read:

13.48 (23) LEASE OF SPACE FOR COMMERCIAL USE. The Except as provided in sub.

(14) (am), the building commission may lease space in state office buildings for commercial use, including without limitation because of enumeration, retail, service and office uses. In doing so the building commission shall consider the cost and fair market value of the space as well as the desirability of the proposed use. Such leases may be negotiated or awarded by competitive bid procedures. All such leases of space in state office buildings shall provide for payments in lieu of property taxes.

SECTION . 13.48 (27) of the statutes is amended to read:

13.48 (27) LEASE OF CORRECTIONAL FACILITIES. Subject Except as provided in sub.

(14) (am) and subject to the requirements of s. 20.924 (1) (i), the building commission may lease any facility for use of the department of corrections as a part of the authorized state building program, with an option to purchase the facility by the state. Any lease shall provide for the facility to be constructed in accordance with requirements and specifications approved by the department of administration and shall permit inspection of the site and facility by agents of the department.

SECTION . 13.482 (2) (a) of the statutes is amended to read:

13.482 (2) (a) For the purpose of providing housing for state departments and agencies, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate acquisition thereof by the state, the building commission may acquire any necessary lands, and, subject to s. 13.48 (14) (am), lease and re-lease any lands owned by the state and available for the purpose to the Wisconsin State Public Building Corporation or other nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17). The lease and re-lease shall be for a term or terms not exceeding 50 years each and shall be made on the condition that such corporation shall construct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items, as the building commission requires, and shall re-lease the same to the building commission upon satisfactory terms as to the rental, maintenance and ultimate acquisition by the state as is in its best interests in the judgment of the building commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the building commission through the department of administration, which shall have charge of such property as provided in ss. 16.85 and 16.8511. The building commission shall operate the projects in such manner as to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the payments due the Wisconsin State Public Building Corporation or other nonstock, nonprofit corporation but if the building commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project,

the building commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the rental payments due the Wisconsin State Public Building Corporation or other nonstock, nonprofit corporation.

History: 1979 c. 32 s. 92 (5); 1983 a. 36 ss. 21, 96 (3), (4); 1987 a. 27; 1997 a. 79; 2005 a. 149.

SECTION . 13.488 (1) (a) of the statutes is amended to read:

13.488 (1) (a) Without limitation by reason of any other statutes except s. 13.48 (14) (am), the power to sell and to convey title in fee simple to a nonprofit-sharing corporation any land and any existing buildings thereon owned by the state for such consideration and upon such terms and conditions as in the judgment of the building commission are in the public interest.

History: 1971 c. 125; 1977 c. 29 s. 1650m (4); 1979 c. 32 s. 92 (5); 1979 c. 221; 1981 c. 20; 1983 a. 36 s. 96 (3), (4); 1987 a. 399; 1989 a. 219; 1999 a. 197; 2011 a. 10.

SECTION 1. 13.488 (1) (b) of the statutes is amended to read:

13.488 (1) (b) The Except as provided in s. 13.48 (14) (am), the power to lease to a nonprofit-sharing corporation for terms not exceeding 50 years each any land and existing buildings thereon owned by the state upon such terms, conditions and rentals as in the judgment of the building commission are in the public interest.

History: 1971 c. 125; 1977 c. 29 s. 1650m (4); 1979 c. 32 s. 92 (5); 1979 c. 221; 1981 c. 20; 1983 a. 36 s. 96 (3), (4); 1987 a. 399; 1989 a. 219; 1999 a. 197; 2011 a. 10.

INS 9-17:

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✓ as defined in s. 16.52 (7)

Except with respect to property identified in sub. (2), if any agency has authority to sell or lease real property under any other law, the authority of that agency does not apply after the department notifies the agency in writing that an offer of sale or sale, or a lease agreement, is pending with respect to the property under this subsection. If the sale or lease is not completed and no further action is

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pending with respect to the property, the authority of the agency to sell or lease the property is restored.

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INS 11-13:

SECTION . 16.848 (2) (b) of the statutes is repealed.

SECTION . 16.848 (2) (gw) of the statutes is repealed.

INS 12-13:

SECTION . 16.848 (4) (am) of the statutes is created to read:

16.848 (4) (am) If there are any outstanding revenue obligations, issued pursuant to subch. II of ch. 18, used to finance the acquisition, construction, or improvement of any property that is sold under sub. (1), the department shall deposit a sufficient amount of the net proceeds from the sale of the property in the respective redemption fund provided under s. 18.561 (5) or 18.562 (3) to repay the principal and pay the interest on the revenue obligations, and any premium due upon refunding any of of the revenue obligations. For the purpose of paying principal and interest costs on other outstanding revenue obligations, the secretary may cause outstanding revenue obligations to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem obligations at their optional redemption date, or purchase bonds on the open market.

INS 31-2:

SECTION 2. 41.41 (7) (b) of the statutes is amended to read:

41.41 (7) (b) Lease Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease land that is part of the Kickapoo valley reserve to any person for purposes consistent with the management of the reserve under sub. (3), or for agricultural purposes, and lease other land that is acquired by the board for any lawful purpose.

History: 1993 a. 349; 1995 a. 27 ss. 279, 9116 (5); Stats. 1995 s. 41.41; 1995 a. 201, 216, 225; 1997 a. 194; 1999 a. 9; 2001 a. 103; 2007 a. 20; 2011 a. 32.

INS 31-10:

SECTION 3. 44.16 (1) of the statutes is amended to read:

44.16 (1) The Subject to any prior action under s. 13.48 (14) or 16.848 (1), the historical society may enter into a lease agreement with the Circus World Museum Foundation, Inc., for the purpose of operating Circus World Museum, located in Baraboo, Wisconsin. The lease agreement shall not include any provision for the payment of a percentage of gross admissions income at Circus World Museum to the historical society.

(am)

History: 1985 a. 29; 1999 a. 9.

INS 32-3:

SECTION . 45.03 (5) (c) 1. a. of the statutes is amended to read:

45.03 (5) (c) 1. a. Without limitation by reason of any other provisions of the statutes except s. ss. 13.48 (14) (am) and 16.848 (1), unless otherwise required by law, the power to sell and to convey title in fee simple to a nonprofit corporation any land and any existing buildings owned by the state that are under the jurisdiction of the department for the consideration and upon the terms and conditions as in the judgment of the board are in the public interest.

History: 2005 a. 22, 25, 468; 2007 a. 20 ss. 782m, 783, 9121 (6) (a); 2007 a. 46, 200; 2009 a. 28; 2011 a. 32, 36.

INS 33-21:

SECTION . 46.035 (2) (a) of the statutes is amended to read:

46.035 (2) (a) Without limitation by reason of any other provisions of the statutes except s. ss. 13.48 (14) (am) and 16.848 (1), the power to sell and to convey title in fee simple to a nonprofit corporation any land and any existing buildings thereon owned by, or owned by the state and held for, the department or of any of the institutions under the jurisdiction of the department for such consideration and upon such terms and conditions as in the judgment of the secretary are in the public interest.

History: 1975 c. 39 ss. 341, 732 (2); 1977 c. 29; 1979 c. 32 s. 92 (5); 1989 a. 31, 107; 1997 a. 79; 2005 a. 25.

INS 34-14:

SECTION . 46.06 (4) of the statutes is amended to read:

46.06 (4) SALES. The department may, with the approval of the building commission, and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), sell and convey such lands under the jurisdiction of the department as the secretary deems to be in excess of the present or future requirements of the department for either the operation of its facilities or programs, for the maintenance of buffer zones adjacent to its facilities or for other public purposes. The proceeds of such sales are subject to s. 13.48 (14) (c).

History: 1973 c. 12 s. 10; 1973 c. 90; 1975 c. 39 ss. 346, 732 (2); 1987 a. 5, 27; 1989 a. 31; 1995 a. 378; 2005 a. 25.

INS 35-29:

SECTION . 84.01 (30) (g) 3. of the statutes is amended to read:

84.01 (30) (g) 3. Notwithstanding any other statute except ss. 13.48 (14) (am) and 16.848 (1), the department may sell, at the appraised value, the real estate upon which a park-and-ride facility is or may be located, if the department determines that the sale is in the best interests of the public and the department determines that the real estate will be used in a manner consistent with the state's transportation interests.

History: 1971 c. 40, 125; 1973 c. 12; 1973 c. 243 s. 82; 1975 c. 189; 1977 c. 29 ss. 918 to 924, 1654 (1), (8) (a), (f), 1656 (43); 1977 c. 190, 272; 1979 c. 221, 314; 1981 c. 346 s. 38; 1983 a. 27, 130; 1985 a. 29, 300; 1987 a. 27; 1989 a. 31, 125, 345; 1993 a. 246; 1995 a. 225, 338; 1997 a. 27, 106; 1999 a. 9; 2001 a. 16; 2005 a. 25, 89, 392, 410; 2007 a. 20, 97, 125; 2009 a. 28; 2011 a. 32, 167.

INS 38-16:

SECTION . 84.09 (5) (c) 1. (intro.) of the statutes is amended to read:

84.09 (5) (c) 1. (intro.) ~~Prior~~ Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), ~~prior~~ to conducting a public sale on a generally marketable surplus land parcel under par. (b), the department shall contact the county, municipality, and the local school district where the land parcel is located and the department of natural resources to solicit interest in acquiring the parcel for public use. Upon notification from the department, the county, municipality, local school district, and department of natural resources must respond to the department, stating their interest in the land for public use, within 60 days. Failure to respond within 60 days constitutes noninterest in the land parcel.

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

84.09 (5) (c) 2m. (intro.) If a county, municipality, or a local school district expresses interest in acquiring the land for public use related to transportation or infrastructure, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the department may offer the county, municipality, or the local school district the

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property, for less than the appraised value of the property, if all of the following are true:

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; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

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

84.09 (5m) Subject to the approval of the governor in the manner, scope, and form provided by sub. (5) (a), and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the department may convey lands or interests therein acquired pursuant to this section and improvements installed thereon to municipalities within whose limits such lands or interests therein are located. The conveyance of said lands or interests therein and improvements shall restrict the use of the premises by the municipality to the uses for which they were acquired, except that said lands or interests therein declared by the department to be excess may be so conveyed without restrictions as to use. This subsection shall apply only to the sale of property acquired by the department for a project that is completed before May 25, 2006. The department may sell property that is acquired by the department for a project that is completed after May 25, 2006, to a municipality under sub. (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; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

INS 40-23:

SECTION . 84.40 (2) (a) of the statutes is amended to read:

84.40 (2) (a) ~~May~~ Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), ~~may~~ sell and convey to a nonprofit-sharing corporation any public right-of-way available for highway purposes and any existing highways or other improvements thereon owned by the state or under the jurisdiction of the department for such

consideration and upon such terms and conditions as the department deems in the public interest.

History: 1977 c. 29 ss. 948, 1654 (8) (a); 1981 c. 314; 1993 a. 490; 1999 a. 150 s. 672.

SECTION 4. 85.09 (2) (a) of the statutes is amended to read:

85.09 (2) (a) The department of transportation shall have the first right to acquire, for present or future transportation or recreational purposes, any property used in operating a railroad or railway, including land and rails, ties, switches, trestles, bridges, and the like located on that property, that has been abandoned. The department of transportation may, in connection with abandoned rail property, assign this right to a state agency, the board of regents of the University of Wisconsin System, any county or municipality, or any transit commission. Acquisition by the department of transportation may be by gift, purchase, or condemnation in accordance with the procedure under s. 32.05. In addition to its property management authority under s. 85.15, the department of transportation may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease and collect rents and fees for any use of rail property pending discharge of the department's duty to convey property that is not necessary for a public purpose. No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned. No railroad or railway may convey any rail property prior to abandonment if the rail property is part of a rail line shown on the railroad's system map as in the process of abandonment, expected to be abandoned, or under study for possible abandonment unless the conveyance or disposal is for the purpose of

providing continued rail service under another company or agency. Any conveyance made without obtaining such release is void. The first right of acquisition of the department of transportation under this subsection does not apply to any rail property declared by the department to be abandoned before January 1, 1977. The department of transportation may acquire any abandoned rail property under this section regardless of the date of its abandonment.

History: 1977 c. 29, 418; 1979 c. 34 s. 1018; Stats. 1979 s. 85.09; 1981 c. 20; 1983 a. 27, 192; 1985 a. 29 ss. 1583 to 1586, 3200 (51); 1985 a. 332 s. 253; 1987 a. 5; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3525, 9116 (5); 2003 a. 33; 2005 a. 179; 2007 a. 20; 2011 a. 32.

INS 44-12:

SECTION 5. 85.15 (1) of the statutes is amended to read:

85.15 (1) The Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the department may improve, use, maintain or lease any property acquired for highway, airport or any other transportation purpose until the property is actually needed for any such purpose and may permit use of the property for purposes and upon such terms and conditions as the department deems in the public interest.

History: 1977 c. 29; 1991 a. 269; 1997 a. 27.

SECTION . 108.161 (7) of the statutes is amended to read:

108.161 (7) If any moneys appropriated hereunder are used to buy and hold suitable land, with a view to the future construction of an employment security building thereon, and if such land is later sold or transferred to other use, the proceeds of such sale (or the value of such land when transferred) shall be credited to the account created by sub. (1) except as otherwise provided in s. 13.48 (14) and 16.848.

History: 1971 c. 259; 1983 a. 8, 27; 1985 a. 29; 1991 a. 39; 1993 a. 492; 1995 a. 225; 1997 a. 39; 1999 a. 15; 2001 a. 43; 2003 a. 33, 197.



INS 47-15:

SECTION . 301.235 (2) (a) 1. of the statutes is amended to read:

301.235 **(2) (a) 1.** Without limitation by reason of any other statute except ~~s. 13.48 (14) (am) and 16.848 (1)~~, the power to sell and to convey title in fee simple to a nonprofit corporation any land and any existing buildings thereon owned by, or owned by the state and held for, the department or any of the institutions under the jurisdiction of the department for such consideration and upon such terms and conditions as in the judgment of the secretary are in the public interest.

History: 1989 a. 31; 1997 a. 79; 2005 a. 25.

INS 48-10:

SECTION . 301.24 (4) of the statutes is amended to read:

301.24 **(4) SALES.** Except where a sale occurs under s. 13.48 (14) (am) or 16.848 (1), the department, with the approval of the building commission, may sell and convey such lands under the jurisdiction of the department as the secretary deems to be in excess of the present or future requirements of the department for either the operation of its facilities or programs, for the maintenance of buffer zones adjacent to its facilities or for other public purposes. The proceeds of the sales shall be credited to the state building trust fund.

History: 1989 a. 31 ss. 974, 975, 2569; 1989 a. 56 s. 84; 1995 a. 378; 2005 a. 25.

ins 10A

Section #. 84.09 (5) (c) 2. ^(in br.) of the statutes is amended to read:

84.09 (5) (c) 2. ^(intro.) Except as provided in subd. 2m. ^{and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) 1/3} if a county, a municipality, a local school district, or the department of natural resources expresses interest in acquiring the land for public use, the department shall offer the county, municipality, local school district, or department of natural resources the property at its appraised value if all of the following are true:

- a. The county, municipality, local school district, or department of natural resources provides a plan to the department identifying the proposed public use for the land parcel and the acreage involved in the public use.
- b. The public use would benefit a cross-section of the population.
- c. The land parcel will not be purchased for the generation of profit either through the sale price or its long-term intended public use.

~~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; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.~~

JWS 40-2

Section #. 84.09 (6) of the statutes is amended to read:

↓ Subject to any prior action under s. 13.48(14) (am) or 16.848(1) lands

84.09 (6) ~~Lands~~ held by any other state department or independent agency may, with the approval of the governor, be conveyed to the department in the manner prescribed by statute and, if none is prescribed, then by a conveyance authorized by appropriate order or resolution of the head of the department or independent agency concerned.

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; 2005 a. 25, 392; 2007 a. 20; 2011 a. 32.

DWS 2B

the authority to sell a parcel of state-owned
real property

DWS 2C

~~Under the bill, if DOA or the Building Commission~~ independently of DOA.
Under the bill, if DOA or the Building Commission
notifies the Board of Regents ~~or~~ or DHS that an
offer of sale, sales, or lease is pending with respect
to a parcel of property, the Board of Regents
or DHS does not have authority to sell or lease
that property.

DWS 2D

from DOA's sales authority

16.848 Sale of certain state property.

(1) Except as provided in sub. (2), the department may offer for sale any state-owned real property, if the department determines that the sale is in the best interest of the state. Any sale may be either on the basis of public bids, with the department reserving the right to reject any bid in the interest of the state, or negotiated prices. If the department receives an offer to purchase property offered under this subsection, the department may submit a report to the building commission recommending acceptance of the offer. The report shall contain a description of the property and the reasons for the recommendation. The department may recommend the sale of a parcel of property with or without the approval of the agency, as defined in s. 16.52 (7), having jurisdiction of the property. If the building commission approves the proposed sale, the department may sell the property.

(2)

(a) Subsection (1) does not authorize the closure or sale of any facility or institution the operation of which is provided for by law.

(b) Subsection (1) does not apply to property under the jurisdiction of the board of regents of the University of Wisconsin System.

(c) Subsection (1) does not apply to property sold by the department under s. 16.98 (3).

(d) Subsection (1) does not apply to lands under the jurisdiction of the board of commissioners of public lands.

(e) Subsection (1) does not apply to property under the jurisdiction of the department of natural resources, except central or district office facilities.

(f) Subsection (1) does not apply to lands acquired with revenues collected under s. 70.58.

(g) Subsection (1) does not apply to property that is subject to sale by the department of veterans affairs under s. 45.32 (7).

(gc) Subsection (1) does not apply to property that is subject to sale by the department of military affairs under s. 321.03 (2) (b).

(gg) Subsection (1) does not apply to property that is conveyed by the department of corrections under s. 301.25.

(gn) Subsection (1) does not apply to property that is subject to sale by the state under 20.909 (2).

(gr) Subsection (1) does not apply to land that is sold or traded by the Kickapoo reserve management board under s. 41.41 (7).

(gt) Subsection (1) does not apply to property that is donated by the department of transportation under s. 84.09 (5r).

(gw) Subsection (1) does not apply to the sale of property by the department of health services under s. 51.06 (6).

(h) The department shall not sell any property under this section that is leased by the state until the lease expires or the lease is modified, renewed, or extended, whichever first occurs, without consent of the lessee.

(4)

(a) Except as provided in s. 13.48 (14) (e), if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold under sub. (1), the department shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt, and provide a sufficient amount for costs of maintaining federal tax law compliance applicable to the debt. If the property was acquired, constructed, or improved with federal financial assistance, the department shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the department shall adhere to any restriction governing use of the proceeds. Except as required under ss. 13.48 (14) (e), 20.395 (9) (qd), and

51.06 (6), if there is no such debt outstanding, there are no moneys payable to the federal government, and there is no restriction governing use of the proceeds, and if the net proceeds exceed the amount required to be deposited, paid, or used for another purpose under this paragraph, the department shall use the net proceeds or remaining net proceeds to pay principal and interest costs on other outstanding public debt.

(b) For the purpose of paying principal and interest costs on other outstanding public debt under par. (a), the secretary may cause outstanding bonds to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem bonds at their optional redemption date, or purchase bonds in the open market. To the extent practical, the secretary shall consider all of the following in determining which public debt to redeem:

1. To the extent that debt service on the property being sold was paid from a segregated fund, other outstanding public debt related to that segregated fund should be redeemed.

~~2. Maintaining compliance with federal tax law applicable to the general obligation debt that was issued to acquire, build, or improve the property being sold.~~

~~3. The extent to which general obligation debt that was issued to acquire, build, or improve the property being sold is subject to current optional redemption, would require establishment of an escrow, or could be assigned for accounting purposes to another statutory bond purpose.~~

~~4. The fiscal benefit of redeeming outstanding debt with higher interest costs.~~

~~5. The costs of maintaining federal tax law compliance in the selection of general obligation debt to be redeemed.~~

(c) ~~If~~ ~~Except as provided in 13.48 (14) (e),~~ if there are any outstanding revenue obligations, issued pursuant to Subchapter 2 of Chapter 18, used to finance the acquisition, construction, or improvement of any property that is sold under sub. (1), the department shall deposit a sufficient amount of the net proceeds from the sale of the property in the respective redemption fund provided under s. 18.561 (5) or 18.562 (3) to repay the principal and pay the interest on the revenue obligations, and any premium due upon refunding any of the revenue obligations, and to provide a sufficient amount for costs of maintaining federal tax law compliance applicable to the revenue obligations. For the purpose of paying principal and interest costs on other outstanding revenue obligations, the secretary may cause outstanding revenue obligations to be called for redemption on or following their optional redemption date, establish one or more escrow accounts to redeem obligations at their optional redemption date, or purchase bonds in the open market. ~~[Except as required under ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6),]~~ if the net proceeds exceed the amount required to be deposited, paid, or used for another purpose under this paragraph, the department shall use the net proceeds or remaining net proceeds to pay principal and interest costs on other similar revenue obligations.

Kuesel, Jeffery

To: Bong, Sasha E - DOA
Subject: RE: BB0350 (LRB-1130)

Sasha,
I will take care of it on the next redraft.

Jeff

From: Bong, Sasha E - DOA [<mailto:SashaE.Bong@wisconsin.gov>]
Sent: Tuesday, February 05, 2013 5:06 PM
To: Kuesel, Jeffery
Cc: Kraus, Jennifer - DOA
Subject: RE: BB0350 (LRB-1130)

Jeff,

That's understandable. On that note, I actually have another change for you. Something to add regarding the sale of state-owned real property would be that any sale may be either on the basis of a competitive bid process, with the department reserving the right to reject any bid in the interest of the state, or through prices negotiated by an independent third party in the best interest of the state.

Thanks,

Sasha

From: Kuesel, Jeffery [<mailto:Jeffery.Kuesel@legis.wisconsin.gov>]
Sent: Tuesday, February 05, 2013 4:54 PM
To: Bong, Sasha E - DOA
Subject: RE: BB0350 (LRB-1130)

Sasha,

You should have the /1 version tomorrow. I will then redraft to insert the attached change. We have struggled to make the many changes that were needed on the /1 version and I didn't want to pull the draft out of editing and typing to insert another change on a page that already has many changes. I think it would lead to more delay and confusion and it's easier to mark up the clean page when we receive it tomorrow.

Jeff

From: Bong, Sasha E - DOA [<mailto:SashaE.Bong@wisconsin.gov>]
Sent: Tuesday, February 05, 2013 9:23 AM
To: Kuesel, Jeffery
Cc: Kraus, Jennifer - DOA
Subject: BB0350 (LRB-1130)

Jeff,

Attached is proposed language for BB0350 regarding the net proceeds from a sale of state-owned real property. This language should apply to DOA sales and Building Commission sales.

Please email or call (266-5468) with any questions.

Thanks,

Sasha

Kuesel, Jeffery

From: Kuesel, Jeffery
Sent: Thursday, February 07, 2013 9:41 AM
To: Bong, Sasha E - DOA
Subject: RE: BB0350 (1130/1)

Sasha,

The drafting record shows that s. 13.48 (14) (e), stats. is repealed in /P1 and the repealer was retained in the /P2 draft. However, it was somehow removed when the /P2 draft was assembled. The repealer should be restored. We should make this correction on the next redraft. However, on the substance of this paragraph, the Broadcasting Foundation evidently provided a grant for construction of the Broadcasting Center which stipulated that if the Center is sold, the Foundation must be repaid for its grant. If so, this stipulation is probably enforceable regardless of whether the paragraph is retained.

Jeff

From: Bong, Sasha E - DOA [<mailto:SashaE.Bong@wisconsin.gov>]
Sent: Thursday, February 07, 2013 9:18 AM
To: Kuesel, Jeffery
Subject: BB0350 (1130/1)

Jeff,

I was wondering if there was a particular reason for striking "Except as provided in s. 13.48(14)(e)" from s. 16.848(4)(a), but not repealing s. 13.48(14)(e). This isn't to say that s. 13.48(14)(e) should be repealed, but I wasn't sure of the rationale for that change.

Thanks,

Sasha