



2007 DRAFTING REQUEST

Bill

Received: **12/28/2006**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2214**

By/Representing: **Kraus**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies: **All attorneys - 1**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Kraus, BB0264 -

Topic:

Sale of state property

Instructions:

Per attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/13/2007	csicilia 01/15/2007		_____			State
/1			nmatzke 01/16/2007	_____	cduerst 01/16/2007		State
/2	jkuesel 01/29/2007	csicilia 01/30/2007	jfrantze 01/30/2007	_____	sbasford 01/30/2007		State
/3	jkuesel	jdyer	jfrantze	_____	cduerst		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
01/31/2007	01/31/2007	01/31/2007	01/31/2007	_____	01/31/2007		

FE Sent For:

<END>

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/1		<i>13/31/07</i> csicilia	nmatzke 01/16/2007	_____	cduerst 01/16/2007		State
/2	jkuesel 01/29/2007	csicilia 01/30/2007	jfrantze 01/30/2007	_____	sbasford 01/30/2007		
<i>/3</i>	<i>jkuesel</i> <i>1/31/07</i>		<i>Jb</i> <i>1/31</i>	<i>Jb</i> <i>1/31</i>			

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/?	jkuesel 01/13/2007	csicilia 01/15/2007					State

/1	<i>jkuesel</i> 1/29/07	1/2 gjs	nmatzke 01/16/2007		cduerst 01/16/2007		
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FE Sent For:

1/30
07

Jb 1/30
[Signature] 1/30
 <END>

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DOA:.....Kraus, BB0264 -

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1/2	jkuesel 1/13/07	1 cis 1/15 08	nwn 1/15	nwn/pg 1/16			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Sale of assets
- Tracking Code: 330264
- SBO team:
- SBO analyst: Jennifer Kraus
 - Phone: 266-2214
 - Email: jennifer.kraus@wisconsin.gov
- Agency acronym: All
- Agency number: Priority (Low, Medium, High): High

Extend provisions of s.16.848 through the 2007-09 biennium and have net proceeds from asset sales be deposited into the general fund.

Date (time) needed

SOON

LRB-1278, 1

DOA BUDGET DRAFT

JTK : cjs :

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog] relating to: the budget. *sale of certain state-owned real property and making appropriations*

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

< attached >

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

SECTION #.

< attached >

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Currently, state agencies having jurisdiction over state properties are authorized to sell the properties under various conditions and limitations, if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law. Currently, the Building Commission may sell all or any part of a state-owned building or structure or state-owned land if such authority is not provided to a state agency by law. The proceeds of any such sales, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. In addition, the Building Commission may sell certain surplus state-owned land, subject in most cases to the approval of the Joint Committee on Finance, and may sell certain state-owned land in the vicinity of the state capitol. However, under a special law enacted in 2005, DOA is authorized to offer for sale and sell certain state property that is approved by the Building Commission for sale before July 1, 2007. Under that law, sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value. Sales may be with or without the approval of the state agency that has jurisdiction over the property.

This bill permits DOA to sell state property under similar terms and conditions to those specified under current law, subject to certain exceptions, during the period beginning on the day this bill becomes law and ending on June 30, 2009.

Currently, the proceeds of sales of real property by the Board of Regents of the University of Wisconsin System are appropriated for various purposes. However, with certain exceptions, the net proceeds of sales before July 1, 2007, must be used for the operation of the UW System.

This bill imposes the same requirement for the net proceeds of any sales that occur during the period beginning on the day this bill becomes law and ending on June 30, 2009, subject to the same exceptions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

if the property is approved for sale by the Building Commission

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1278/lins
JTK.....

[Handwritten signature]

SECTION 1. 13.48 (14) (a) of the statutes is amended to read:

13.48 (14) (a) In this subsection, "agency" has the meaning given for "state agency" in s. 20.001 (1), except that during the period and the period beginning prior to July 1, 2007, the term does not include on the Board of Regents of the University of Wisconsin System. the effective date of

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, 301

SECTION 2. 16.848 (3) of the statutes is amended to read:

16.848 (3) The department shall not sell any state property under sub. (1) unless the sale is approved by the building commission under 2005 Wisconsin Act 25, section 9101 (4) (b). or 2007 Wisconsin Act. (this act) section 9101 (1) (b)

History: 2005 a. 25

SECTION 3. 20.285 (1) (h) of the statutes is amended to read:

20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and (6) (g), all moneys received by the University of Wisconsin System for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary enterprise activities as the board designates and including such fee revenues as allocated by the board and including such moneys received under leases entered into previously with nonprofit building corporations as the board designates to be receipts under this paragraph, but not including any moneys received from the sale of real property during the period before July 1, 2007, to be used for the operation, maintenance, and capital expenditures of activities specified in this paragraph, including the transfer of funds to pars. (kd) and (ke), and to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, for optional rental

and the period beginning on
the effective date of this
paragraph [rev date] and
ending on June 30, 2009,

INS
A:1

INS
A:2

this paragraph [rev date] and ending on June 30, 2009,

payments in addition to the mandatory rental payments under the leases and subleases in connection with the providing of facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate account shall be maintained for each campus and extension. Upon the request of the extension or any campus within the system, the board of regents may transfer surplus moneys appropriated under this paragraph to the appropriation account under par. (kp).

History: 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460.

SECTION 4. 20.285 (1) (iz) of the statutes is amended to read:

20.285 (1) (iz) *General operations receipts.* All moneys received for or on account of the University of Wisconsin System, unless otherwise specifically appropriated, including all moneys received from the sale of real property ^{during the period} prior to ~~and the period beginning on the effective date of this paragraph [rev date]~~ July 1, 2007, ^{and ending on June 30, 2009,} to be used for general operations.

History: 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460.

SECTION 5. 20.285 (1) (j) of the statutes is amended to read:

20.285 (1) (j) *Gifts and donations.* All moneys received from gifts, grants, ^{during the period} bequests and devises, except moneys received from the sale of real property ^{and the period beginning on the effective date of this paragraph [rev date]} before July 1, 2007, ^{and ending on June 30, 2009,} to be administered and expended in accordance with the terms of the gift, grant, bequest or devise to carry out the purposes for which made and received. ^{June 30, 2009,}

History: 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460.

SECTION 6. 20.285 (1) (ka) of the statutes is amended to read:

20.285 (1) (ka) *Sale of real property.* All net proceeds from the sale of real property by the board under s. 36.34, 1969 stats., and s. 36.33, except net proceeds ^{during the period} received before July 1, 2007, ^{and the period beginning on the effective date} to be used for the purposes of s. 36.34, 1969 stats., and ^{of this paragraph [rev date]} ^{and ending on June 30, 2009,}

s. 36.33, including the expenses enumerated in s. 13.48 (2) (d) incurred in selling the real property under those sections.

History: 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 125, 215, 236; 1971 c. 323 s. 27; 1973 c. 90, 301, 333, 340; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198 s. 63; 1975 c. 224; 1977 c. 29; 1977 c. 418 ss. 91 to 92, 924 (50), 929 (55); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27 ss. 213 to 215m, 2202 (20); 1983 a. 237; 1983 a. 333 s. 6; 1985 a. 29, 120, 339; 1987 a. 27, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 269, 335, 353; 1991 a. 39, 167, 269; 1993 a. 16, 455; 1995 a. 27 ss. 600m to 615m, 1080b, 1085b, 1086b; 1995 a. 227, 228; 1997 a. 27 s. 257m, 263m, 271 to 281; 1997 a. 237, 252; 1999 a. 9, 32, 107; 1999 a. 150 s. 672; 2001 a. 16, 103, 109; 2003 a. 33, 176, 321; 2005 a. 25, 460.

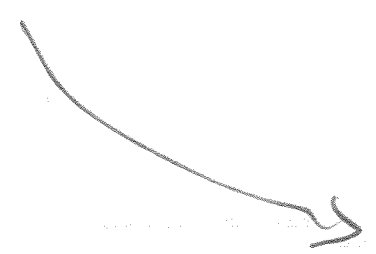
SECTION 7. 25.60 of the statutes is amended to read:

25.60 Budget stabilization fund. There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under ss. 13.48 (14) (c), 16.518 (3), 16.72 (4) (b), and 16.848.

History: 1985 a. 120; 2001 a. 16; 2003 a. 33; 2005 a. 25.

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1 governor for written approval before they are finally adopted, executed, and
2 delivered.

3 SECTION 21. 45.51 (10) (b) of the statutes is amended to read:

4 45.51 (10) (b) ~~Except where a sale occurs under s. 16.848, the~~ The department
5 may manage, sell, lease, or transfer property passing to the state pursuant to this
6 section or conveyed to it by members, defend and prosecute all actions concerning it,
7 pay all just claims against it, and do all other things necessary for the protection,
8 preservation, and management of the property. All expenditures necessary for the
9 execution of functions under this paragraph or sub. (14) shall be made from the
10 appropriation in s. 20.485 (1) (h). ✓

11 ~~SECTION 22. 46.03 (30) (a) of the statutes is amended to read:~~

12 46.03 (30) (a) To provide for an orderly reduction of state institutional primary
13 psychiatric services the department may approve the institutes entering into
14 contracts with county departments under s. 51.42 for providing primary psychiatric
15 care. If excess capacity exists at state operated mental health institutes, the
16 department shall, ~~subject to s. 16.848,~~ explore the possible sale or lease of such excess
17 facilities to a county department under s. 51.42 and report its recommendations to
18 the department of administration.

19 SECTION 23. 46.035 (1) (a) of the statutes is amended to read:

20 46.035 (1) (a) The term "existing building" in relation to any conveyance, lease
21 or sublease made under sub. (2) ~~(a), (b), and (c)~~ means all detention, treatment,
22 administrative, recreational, infirmary, hospital, vocational and academic buildings;
23 all dormitories and cottages; all storage facilities, heating plants, sewage disposal
24 plants, and such other buildings, structures, facilities and permanent improvements
25 as in the judgment of the secretary are needed or useful for the purposes of the

1 46.035 (2) (c) The power to lease or sublease from such nonprofit corporation,
2 and to make available for public use, any such land and existing buildings conveyed
3 or leased to such nonprofit corporation under ~~pars. (a) and par. (b)~~, and any new
4 buildings erected upon such land or upon any other land owned by such nonprofit
5 corporation, upon such terms, conditions and rentals, subject to available
6 appropriations, as in the judgment of the secretary are in the public interest. With
7 respect to any property conveyed to such nonprofit corporation under ~~par. (a)~~, such
8 The lease from such nonprofit corporation may be subject or subordinated to one or
9 more mortgages of such property granted by such nonprofit corporation.

10 **SECTION 28.** 46.035 (2) (d) of the statutes is amended to read:

11 46.035 (2) (d) The duty to submit the plans and specifications for all such new
12 buildings and all conveyances, leases and subleases made under this subsection to
13 the department of administration and the governor for written approval before they
14 are finally adopted, executed and delivered.

15 **SECTION 29.** 46.035 (5) of the statutes is amended to read:

16 46.035 (5) All laws, except ~~s. 16.848~~ and ch. 150, that conflict with any
17 provisions of this section, are, insofar as they conflict with this section and no further,
18 superseded by this section.

19 **SECTION 30.** 46.06 (intro.) (except 46.06 (title)) of the statutes is repealed.

20 **SECTION 31.** 46.06 (4) of the statutes is repealed.

21 **SECTION 32.** 46.09 (intro.) (except 46.09 (title)) of the statutes is repealed.

22 **SECTION 33.** 84.09 (1) of the statutes is amended to read:

23 84.09 (1) The department may acquire by gift, devise, purchase or
24 condemnation any lands for establishing, laying out, widening, enlarging,
25 extending, constructing, reconstructing, improving and maintaining highways and

1 other transportation related facilities, or interests in lands in and about and along
2 and leading to any or all of the same; ~~and after establishment, layout and completion~~
3 ~~of such improvements, the department may convey such lands thus acquired and not~~
4 ~~necessary for such improvements, with reservations concerning the future use and~~
5 ~~occupation of such lands so as to protect such public works and improvements and~~
6 ~~their environs and to preserve the view, appearance, light, air and usefulness of such~~
7 ~~public works.~~ Whenever the department deems it necessary to acquire any such
8 lands or interests therein for any transportation related purpose, it shall so order and
9 in such order or on a map or plat show the old and new locations and the lands and
10 interests required, and shall file a copy of the order and map with the county clerk
11 and county highway committee of each county in which such lands or interests are
12 required or, in lieu of filing a copy of the order and map, may file or record a plat in
13 accordance with s. 84.095. For the purposes of this section the department may
14 acquire private or public lands or interests in such lands. When so provided in the
15 department's order, such land shall be acquired in fee simple. Unless it elects to
16 proceed under sub. (3), the department shall endeavor to obtain easements or title
17 in fee simple by conveyance of the lands or interests required at a price, including
18 any damages, deemed reasonable by the department. The instrument of conveyance
19 shall name the state as grantee and shall be recorded in the office of the register of
20 deeds. The purchase or acquisition of lands or interests therein under this section
21 is excepted and exempt from s. 20.914 (1). The department may purchase or accept
22 donations of remnants of tracts or parcels of land existing at the time or after it has
23 acquired portions of such tracts or parcels by purchase or condemnation for
24 transportation purposes where in the judgment of the department such action would
25 assist in making whole the landowner, a part of whose lands have been taken for

restored
PLAIN

1 transportation purposes and would serve to minimize the overall costs of such taking
2 by the public. *This subsection does not apply to lands that are*

3 **SECTION 34.** ~~84.09 (5) (a) of the statutes is renumbered 84.09 (5) and amended~~
4 to read:

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

24 **SECTION 35.** 84.09 (5) (b) of the statutes is repealed.

25 **SECTION 36.** ~~84.09 (5) (c) of the statutes is repealed.~~

*Sold
under
s.
16,848.*



Section #. 85.09 (4i) of the statutes is amended to read:

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

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.

*This subsection does
not apply to real
property that is
sold under s.
16.848.*

Section #. 114.33 (10) of the statutes is amended to read:

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

History: 1971 c. 192; 1973 c. 241; 1977 c. 29; 1979 c. 221; 1981 c. 20 s. 2202 (51) (d); 1987 a. 27; 1991 a. 39; 1997 a. 253, 282; 1999 a. 32; 2003 a. 33; 2005 a. 335.

property that is sold under s. 16.848.



1 301.235 (2) (a) 3. The power to lease or sublease from the nonprofit corporation,
2 and to make available for public use, any such land and existing buildings conveyed
3 or leased to the nonprofit corporation under ~~subds. 1. and subd. 2.~~, and any new
4 buildings erected upon the land or upon any other land owned by such nonprofit
5 corporation, upon such terms, conditions and rentals, subject to available
6 appropriations, as the secretary determines are in the public interest. ~~With respect~~
7 ~~to any property conveyed to the nonprofit corporation under subd. 1., the~~ The lease
8 from the nonprofit corporation may be subject or subordinated to one or more
9 mortgages of the property granted by the nonprofit corporation.

10 **SECTION 53.** 301.235 (2) (a) 4. of the statutes is amended to read:

11 301.235 (2) (a) 4. The duty to submit the plans and specifications for all such
12 new buildings and all conveyances, leases and subleases made under this section to
13 the department of administration and the governor for written approval before they
14 are finally adopted, executed and delivered.

15 **SECTION 54.** 301.235 (2) (d) of the statutes is amended to read:

16 301.235 (2) (d) All conveyances, leases and subleases made under this section
17 shall be made, executed and delivered in the name of the department and shall be
18 signed by the secretary and sealed with the seal of the department.

19 **SECTION 55.** 301.24 (4) of the statutes is repealed.

20 ~~**SECTION 56.** 301.24 (4m) of the statutes is repealed.~~

21 **SECTION 57.** 301.25 of the statutes is amended to read:

22 **301.25 Sewer system at Taycheedah Correctional Institution.** The
23 department, with the approval of the governor, may enter into an agreement
24 containing terms, conditions and covenants approved by the building commission,
25 to participate in the construction of a sanitary sewer system in the area adjacent to

1 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac
2 County; to connect the sewer system of the Taycheedah Correctional Institution
3 thereto; to pay sewage disposal charges; and to grant easements or, subject to s.
4 16.848, convey land to meet construction requirements.

5 **SECTION 58.** 560.05 (1) (a) of the statutes is amended to read:

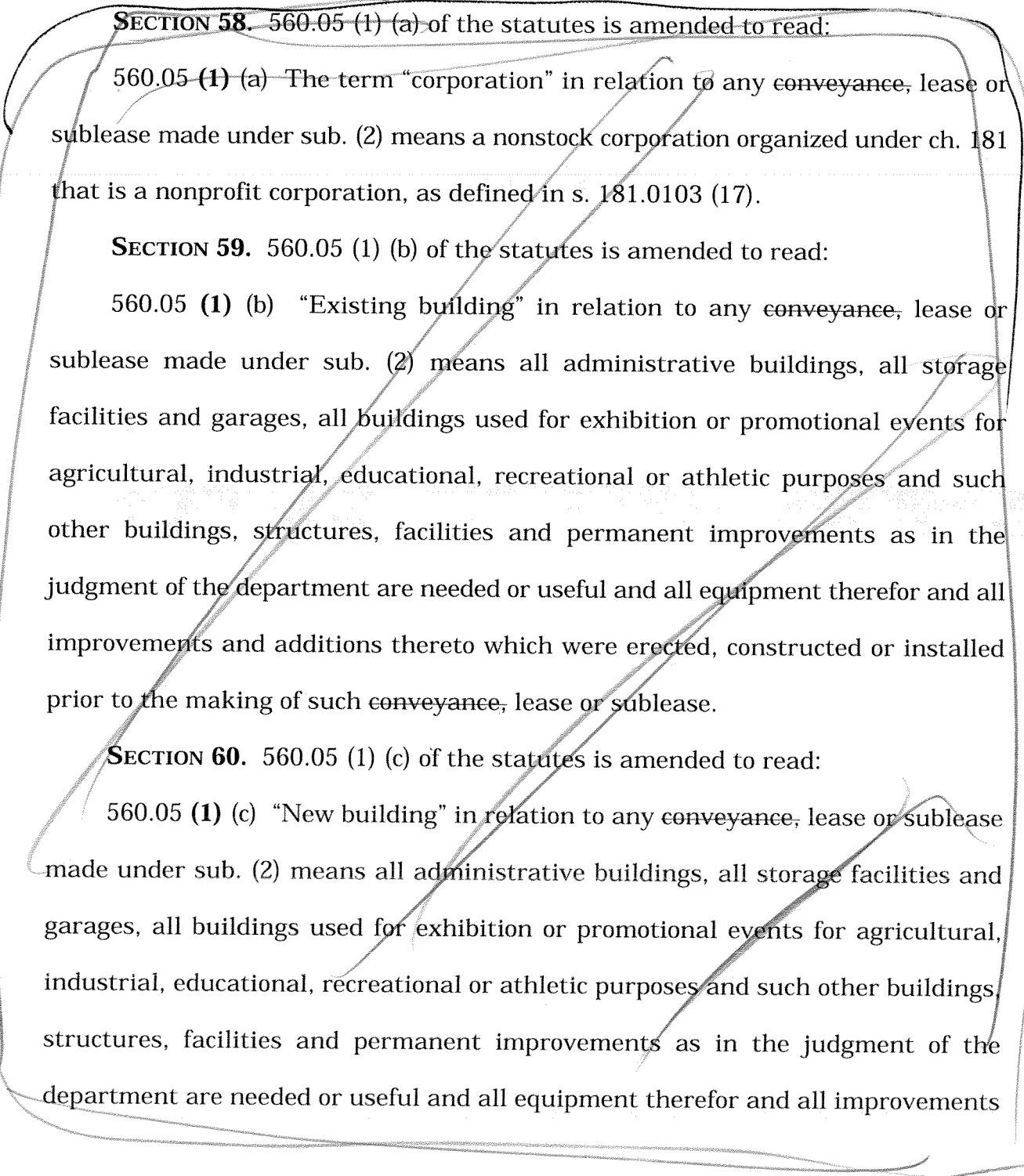
6 560.05 (1) (a) The term "corporation" in relation to any conveyance, lease or
7 sublease made under sub. (2) means a nonstock corporation organized under ch. 181
8 that is a nonprofit corporation, as defined in s. 181.0103 (17).

9 **SECTION 59.** 560.05 (1) (b) of the statutes is amended to read:

10 560.05 (1) (b) "Existing building" in relation to any conveyance, lease or
11 sublease made under sub. (2) means all administrative buildings, all storage
12 facilities and garages, all buildings used for exhibition or promotional events for
13 agricultural, industrial, educational, recreational or athletic purposes and such
14 other buildings, structures, facilities and permanent improvements as in the
15 judgment of the department are needed or useful and all equipment therefor and all
16 improvements and additions thereto which were erected, constructed or installed
17 prior to the making of such conveyance, lease or sublease.

18 **SECTION 60.** 560.05 (1) (c) of the statutes is amended to read:

19 560.05 (1) (c) "New building" in relation to any conveyance, lease or sublease
20 made under sub. (2) means all administrative buildings, all storage facilities and
21 garages, all buildings used for exhibition or promotional events for agricultural,
22 industrial, educational, recreational or athletic purposes and such other buildings,
23 structures, facilities and permanent improvements as in the judgment of the
24 department are needed or useful and all equipment therefor and all improvements



9

SECTION A. 2005 Wisconsin Act 25, section 9101(4)(b) and

2. Subdivision 1. does not apply to any property, facility, or institution the closure or sale of which is not authorized under section 16.848 of the statutes, as created by this act.

~~2005 Wisconsin Act 25~~ Section 9101(4)2 the The

(b) ~~No later than October 1, 2008~~ the secretary of administration shall submit a report to the secretary of the building commission containing an inventory of his or her recommendations to offer specified state properties for sale under section 16.848 of the statutes, as created by this act, and the reasons therefor. A property may be included in the inventory with or without approval of the state agency having jurisdiction of the property. If ^{during the period} on or before June 30, 2007, ^{or the period beginning on} the building commission votes to approve the sale of any property included in the inventory, the department of administration may offer the property for sale under section 16.848 of the statutes, as created by this act.

(c) This subsection does not apply ^{during the period beginning} after June 30, 2007.

SECTION 9152. Nonstatutory provisions: University of Wisconsin System. ~~SECTION #. 2005 Wisconsin Act 25, section 9152(5) is amended~~ ^{to read:}

no 9 (5)

(5) SALE OF REAL PROPERTY. If the Board of Regents of the University of Wisconsin System sells any real property under its jurisdiction ^{during the period} prior to July 1, 2007, ^{and the period beginning on the effective date of this subsection and} the board shall credit the net proceeds of the sale to the appropriation account under ^{ending} section 20.285 (1) (iz) of the statutes, ^{as affected by this act,} except that if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold, the board shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under section 18.09 of the statutes to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was acquired, constructed, or improved with federal financial assistance, ^{ending} the board shall pay to the

^{and the day before the effective date of this paragraph,} not during the period after June 30, 2009

Proof with Act

Proof with Act

(c) are amended to read:

the effective date of this paragraph and ending on June 30, 2009.

ending on June 30, 2009.

Proof with Act

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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 board 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.~~

SECTION 9255. Appropriation changes; other.

(1) ~~TRANSFER FROM GENERAL FUND TO BUDGET STABILIZATION FUND. There is transferred \$36,000,000 from the general fund to the budget stabilization fund.~~

(END)



FWSA:1

(gt)

1

SECTION 8. 16.848 (2) (gc), (gg), (gn), (gr) and (gw) of the statutes are created to read:

2

3

16.848 (2) (gc) Subsection (1) does not apply to property that is subject to sale by the department of military affairs under s. 21.19 (3) or 21.42 (3).

5

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

7

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

9

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

10

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

11

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

13

SECTION 9. 16.848 (3) of the statutes is amended to read:

14

16.848 (3) Before selling any property under sub. (1), the department shall transmit to the building commission a report containing a general physical description of the property and its location together with the reasons for the proposed sale. The department shall not offer to sell or sell any state property under sub. (1) unless the sale is approved by the building commission under 2005 Wisconsin Act 25, section 9101 (4) (b).

20

SECTION 10. 20.285 (1) (h) of the statutes is amended to read:

21

20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and (6) (g), all moneys received by the University of Wisconsin System for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary enterprise activities as the board designates and including such fee

25

JNSA 12

Section #. 16.848 (4) of the statutes is amended to read:

16.848 (4) 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. 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 sub. ~~(5m)~~^{strike} and 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 subsection, the department shall deposit the net proceeds or remaining net proceeds in the general fund.

Note: ~~The creation of s. 16.848 (5m) by 2005 Wis. Act 25 was deleted by the governor's partial veto.~~

History: 2005 a. 25.

INS 3A

1 20.285 (1) (ka) *Sale of real property.* All net proceeds from the sale of real
2 property by the board under s. 36.34, 1969 stats., and s. 36.33, ~~except net proceeds~~
3 ~~received before July 1, 2007,~~ to be used for the purposes of s. 36.34, 1969 stats., and
4 s. 36.33, including the expenses enumerated in s. 13.48 (2) (d) incurred in selling the
5 real property under those sections.

6 **SECTION 14.** 23.15 (1) of the statutes is amended to read:

7 23.15 (1) The natural resources board may sell, at public or private sale, lands
8 and structures owned by the state under the jurisdiction of the department of natural
9 resources, except central or district office facilities, when the natural resources board ✓
10 determines that said lands are no longer necessary for the state's use for
11 conservation purposes and, if real property, the real property is not the subject of a
12 petition under s. 560.9810 (2).

PLAIN

13 **SECTION 15.** 25.60 of the statutes is amended to read:

14 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
15 trust fund designated as the budget stabilization fund, consisting of moneys
16 transferred to the fund from the general fund under ss. 13.48 (14) (c), 16.518 (3), and
17 16.72 (4) (b), and 16.848.

18 **SECTION 16.** 45.03 (5) (a) 1. of the statutes is amended to read:

19 45.03 (5) (a) 1. "Existing building" in relation to any conveyance, lease, or
20 sublease made under par. (c) 1. means all detention, treatment, administrative,
21 recreational, infirmary, hospital, vocational, and academic buildings; all dormitories
22 and cottages; all storage facilities, heating plants, sewage disposal plants, and other
23 buildings, structures, facilities, and permanent improvements that in the judgment
24 of the board are needed or useful for the purposes of the department, and all

repeal

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1278/1dn

JTK.....

J
gjs

delete extra space

Jennifer Kraus:

This draft reconciles some additional statutes with the property sales procedure authorized by this draft either by exempting sales under a statute from the procedure authorized by this draft or by preempting sales under a statute by the sales procedure created by this draft. The sales procedures that are exempted are listed in amendments to s. 16.848, stats. Although an alternative choice is possible, it seemed to me that for various logical reasons, the governor and legislature would probably want an exemption instead of preemption. Please let me know if you would like to review these statutes further.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1278/1dn
JTK:cjs:nwn

January 16, 2007

Jennifer Kraus:

This draft reconciles some additional statutes with the property sales procedure authorized by this draft either by exempting sales under a statute from the procedure authorized by this draft or by preempting sales under a statute by the sales procedure created by this draft. The sales procedures that are exempted are listed in amendments to s. 16.848, stats. Although an alternative choice is possible, it seemed to me that for various logical reasons, the governor and legislature would probably want an exemption instead of preemption. Please let me know if you would like to review these statutes further.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Kuesel, Jeffery

From: Kraus, Jennifer - DOA
Sent: Monday, January 29, 2007 2:24 PM
To: Kuesel, Jeffery
Subject: FW: LRB Draft: 07-1278/1 Sale of state property

Thanks, Jeff. Pls make the change. Jennifer

From: Maternowski, Peter J - DOA
Sent: Monday, January 29, 2007 2:23 PM
To: Kraus, Jennifer - DOA
Subject: RE: LRB Draft: 07-1278/1 Sale of state property

Fine

Peter Maternowski
Division of State Facilities
(608) 266-5565

From: Kraus, Jennifer - DOA
Sent: Monday, January 29, 2007 2:16 PM
To: Maternowski, Peter J - DOA
Subject: FW: LRB Draft: 07-1278/1 Sale of state property
Importance: High

Ok?

From: Kuesel, Jeffery [mailto:Jeffery.Kuesel@legis.wisconsin.gov]
Sent: Monday, January 29, 2007 1:41 PM
To: Kraus, Jennifer - DOA
Subject: RE: LRB Draft: 07-1278/1 Sale of state property

Jennifer,

The reason for the exclusion of sales under s. 51.06 (6) [Northern Center], stats. from sales under s. 16.848, stats. is that s. 51.06 (6) sets up a separate procedure for sales of property at the Northern Center which requires that the net proceeds of sales be credited to the appropriation under s. 20.435 (2) (gk), stats. This conflicts with s. 16.848, stats., which requires the net proceeds of sales to be deposited in the general fund. Therefore, if we delete this exclusion, we would need to amend s. 51.06 (6).

Concerning Section 15, I think the assumption originally was that DOA would review all state properties for potential sale and prepare a list of candidates for sale. I gather from what Peter Maternowski says that each proposed sale is presented individually. If so, we can change Section 15 to read in the singular so that each proposed sale is presented by itself and there is no list.

Jeff Kuesel

From: Kraus, Jennifer - DOA
Sent: Sunday, January 28, 2007 12:02 PM
To: Kuesel, Jeffery
Cc: Dombrowski, Cynthia A - DOA

01/29/2007

Subject: RE: LRB Draft: 07-1278/1 Sale of state property

Jeff - We are going to include my version of the asset sales draft with modification below. Thanks - Jennifer

From: Kraus, Jennifer - DOA
Sent: Saturday, January 27, 2007 7:25 PM
To: Kuesel, Jeffery - LEGIS
Subject: FW: LRB Draft: 07-1278/1 Sale of state property

Jeff - could you make the change requested in this e-mail? thanks

PS - I didn't know that we had another draft dealing with this same issue. I will get back to you soon on which version we want to pu in the bill.

Jennifer

From: Maternowski, Peter J - DOA
Sent: Friday, January 26, 2007 4:50 PM
To: Kraus, Jennifer - DOA
Cc: Cramer, Robert G - DOA
Subject: RE: LRB Draft: 07-1278/1 Sale of state property

Jenny,

Thanks for the chance to review.

Was page 3 line 5 added to more explicitly cover DHFS DD Centers? They are already covered in 16.484 (2) (a). I don't think it creates a problem.

Section 15 should be removed. We currently are not submitting the described report. The process we follow is to bring parcels to the commission as they are being prepared for sale.

The elimination of Sec 15 will also require eliminating the reference to it in 16.484 (3). That section should just read that "The department shall not sell any state property under sub. (1) unless the sale is approved by the building commission."

Thanks

Peter Maternowski
Division of State Facilities
(608) 266-5565

From: Kraus, Jennifer - DOA
Sent: Friday, January 26, 2007 11:46 AM
To: Binau, RJ - DOA; Maternowski, Peter J - DOA; Cramer, Robert G - DOA
Subject: FW: LRB Draft: 07-1278/1 Sale of state property

Last call for any changes on this draft...Thanks - Jenny

From: Kraus, Jennifer - DOA
Sent: Tuesday, January 23, 2007 1:40 PM

01/29/2007

To: Binau, RJ - DOA

Subject: FW: LRB Draft: 07-1278/1 Sale of state property

are you okay with this one?

From: Natzke, Noah [mailto:Noah.Natzke@legis.wisconsin.gov]

Sent: Tuesday, January 16, 2007 10:20 AM

To: Kraus, Jennifer - DOA

Cc: Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA

Subject: LRB Draft: 07-1278/1 Sale of state property

Following is the PDF version of draft 07-1278/1.