

Senate Bill 435

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CHAPTER 344, LAWS OF 1967

AN ACT to amend 20.430 (1) (g); and to create 20.240 (2) (fm), 20.430 (1) (u) and 44.20 of the statutes, relating to authority for the historical society to enter into lease and sublease agreements with a nonstock, non-profit corporation to provide structures, facilities and permanent improvement and making appropriations.

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

SECTION 1. 20.240 (2) (fm) of the statutes is created to read:

20.240 (2) (fm) *Lease rental payments.* A sum sufficient to make the rental payments under s. 20.430 (1) (u) in connection with the Fort Winnebago building project. The building commission may approve lease and sublease agreements for the rental of land, buildings, structures and facilities in connection with the construction of the Fort Winnebago building project at a total project cost which in the aggregate, exclusive of expenditures by or from contributions by local governmental or private sources, does not exceed \$1,500,000 on such building project for which the payment of rentals is appropriated by this paragraph. No money may be released under this paragraph or under s. 20.430 (1) (u) until local governmental or private sources have contributed to the state for the project moneys or real or personal property having a value equal to at least 10% of the face value of the bonds to be issued in connection with the project.

SECTION 2. 20.430 (1) (g) of the statutes is amended to read:

20.430 (1) (g) All fines, fees or other moneys received by the society, except such moneys as are otherwise specifically appropriated by law. *Any unencumbered balance derived from the Fort Winnebago historic site operation at the end of each fiscal year shall lapse to the general fund, but the amount lapsing shall not exceed the amounts appropriated under ss. 20.240 (2) (fm) and 20.430 (1) (u) during that fiscal year.*

SECTION 3. 20.430 (1) (u) of the statutes is created to read:

20.430 (1) (u) *Rentals and improvements.* From the state building trust fund, a sum sufficient for the payment of rentals on leases and subleases entered into by the society under s. 44.20 on projects designated and approved by the building commission when the projects are initiated and on projects designated and approved by the building commission after initiation thereof.

SECTION 4. 44.20 of the statutes is created to read:

44.20 SOCIETY, ADDITIONAL POWERS TO PROVIDE STRUCTURES, FACILITIES AND PERMANENT IMPROVEMENTS. (1) As used in this section unless the context requires otherwise:

(a) "Existing building" in relation to any conveyance, lease or sublease made under sub. (2) means buildings and other structures in this state which are of regional, state or national historical significance and in the judgment of the board of curators are needed and useful for historical society purposes, and all equipment therefor and all improvements and additions thereto, which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) "New building" in relation to any conveyance, lease or sublease made under sub. (2) means such buildings, structures, facilities and permanent improvements as in the judgment of the board of curators are

needed and useful for historical society purposes in connection with lands and structures in this state which are of regional, state or national historical significance, and all equipment therefor or for existing buildings, and all improvements and additions thereto or to existing buildings, which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) "Corporation" in relation to any conveyance, lease or sublease made under sub. (2) means a nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto.

(2) In order to provide land and new buildings and to enable the construction and financing of such new buildings and the financing of such land, to refinance indebtedness hereafter created by a corporation for the purpose of providing new buildings or additions or improvements thereto which are located on land owned by or owned by the state and held for the historical society or by a corporation or for any one or more of said purposes but for no other purpose unless authorized by law, the society has the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a corporation any lands or any land and any existing buildings thereon owned by or owned by the state and held for the society for such consideration and upon such terms and conditions as in the judgment of the board are in the public interest.

(b) The power to lease to a corporation for a term or terms not exceeding 50 years each any lands or any land and any existing buildings thereon owned by or owned by the state and held for the society upon such terms and conditions as in the judgment of the board are in the public interest.

(c) The power to lease or sublease from a corporation and to make available for public use any lands or any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b) and any new buildings erected on such land or on any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the board are in the public interest.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The power to pledge and assign all or any part of the revenues derived from the operation of any lands or such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under par. (c).

(f) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such lands or new buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(g) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of any lands or existing buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power and duty, upon receipt of notice of any assignment by a corporation of any lease or sublease made under par. (c), or of any of its rights under any such sublease, to recognize and give effect to such

assignment, and to pay to the assignees thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(3) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (2) (c) and may be sued therefor on contract as in other contract actions under ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(4) Nothing in this section empowers the society to incur any state debt.

(5) All powers and duties conferred upon the historical society pursuant to this section shall be exercised and performed by resolution of the board. All conveyances, leases and subleases made pursuant to this section, when authorized pursuant to resolution of the board, shall be made, executed and delivered in the name of the society and shall be signed by the director as the chief administrative officer of the society.

(6) All laws conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.

Approved January 22, 1968.