

2013 DRAFTING REQUEST

Bill

Received: 7/3/2013 Received By: jkuesel
Wanted: As time permits Same as LRB:
For: Peter Barca (608) 266-5504 By/Representing: Matt Eggerer
May Contact: Drafter: jkuesel
Subject: State Govt - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Barca@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Sale or lease of state property

Instructions:

Per attached E mail, 6/20/13.

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 7/30/2013	evinz 8/2/2013		_____			
/1			jfrantze 8/5/2013	_____	sbasford 8/5/2013	lparisi 8/6/2013	

FE Sent For:

<END>

NOT
NEEDED

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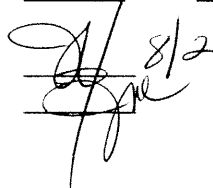
Topic:

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1?	jkuesel 7/30/13	1 eev 8/1/13	1 eev 8/2/13	 8/2			

FE Sent For:

<END>

Kuesel, Jeffery

From: Hanaman, Cathlene
Sent: Thursday, June 20, 2013 6:36 PM
To: Gary, Aaron; Tradewell, Becky; Duchek, Michael; Mueller, Eric; Knepp, Fern; Malaise, Gordon; Kuesel, Jeffery; Kreye, Joseph; Shovers, Marc; Kunkel, Mark; Gibson-Glass, Mary; Gallagher, Michael; Kahler, Pam; Hurley, Peggy; Grant, Peter; Champagne, Rick; Kite, Robin; Shea, Elisabeth; Miller, Steve; Dodge, Tamara; Kuczenski, Tracy
Subject: FW: Amendments into Bill Drafts

In case you were wondering what to do while listening to the Senate debate.

From: Egerer, Matt
Sent: Thursday, June 20, 2013 6:23 PM
To: Hanaman, Cathlene
Subject: Amendments into Bill Drafts

Cathlene,

Once again we want to thank you for your help during the budget process. At this time we would like to discuss the process of converting our drafted amendments into legislation. However, I don't know if you need to wait for potential vetoes on the bill before drafting bills.

Whenever we are able to get bills on these issues drafted, we would like to get the first few drafted as separate bills.

LRB#(13b0...) Summary:

385 Delete Bail Bond provisions (item 11, page 588)
442 Delete changes to lead paint liability laws
429 Require DOR to create an income tax credit program to reduce interest on student loans
421 Delete changes to sale or lease of state property
384 Delete UI tax increases on contractors/manufacturers
618 Youngstar changes

Other drafts we are interested in getting as separate bills unless specified:

604 Increase domestic abuse grants
386 Grant for Farm to school program
405 Delete changes to grazing lands conservation initiative
579 Delete study to consolidate DSPS with DATCP (item 8, p 587)
467 Delete changes made to Center for Investigative Journalism
398 Delete changes related to residency requirements for local government
508 Delete transfer of unclaimed property program
613 Delete prohibition on ability of local governments to limit the sale of certain food and beverages
551 Prohibit a licensed bail bond agent or agency from making campaign donations to candidates in judicial elections
454 Delete Changes made to payday lending
473 Delete collection of DNA at arrest; p. 399, item 1
403 Automatic expungement of DNA if innocent (item 1, p. 399)
466 Adopt Family Care expansion to northeast Wisconsin
568 Delete non-resident agent appointment fees
488 Delete state employee high-deductible health plans and health savings accounts
577 Delete exchange navigator regulation

- 456 Delete estate recovery and divestment provisions
- 465 Modify changes made to allocable segregated fees (postpone by 1 year)
- 440 Index the homestead tax credit
- 549 Modify broadband expansion grant program
- 457 Remove reduction of municipal levy limit upon fee increase
- 396 Increase Sand Mining monitoring positions
- 389 Delete provisions regarding high capacity wells (item 4, p 496)
- 523 Funding for emerald ash borer control grants
- 387 Delete provision regarding sale of DNR lands (item 19, p 454)
- 388 Delete funding changes made to stewardship program (item 15, page 448)
- 547 Staff and funding for WERC (item 2, p 210)
- 416 Delete all changes to Food Share program (item 1, p 330)
- 528 Prohibit sale of State Capitol
- 527 Prohibit sale of Camp Randall
- 529 Require competitive bidding for sale of state properties
- 530 Prohibit sale of property funded at least 25% by gift, grant, or federal funds
- 588 Delete cost-benefit analysis for consulting services for transportation projects provision

Packaged together:

- 433 Restore dairy manufacturing facility investment credit
- 434 Restore dairy and livestock farm reinvestment credit
- 435 Restore beginning farmer and farm asset owner credit
- 437 Restore meat processing facility investment credit
- 438 Restore food processing facility and warehouse credit

Packaged together:

- 446 WHEG-UW funding increase
- 447 WHEG-TCS funding increase

Packaged together:

- 422 UI language that allows DWD to require more than 4 work searches per week
- 408 Delete UI Work Search - Temporary Help Companies changes
- 384 Delete UI tax increases on contractors/manufacturers
- 407 Delete UI voluntary termination of work provisions
- 409 Delete UI changes to Reduce Partial Benefits during holidays
- 423 Delete interfund borrowing for unemployment reserve fund
- 424 Delete changes to UI misconduct disqualification and requalification
- 564 UI voluntary termination of work ("quit") exceptions, substitute UIAC approved changes
- 532 Modify UI disqualification for misconduct
- 533 Modify UI disqualification for absenteeism/tardiness
- 624 UI work registration and search requirements deleted

Matt Egerer
 Office of Representative Peter Barca
 Assembly Democratic Leader
 608.266.5504



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2624/1
JTK...
Leev

MAN 8/5

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SAJ
XCF ✓ LRB 13-1130/10

gen cat

1 AN ACT . . . relating to: sale or lease of state property.?

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, the Department of Administration (DOA) or the Building Commission may sell or lease state-owned real property if DOA or the commission determines that the sale or lease is in the best interest of the state. Any sale by DOA is subject to approval of the commission and any sale by DOA or the commission is subject to approval by the Joint Committee on Finance (JCF). Any sale may be either on the basis of competitive bids, with DOA or the commission reserving the right to reject any bid in the best interest of the state, or on the basis of negotiated prices as determined through a competitive or transparent process. Any sale may be with or without the approval of the agency having jurisdiction over the property to be sold. The authority does not apply to any property for which the cost of acquisition, construction, or improvement was financed at least 50 percent by gifts or grants or at least 50 percent by federal funds and does not apply to any property that is owned or leased by the investment board. Also currently, various state agencies have authority to sell or lease real property under their jurisdictions subject to various conditions and limitations if DOA or the commission has not exercised its authority to sell or lease the property and no sale or lease is pending. The net proceeds of any sale by DOA or the commission are first used to retire any public debt that was used to finance the acquisition, construction, or improvement of the property that is sold. Thereafter, the net proceeds are used to pay the costs of federal tax law compliance applicable to the debt. Thereafter, the net proceeds are used to retire any revenue obligation debt in the fund that was used to acquire, construct, or improve the property that was sold and thereafter, to pay the costs of

federal tax law compliance applicable to the debt and thereafter to retire any similar revenue obligations. If the property was acquired, constructed, or improved with federal financial assistance, DOA must pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or with gift or grant funds, DOA must adhere to any restriction governing use of the proceeds. Thereafter, the net proceeds are used to retire other outstanding public debt. Currently, if any property that is proposed to be sold by DOA or the commission is co-owned by a nonstate entity, DOA or the commission must afford the co-owner the right of first refusal to purchase the share of the property owned by the state on reasonable financial terms established by DOA or the commission.

Currently, if DOA sells or leases a state-owned heating, cooling, or power plant, DOA may contract with the purchaser to purchase the output of the plant. Currently, if DOA or the commission sells any real property that was under the jurisdiction of a state agency prior to the sale, the agency must convey all systems, fixtures, or other property interests specified by DOA or the commission to the purchaser on terms specified by DOA or the commission. Current law also provides that if DOA or the commission sells or leases any property that was under the jurisdiction of a state agency prior to the sale or lease, DOA may decrease the authorized full-time equivalent positions for the agency and may lapse or transfer appropriated moneys from any appropriation made to the agency, other than a sum sufficient appropriation, an appropriation made to the Board of Regents of the University of Wisconsin system, or an appropriation of segregated or federal revenues, to account for discontinuance of the operation of the facility by the agency.

Currently, with limited exceptions, each state agency must submit a biennial report to DOA containing an inventory of all real property under its jurisdiction together with the estimated fair market value of each property. Each agency must specifically identify underutilized assets in the inventory. Following receipt of the inventories, DOA must obtain appraisals of all property in the inventories identified by DOA for potential sale and submit to the commission an inventory containing the location, description, and fair market value of each property identified for potential sale.

Under this bill, with certain exceptions, DOA may sell or lease state-owned real property if DOA determines that the sale is in the best interest of the state and the Building Commission approves the sale. Any sale may be either on the basis of public bids, with DOA reserving the right to reject any bid in the best interest of the state, or negotiated prices. Sales are not subject to the approval of JCF. The bill also permits state agencies to sell real property under their jurisdictions to the extent permitted by law. Generally, DOA's authority does not extend to property that another agency has authority to sell. In addition, DOA's authority does not operate to permit the closure or sale of any facility or institution the operation of which is required by law and does not apply to property under the jurisdiction of the Board of Regents of the University of Wisconsin system and certain property under the jurisdiction of the Department of Health Services at the Northern Center for the Developmentally Disabled. Any sale by DOA may be with or without the approval of the agency having jurisdiction over the property to be sold. The bill does not afford

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1 than the cost of operating, maintaining and amortizing the construction cost of the
2 leased space.

History: 2013 a. 20.

3 SECTION 2. 13.48 (14) (title) of the statutes, as affected by 2013 Wisconsin Act
4 20, is amended to read:

5 ✓ 13.48 (14) (title) SALE OR LEASE OF PROPERTY LANDS.

History: 2013 a. 20.

6 SECTION 3. 13.48 (14) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
7 is amended to read:

8 ✓ 13.48 (14) (a) In this subsection, "agency" has the meaning given in s. 16.52 (7)
9 for "state agency" in s. 20.001 (1) except that the term does not include the Board of
10 Regents of the University of Wisconsin system.

History: 2013 a. 20.

11 SECTION 4. 13.48 (14) (am) 1. of the statutes, as affected by 2013 Wisconsin Act
12 20, is renumbered 13.48 (14) (am) and amended to read:

13 ✓ 13.48 (14) (am) Except as provided in this paragraph, and subject to par. (d) the building commission
14 shall have the authority to sell or lease all or any part of a state-owned real property
15 ~~unless the sale or lease is prohibited under the state or federal constitution or federal~~
16 ~~law or the sale is conducted as a part of a procedure to enforce an obligation to this~~
17 ~~state building or structure or state-owned land, including farmland, where such~~
18 ~~authority is not otherwise provided to an agency by law, and may transfer real~~
19 ~~property land~~ under its jurisdiction among agencies. ~~The commission may sell or~~
20 ~~lease property under this paragraph with or without the approval of the agency~~
21 ~~having jurisdiction over the property and regardless of whether the property is~~
22 ~~included in an inventory submitted under par. (d).~~ The building commission does not
23 have the authority to sell or lease any state-owned real property under this

1 paragraph after the department of administration notifies the commission in writing
2 that an offer of sale or sale ~~or lease agreement~~ with respect to a property is pending
3 under s. 16.848 (1). If the sale ~~or lease~~ is not completed and no further action is
4 pending with respect to the property, the authority of the building commission under
5 this paragraph is restored.

History: 2013 a. 20.

6 SECTION 5. 13.48 (14) (am) 2. ~~to~~ ~~4.~~ of the statutes, as created by 2013 Wisconsin
7 Act ~~20~~, are repealed.

8 SECTION 6. 13.48 (14) (b) of the statutes, as affected by 2013 Wisconsin Act ~~20~~,
9 is amended to read:

10 ✓ 13.48 (14) (b) ~~The Subject to par. (d), the~~ building commission shall sell or lease
11 on the basis of either public bids, with the building commission reserving the right
12 to reject any or all bids in the best interest of the state, or ~~on the basis of negotiated~~
13 ~~prices as determined through a competitive or transparent process.~~ Buildings,
14 structures and land mentioned in this subsection shall be subject to general property
15 taxes levied by those taxing bodies within whose area they lie if used for commercial
16 purposes, and shall be subject to special assessments for public improvements in the
17 same manner and to the same extent as privately owned real ~~property~~ buildings,
18 structures, and land, subject to approval of the building commission when required
19 under s. 66.0703 (6).

History: 2013 a. 20.

20 SECTION 7. 13.48 (14) (bg) and (br) of the statutes, as created by 2013 Wisconsin
21 Act ~~20~~, are repealed.

22 SECTION 8. 13.48 (14) (c) (intro.) of the statutes, as affected by 2013 Wisconsin
23 Act 20, is renumbered 13.48 (14) (c) and amended to read:



1 ✓ 13.48 (14) (c) ~~Except as provided in par. (e), if~~ If there is any outstanding public
2 debt used to finance the acquisition, of a building, structure, or land or the
3 ~~construction, or improvement of any property~~ a building or structure that is sold or
4 leased under par. ~~(am)~~ (b), the building commission shall deposit a sufficient amount
5 of the net proceeds from the sale or lease of the property building, structure, or land
6 in the bond security and redemption fund under s. 18.09 to repay the principal and
7 pay the interest on the debt, and any premium due upon refunding any of that debt.
8 ~~If there is any outstanding public debt used to finance the acquisition, construction,~~
9 ~~or improvement of any property that is sold or leased under par. (am), the building~~
10 ~~commission shall then provide a sufficient amount of the net proceeds from the sale~~
11 ~~or lease of the property for the costs of maintaining federal tax law compliance~~
12 ~~applicable to the debt. If the property was acquired, constructed, or improved with~~
13 ~~federal financial assistance, the commission shall pay to the federal government any~~
14 ~~of the proceeds required by federal law. If the property was acquired by gift or grant~~
15 ~~or with gift or grant funds, the commission shall adhere to any restriction governing~~
16 ~~use of the proceeds. Except as required under par. (e) and ss. 20.395 (9) (qd) and 51.06~~
17 ~~(6), if~~ Except as provided in s. 51.06 (6), if there is no such debt outstanding, there
18 ~~are no moneys payable to the federal government, and there is no restriction~~
19 ~~governing use of the proceeds, and~~ or if the net proceeds exceed the amount required
20 to be deposited, paid, or used for another purpose under this subsection repay that
21 principal and pay that interest and premium, the building commission shall use
22 deposit the net proceeds or remaining net proceeds ~~to pay principal and interest costs~~
23 ~~on outstanding public debt issued to finance the acquisition, construction, or~~
24 ~~improvement of property. If any net proceeds remain thereafter, the commission~~
25 ~~shall use the proceeds to pay principal and interest costs on other outstanding public~~

1 ~~debt. For the purpose of paying principal and interest costs on other outstanding~~
 2 ~~public debt under this paragraph, the commission may cause outstanding bonds to~~
 3 ~~be called for redemption on or following their optional redemption date, establish one~~
 4 ~~or more escrow accounts to redeem bonds at their optional redemption date, or~~
 5 ~~purchase bonds in the open market. To the extent practical, the commission shall~~
 6 ~~consider all of the following in determining which public debt to redeem: in the~~
 7 ~~budget stabilization fund.~~

History: 2013 a. 20.

8 **SECTION 9.** 13.48 (14) (c) ^{✓✓✓✓} 1. to 4. of the statutes, as created by 2013 Wisconsin
 9 [✓] Act 20, are repealed.

10 **SECTION 10.** 13.48 (14) (cm) [✓] of the statutes, as created by 2013 Wisconsin Act
 11 [✓] 20, is repealed.

12 **SECTION 11.** 13.48 (14) (d) [✓] of the statutes, as affected by 2013 Wisconsin Act [✓] 20,
 13 is renumbered 13.48 (14) (d) 2. and amended to read:

14 [✓] 13.48 (14) (d) 2. Biennially, beginning on January 1, [↓] 2014, each agency other
 15 ~~than the investment board shall submit to the department of administration an~~
 16 ~~inventory of all real property under its jurisdiction. Except with respect to the Board~~
 17 ~~of Regents of the University of Wisconsin System, the inventory shall include the~~
 18 ~~estimated fair market value of each property. The agency shall specifically identify~~
 19 ~~any underutilized assets in the inventory. No later than July 1 following receipt of~~
 20 ~~the inventories, the department of administration shall obtain appraisals of all~~
 21 ~~properties in the inventories that are identified by the department for potential sale~~
 22 ~~and 1984, each agency having surplus land shall submit to the building commission~~
 23 ~~and the joint committee on finance an inventory containing the location, description~~

1 and fair market value of each parcel of ~~property identified for potential sale~~ surplus
2 land.

History: 2013 a. 20.

3 **SECTION 12.** 13.48 (14) (d) 1., 3., and 4. of the statutes are created to read:

4 ✓ 13.48 (14) (d) 1. In this ✓ paragraph, "surplus land" means land under the
5 jurisdiction of the commission and allocated for use by an agency, but unused and not
6 needed for the agency's operations or included in the agency's plan for construction
7 or development.

8 ✓ 3. Except as provided in subd. ✓ 4., the commission shall annually, beginning
9 January 1, 1984, submit to the joint committee on finance an inventory of surplus
10 land containing the following information for each parcel:

11 ✓ a. The location, description and fair market value.

12 ✓ b. Whether the commission intends to sell or transfer the use of the parcel from
13 one agency to another agency.

14 ✓ c. If the commission intends to transfer use of the parcel from one agency to
15 another agency, whether transfer of the parcel is critical or desirable.

16 ✓ 4. If the commission proposes to sell or transfer a parcel of surplus land having
17 a fair market value of at least \$20,000, the commission shall notify the joint
18 committee on finance in writing of its proposed action. If the cochairpersons of the
19 committee do not notify the commission that the committee has scheduled a meeting
20 for the purpose of reviewing the proposed sale or transfer within 14 working days
21 after the date of the commission's notification, the parcel may be sold or transferred
22 by the commission. If, within 14 working days after the date of the commission's
23 notification, the cochairpersons of the committee notify the commission that the
24 committee has scheduled a meeting for the purpose of reviewing the proposed sale

1 or transfer, the parcel may be sold or transferred under this subdivision only upon
 2 approval of the committee. This subdivision does not apply to surplus land that is
 3 authorized to be sold under s. 16.848.

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, 8, 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.

4 **SECTION 13. 13.48** (20) of the statutes, as affected by 2013 Wisconsin Act 20,

5 is amended to read:

6 **13.48 (20) RESIDENCE HALLS.** ~~Except as provided in sub. (14) (am), the~~ The
 7 building commission may approve the sale or lease of state-owned residence halls
 8 by the board of regents of the University of Wisconsin System to another state agency
 9 or a nonstate nonprofit agency for purposes provided in s. 36.11 (1) (e).

History: 2013 a. 20.

10 **SECTION 14. 13.48** (22) of the statutes, as affected by 2013 Wisconsin Act 20,

11 is amended to read:

12 **13.48 (22) SALE OR LEASE OF CAPITOL AREA LANDS.** The building commission may
 13 lease or resell lands acquired in the capitol planning area for public or private
 14 redevelopment and may set such conditions of sale or lease as it deems necessary to
 15 ensure development compatible with the needs of the community and the state. This
 16 subsection does not apply to lands that are authorized to be sold ~~or leased~~ under s.
 17 16.848 ~~while an offer of sale, sale, or lease agreement is pending or while the lands~~
 18 ~~are leased.~~

History: 2013 a. 20.

19 **SECTION 15. 13.48** (23) of the statutes, as affected by 2013 Wisconsin Act 20,

20 is amended to read:

21 **13.48 (23) LEASE OF SPACE FOR COMMERCIAL USE.** ~~Except as provided in sub. (14)~~
 22 ~~(am), the~~ The building commission may lease space in state office buildings for

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

History: 2013 a. 20.

6 **SECTION 16.** 13.482[✓] (2) (a) of the statutes, as affected by 2013 Wisconsin Act[✓] 20,
7 is amended to read:

8 ✓ 13.482 (2) (a) For the purpose of providing housing for state departments and
9 agencies, including housing for state offices and the completion of the state office
10 building, and to enable the construction, financing and ultimate acquisition thereof
11 by the state, the building commission may acquire any necessary lands, and, subject
12 to s. 13.48 (14) (am), lease and re-lease any lands owned by the state and available
13 for the purpose to the Wisconsin State Public Building Corporation or other nonstock
14 corporation organized under ch. 181 that is a nonprofit corporation, as defined in s.
15 181.0103 (17). The lease and re-lease shall be for a term or terms not exceeding 50
16 years each and shall be made on the condition that such corporation shall construct
17 and provide on such leased lands such building projects, including buildings,
18 improvements, facilities or equipment or other capital items, as the building
19 commission requires, and shall re-lease the same to the building commission upon
20 satisfactory terms as to the rental, maintenance and ultimate acquisition by the
21 state as is in its best interests in the judgment of the building commission. After such
22 leases and re-leases are executed and until the projects are acquired by the state,
23 they shall be operated by the building commission through the department of
24 administration, which shall have charge of such property as provided in ss. 16.85 and

1 16.8511. The building commission shall operate the projects in such manner as to
 2 provide revenues therefrom sufficient to pay the costs of operation and maintenance
 3 of the project and to provide for the payments due the Wisconsin State Public
 4 Building Corporation or other nonstock, nonprofit corporation but if the building
 5 commission finds and declares that the housing available in any such project is in
 6 excess of the current housing needs or requirements of the state departments and
 7 agencies occupying or availing themselves of the space in or capacity of such project,
 8 the building commission need not operate such project in a manner to provide
 9 revenues therefrom sufficient to pay the costs of operation and maintenance of the
 10 project and to provide for the rental payments due the Wisconsin State Public
 11 Building Corporation or other nonstock, nonprofit corporation.

History: 2013 a. 20.

12 SECTION 17. 13.488[✓] (1) (a) of the statutes, as affected by 2013 Wisconsin Act[✓] 20,
 13 is amended to read:

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

History: 2013 a. 20.

19 SECTION 18. 13.488[✓] (1) (b) of the statutes, as affected by 2013 Wisconsin Act[✓] 20,
 20 is amended to read:

21 / 13.488 (1) (b) ~~Except as provided in s. 13.48 (14) (am)~~, the The power to lease
 22 to a nonprofit-sharing corporation for terms not exceeding 50 years each any land

1 and existing buildings thereon owned by the state upon such terms, conditions and
2 rentals as in the judgment of the building commission are in the public interest.

History: 2013 a. 20.

3 SECTION 19. 16.310 (5) of the statutes, as affected by 2013 Wisconsin Act 20,
4 is amended to read:

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

History: 2013 a. 20.

SECTION # RP; 16.705 (1b) (c), as created by 2013 Wisconsin Act 20

8 SECTION 20. 16.84 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
9 amended to read:

10 / 16.84 (1) Have charge of, operate, maintain and keep in repair the state capitol
11 building, the executive residence, ~~any heating, cooling, and power plants serving~~
12 ~~state properties that are owned by this state except those that are operated by an~~
13 ~~agency, as defined in s. 16.52 (7), or by a lessee under s. 13.48 (14) or 16.848 (1) the~~
14 light, heat, and power plant, the state office buildings and their power plants, the
15 grounds connected therewith, and such other state properties as are designated by
16 law. All costs of such operation and maintenance shall be paid from the
17 appropriations under s. 20.505 (5) (ka) and (kb), except for debt service costs paid
18 under s. 20.866 (1) (u). The department shall transfer moneys from the
19 appropriation under s. 20.505 (5) (ka) to the appropriation account under s. 20.505
20 (5) (kc) sufficient to make principal and interest payments on state facilities and
21 payments to the United States under s. 13.488 (1) (m).

History: 2013 a. 20.

22 SECTION 21. 16.848 (title) of the statutes, as affected by 2013 Wisconsin Act 20,
23 is amended to read:

1 ✓ 16.848 (title) **Sale or lease of certain state property or facilities.**

History: 2013 a. 20.

2 **SECTION 22.** 16.848[✓] (1) (a) of the statutes, as affected by 2013 Wisconsin Act[✓] 20,
3 is renumbered 16.848 (1) and amended to read:

4 ✓ 16.848 (1) Except as provided in sub. (2), the department may offer for sale or
5 lease any state-owned real property, if the department determines that the sale or
6 lease[↓] is in the best interest of the state, ~~unless prohibited under the state or federal~~
7 ~~constitution or federal law or the sale is conducted as a part of a procedure to enforce~~
8 ~~an obligation to this state.~~ Any sale may be either on the basis of public bids, with
9 the department reserving the right to reject any bid in the best interest of the state,
10 or ~~on the basis of negotiated prices as determined through a competitive or~~
11 ~~transparent process.~~ If the department receives an offer to purchase ~~or lease~~
12 property offered under this subsection, the department may submit a report to the
13 building commission recommending acceptance of the offer. The report shall contain
14 a description of the property and the reasons for the recommendation. The
15 department may recommend the sale or lease of a parcel of property with or without
16 the approval of the agency, as defined in s. 16.52 (7), having jurisdiction ~~over~~ of the
17 property ~~and regardless of whether the property is included in an inventory~~
18 ~~submitted under s. 13.48 (14) (d).~~ If the building commission approves the proposed
19 sale or lease, the department shall submit the proposed sale or lease to the joint
20 ~~committee on finance for approval under par. (b)~~ may sell the property.

History: 2013 a. 20.

21 **SECTION 23.** 16.848 (1) (b)[✓] and (c)[✓] of the statutes, as created by 2013 Wisconsin
22 Act[✓] 20, are repealed.

1 **SECTION 24.** 16.848 (1e) of the statutes, as created by 2013 Wisconsin Act 20,
2 is repealed.

3 **SECTION 25.** 16.848 (1m) of the statutes, as created by 2013 Wisconsin Act 20,
4 is repealed.

5 **SECTION 26.** 16.848 (1s) of the statutes, as created by 2013 Wisconsin Act 20,
6 is repealed.

7 **SECTION 27.** 16.848 (2) (a) of the statutes is created to read:
8 ✓ 16.848 (2) (a) Subsection (1) does not authorize the closure or sale of any facility
9 or institution the operation of which is provided for by law.

10 History: 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (6) (a); 2007 a. 100; 2009 a. 180; 2011 a. 32; s. 35.17 correction in sub. (2) (gn).

11 **SECTION 28.** 16.848 (2) (am) of the statutes, as created by 2013 Wisconsin Act
12 20, is repealed.

13 **SECTION 29.** 16.848 (2) (b) of the statutes is created to read:
14 ✓ 16.848 (2) (b) Subsection (1) does not apply to property under the jurisdiction
15 of the board of regents of the University of Wisconsin System.

16 History: 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (6) (a); 2007 a. 100; 2009 a. 180; 2011 a. 32; s. 35.17 correction in sub. (2) (gn).

17 **SECTION 30.** 16.848 (2) (gw) of the statutes is created to read:
18 ✓ 16.848 (2) (gw) Subsection (1) does not apply to the sale of property by the
19 department of health services under s. 51.06 (6).

20 History: 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (6) (a); 2007 a. 100; 2009 a. 180; 2011 a. 32; s. 35.17 correction in sub. (2) (gn).

21 **SECTION 31.** 16.848 (2) (gx) of the statutes, as created by 2013 Wisconsin Act
22 20, is repealed.

23 **SECTION 32.** 16.848 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
24 is amended to read:

✓ 16.848 (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 or leased under sub. (1), the department shall deposit a

1 sufficient amount of the net proceeds from the sale or lease of the property in the bond
2 security and redemption fund under s. 18.09 to repay the principal and pay the
3 interest on the debt, and any premium due upon refunding any of the debt. If there
4 is any outstanding public debt used to finance the acquisition, construction, or
5 improvement of any property that is sold or leased under sub. (1), the department
6 shall then provide a sufficient amount of the net proceeds from the sale or lease of
7 the property for the costs of maintaining federal tax law compliance applicable to the
8 debt. If the property was acquired, constructed, or improved with federal financial
9 assistance, the department shall pay to the federal government any of the net
10 proceeds required by federal law. If the property was acquired by gift or grant or
11 acquired with gift or grant funds, the department shall adhere to any restriction
12 governing use of the proceeds. Except as required under ss. 13.48 (14) (e), 20.395 (9)
13 (qd), and 51.06 (6), if there is no such debt outstanding, there are no moneys payable
14 to the federal government, and there is no restriction governing use of the proceeds,
15 and if the net proceeds exceed the amount required to be deposited, paid, or used for
16 another purpose under this subsection paragraph, the department shall use the net
17 proceeds or remaining net proceeds to pay principal and interest costs on
18 ~~outstanding public debt issued to finance the acquisition, construction, or~~
19 ~~improvement of property. If any net proceeds remain thereafter, the department~~
20 ~~shall use the proceeds to pay principal and interest costs on other outstanding public~~
21 ~~debt.~~

History: 2013 a. 20.

22 **SECTION 33.** 16.848 (4) (b) 1. of the statutes, as affected by 2013 Wisconsin Act
23 20, is repealed and recreated to read:

1 ✓ 16.848 (4) (b) 1. According preference to the redemption of general obligation
2 debt within the same statutory bond purpose that was used to acquire, build, or
3 improve the property being sold.

4 **History:** 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (6) (a) ✓/2007 a. 100; 2009 a. 180; 2011 a. 32; s. 35.17 correction in sub. (2) (gn).

4 **SECTION 34.** 16.848 (4) (b) 2. of the statutes is created to read:

5 ✓ 16.848 (4) (b) 2. Maintaining compliance with federal tax law applicable to the
6 general obligation debt that was issued to acquire, build, or improve the property
7 being sold.

8 **History:** 2005 a. 25; 2007 a. 20 ss. 113, 114, 9121 (6) (a) ✓/2007 a. 100; 2009 a. 180; 2011 a. 32; s. 35.17 correction in sub. (2) (gn).

8 **SECTION 35.** 16.848 (4) (b) 3. of the statutes, as affected by 2013 Wisconsin Act

9 ✓
9 20, is amended to read:

10 ✓ 16.848 (4) (b) 3. The extent to which general obligation debt that was issued
11 to acquire, build, or improve the property being sold ~~or leased~~ is subject to current
12 optional redemption, would require establishment of an escrow, or could be assigned
13 for accounting purposes to another statutory bond purpose.

14 **History:** 2013 a. 20.

14 ✓
14 **SECTION 36.** 16.848 (4) (b) 5. of the statutes, as affected by 2013 Wisconsin Act
15 ✓
15 20, is amended to read:

16 ✓ 16.848 (4) (b) 5. The costs of ~~maintaining~~ federal tax law compliance in the
17 selection of general obligation debt to be redeemed.

18 **History:** 2013 a. 20.

18 ✓
18 **SECTION 37.** 16.848 (4) (c) of the statutes, as created by 2013 Wisconsin Act ✓ 20,
19 is repealed.

20 ✓
20 **SECTION 38.** 20.373 (1) (g) of the statutes, as affected by 2013 Wisconsin Act ✓ 20,
21 is amended to read:

22 ✓ 20.373 (1) (g) *Administration, operation, repair, and rehabilitation.* From the
23 general fund, all moneys received from the sale of surplus land under 2005 Wisconsin

1 Act 25, section 9105 (14q) ~~except as provided in s. 13.48 (14) (am) or 16.848 (1)~~, to be
2 used for administration of the authority and the operation, repair, and rehabilitation
3 of the Fox River lock system.

History: 2013 a. 20.

4 SECTION 39. 25.60 of the statutes, as affected by 2013 Wisconsin Act 20, is
5 amended to read:

6 ✓ 25.60 Budget stabilization fund. There is created a separate nonlapsible
7 trust fund designated as the budget stabilization fund, consisting of moneys
8 transferred to the fund from the general fund under ss. 13.48 (14) (c), 16.518 (3) and
9 16.72 (4) (b). Moneys in the budget stabilization fund are reserved to provide state
10 revenue stability during periods of below-normal economic activity when actual
11 state revenues are lower than estimated revenues under s. 20.005 (1).

History: 2013 a. 20.

12 SECTION 40. 36.09 (1) (L) of the statutes, as affected by 2013 Wisconsin Act 20,
13 is amended to read:

14 ✓ 36.09 (1) (L) The board shall possess all powers necessary or convenient for the
15 operation of the system except as limited in this chapter ~~and ss. 13.48 (14) (am) and~~
16 ~~16.848 (1)~~.

History: 2013 a. 20.

17 SECTION 41. 36.11 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 20,
18 is amended to read:

19 ✓ 36.11 (1) (b) Except as provided in this paragraph ~~and ss. 13.48 (14) (am) and~~
20 ~~16.848 (1)~~, the board may purchase, have custody of, hold, control, possess, lease,
21 grant easements and enjoy any lands, buildings, books, records and all other
22 property of any nature which may be necessary and required for the purposes, objects
23 and uses of the system authorized by law. Any lease ~~by the board~~ is subject to the

1 powers of the University of Wisconsin Hospitals and Clinics Authority under s.
 2 233.03 (13) and the rights of the authority under any lease agreement, as defined in
 3 s. 233.01 (6). The board shall not permit a facility that would be privately owned or
 4 operated to be constructed on state-owned land without obtaining prior approval of
 5 the building commission under s. 13.48 (12). ~~Subject to prior action under s. 13.48~~
 6 ~~(14) (am) or 16.848 (1), the~~ The board may sell or dispose of such property as provided
 7 by law, or any part thereof when in its judgment it is for the best interests of the
 8 system and the state. All purchases of real property shall be subject to the approval
 9 of the building commission. The provision of all leases and sales of real property to
 10 be occupied by the board shall be the responsibility of the department of
 11 administration under s. 16.84 (5).

History: 2013 a. 20.

12 **SECTION 42.** [✓] 36.11 (1) (e) of the statutes, as affected by 2013 Wisconsin Act [✓] 20,
 13 is amended to read:
 14 [✓] 36.11 (1) (e) ~~Subject to prior action under s. 13.48 (14) (am) or 16.848 (1), the~~
 15 The board, with the approval of the building commission, may sell or lease
 16 state-owned residence halls to another state agency or nonstate nonprofit agency for
 17 purposes of alternate use.

History: 2013 a. 20.

18 **SECTION 43.** [✓] 36.11 (28) of the statutes, as affected by 2013 Wisconsin Act [✓] 20,
 19 is amended to read:
 20 [✓] 36.11 (28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND
 21 CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), and subject
 22 ~~to any prior lease entered into under s. 13.48 (14) (am) or 16.848 (1),~~ ^{↓ strike} the board shall
 23 negotiate and enter into a lease agreement with the University of Wisconsin

1 Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and
2 shall comply with s. 233.04 (7g).

History: 2013 a. 20.

3 SECTION 44. 36.33 (title) and (1) of the statutes, as affected by 2013 Wisconsin
4 Act 20, are amended to read:

5 / 36.33 (title) Sale or lease and relocation of agricultural lands. (1)

6 LEGISLATIVE INTENT. The legislature finds and determines that, because of the
7 problems resulting from the development of the city of Madison around certain
8 agricultural lands of the University of Wisconsin-Madison, the desirability of
9 consolidating lands used for agricultural instruction, research and extension
10 purposes, the desirability of disposing of agricultural lands no longer needed by the
11 university and the need for land of better quality and of greater quantity for the
12 purpose of improving and expanding agricultural research, it is in the public interest
13 for the board to sell or lease, in whole or in part, and subject to any prior action under
14 s. 13.48 (14) (am) or 16.848 (1), the agricultural lands and improvements thereon
15 owned by the board and located in sections 19, 20 and 30, township 7 north, range
16 9 east, Dane County; sections 25 and 27, township 7 north, range 8 east, Dane
17 County; sections 34 and 35, township 38 north, range 11 east, Oneida County; and
18 section 22, township 22 north, range 8 east, Portage County; and to purchase other
19 agricultural lands outside of the Madison urban area and to construct thereon the
20 necessary buildings and improvements. The foregoing policy determination is made
21 without reference to or intention of limiting the powers which the board may
22 otherwise have.

History: 2013 a. 20.

1 **SECTION 45.** 36.33 (2) (title) and (a) (intro.) of the statutes, as affected by 2013
2 Wisconsin Act 20, ^{are} ~~is~~ amended to read:

3 ✓ 36.33 (2) (title) ~~METHOD OF SALE OR LEASE~~; ASSESSMENTS. (a) (intro.) ~~Subject to~~
4 ~~any prior action under s. 13.48 (14) (am) or 16.848 (1), the~~ The board, in selling or
5 leasing any part of the agricultural lands and improvements thereon, mentioned in
6 sub. (1), shall sell or lease on the basis of either of the following:

History: 2013 a. 20.

7 **SECTION 46.** 36.33 (3) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 amended to read:

9 ✓ 36.33 (3) **BUILDING COMMISSION APPROVAL.** The sale, lease and purchase of
10 agricultural lands mentioned in sub. (1) ~~is subject to prior action under s. 13.48 (14)~~
11 ~~(am) or 16.848 (1) and~~ shall be subject to the approval of the building commission.

History: 2013 a. 20.

12 **SECTION 47.** 41.23 of the statutes, as affected by 2013 Wisconsin Act 20, is
13 amended to read:

14 ✓ 41.23 **Sale of excess or surplus property.** The department may acquire
15 excess or surplus property from the department of administration under ss. 16.72 (4)
16 (b) and 16.98 (1) or from the department of transportation under s. 84.09 (5s) and,
17 ~~subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the~~ department may
18 sell the property ~~acquired under this section~~ to any person at a price determined by
19 the department of tourism. All proceeds received by the department of tourism from
20 the sale of property under this section shall be credited to the appropriation account
21 under s. 20.380 (1) (h).

History: 2013 a. 20.

22 **SECTION 48.** 41.41 (7) (b) of the statutes, as affected by 2013 Wisconsin Act 20,
23 is amended to read:

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

History: 2013 a. 20.

5 SECTION 49. 44.015[✓] (1) of the statutes, as affected by 2013 Wisconsin Act 20,[✓]
6 is amended to read:

7 ✓ 44.015 (1) Acquire any interest in real or personal property by gift, bequest or
8 otherwise in any amount and, ~~subject to prior action under s. 13.48 (14) (am) or~~
9 ~~16.848 (1),~~ may operate, manage, sell, or rent, or convey real estate acquired by gift,
10 bequest, foreclosure or other means, upon such terms and conditions as the board of
11 curators deems for its interests but may not sell, mortgage, transfer or dispose of in
12 any manner or remove from its buildings, except for temporary purposes, any article
13 therein without authority of law.

History: 2013 a. 20.

14 SECTION 50. 45.03[✓] (5) (c) ^{l. a.} of the statutes, as affected by 2013 Wisconsin Act 20,[✓]
15 is amended to read:

16 ✓ 45.03 (5) (c) 1. a. Without limitation by reason of any other provisions of the
17 statutes except ~~ss. 13.48 (14) (am) and s. 16.848 (1),~~ unless otherwise required by law,
18 the power to sell and to convey title in fee simple to a nonprofit corporation any land
19 and any existing buildings owned by the state that are under the jurisdiction of the
20 department for the consideration and upon the terms and conditions as in the
21 judgment of the board are in the public interest.

History: 2013 a. 20.

22 SECTION 51. 46.03[✓] (30) (a) of the statutes, as affected by 2013 Wisconsin Act 20,[✓]
23 is amended to read:

1 ✓ 46.03 (30) (a) To provide for an orderly reduction of state institutional primary
2 psychiatric services the department may approve the institutes entering into
3 contracts with county departments under s. 51.42 for providing primary psychiatric
4 care. If excess capacity exists at state operated mental health institutes, the
5 department shall, subject to ~~ss. 13.48 (14) (am) and s. 16.848 (1)~~, explore the possible
6 sale or lease of such excess facilities to a county department under s. 51.42.

History: 2013 a. 20.

7 ✓ SECTION 52. 46.035 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
8 is amended to read:

9 ✓ 46.035 (2) (a) Without limitation by reason of any other provisions of the
10 statutes except ~~ss. 13.48 (14) (am) and s. 16.848 (1)~~, the power to sell and to convey
11 title in fee simple to a nonprofit corporation any land and any existing buildings
12 thereon owned by, or owned by the state and held for, the department or of any of the
13 institutions under the jurisdiction of the department for such consideration and
14 upon such terms and conditions as in the judgment of the secretary are in the public
15 interest.

History: 2013 a. 20.

16 ✓ SECTION 53. 46.06 (4) of the statutes, as affected by 2013 Wisconsin Act 20, is
17 amended to read:

18 ✓ 46.06 (4) SALES. The department may, with the approval of the building
19 commission, ~~and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1)~~, sell
20 and convey such lands under the jurisdiction of the department as the secretary
21 deems to be in excess of the present or future requirements of the department for
22 either the operation of its facilities or programs, for the maintenance of buffer zones

1 adjacent to its facilities or for other public purposes. The proceeds of such sales are
2 subject to s. 13.48 (14) (c).

History: 2013 a. 20.

3 **SECTION 54.** 51.06[✓] (6) of the statutes, as affected by 2013 Wisconsin Act[✓] 20, is
4 amended to read:

5 [✓] 51.06 (6) SALE OF ASSETS OR REAL PROPERTY AT NORTHERN CENTER FOR THE
6 DEVELOPMENTALLY DISABLED. The department may maintain the Northern Center for
7 the Developmentally Disabled for the purpose specified in sub. (1), but may sell
8 assets or real property,[↓] of the Northern Center for the Developmentally Disabled,
9 ~~subject to any prior action under s. 13.48 (14) (am) or 16.848 (1).~~ If there is any
10 outstanding public debt used to finance the acquisition, construction, or
11 improvement of any property that is sold under this subsection, the department shall
12 deposit a sufficient amount of the net proceeds from the sale of the property in the
13 bond security and redemption fund under s. 18.09 to repay the principal and pay the
14 interest on the debt, and any premium due upon refunding any of the debt. If the
15 property was purchased with federal financial assistance, the department shall pay
16 to the federal government any of the net proceeds required by federal law. If there
17 is no such debt outstanding and there are no moneys payable to the federal
18 government, or if the net proceeds exceed the amount required to be deposited or paid
19 under this subsection, the department shall credit the net proceeds or remaining net
20 proceeds to the appropriation account under s. 20.435 (2) (gk).

History: 2013 a. 20.

21 **SECTION 55.** 84.01 (30) (g) 3. of the statutes, as affected by 2013 Wisconsin Act[✓]
22 [✓] 20, is amended to read:

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

History: 2013 a. 20.

7 ✓ **SECTION 56.** 84.09 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
 8 amended to read:

9 ✓ 84.09 (1) The department may acquire by gift, devise, purchase or
 10 condemnation any lands for establishing, laying out, widening, enlarging,
 11 extending, constructing, reconstructing, improving and maintaining highways and
 12 other transportation related facilities, or interests in lands in and about and along
 13 and leading to any or all of the same; and after establishment, layout and completion
 14 of such improvements, the department may, ~~subject to any prior action under s. 13.48~~
 15 ~~(14) (am) or 16.848 (1)~~, convey such lands thus acquired and not necessary for such
 16 improvements, with reservations concerning the future use and occupation of such
 17 lands so as to protect such public works and improvements and their environs and
 18 to preserve the view, appearance, light, air and usefulness of such public works.
 19 Whenever the department deems it necessary to acquire any such lands or interests
 20 therein for any transportation related purpose, it shall so order and in such order or
 21 on a map or plat show the old and new locations and the lands and interests required,
 22 and shall file a copy of the order and map with the county clerk and county highway
 23 committee of each county in which such lands or interests are required or, in lieu of
 24 filing a copy of the order and map, may file or record a plat in accordance with s.

1 84.095. For the purposes of this section the department may acquire private or public
2 lands or interests in such lands. When so provided in the department's order, such
3 land shall be acquired in fee simple. Unless it elects to proceed under sub. (3), the
4 department shall endeavor to obtain easements or title in fee simple by conveyance
5 of the lands or interests required at a price, including any damages, deemed
6 reasonable by the department. The instrument of conveyance shall name the state
7 as grantee and shall be recorded in the office of the register of deeds. The purchase
8 or acquisition of lands or interests therein under this section is excepted and exempt
9 from s. 20.914 (1). The department may purchase or accept donations of remnants
10 of tracts or parcels of land existing at the time or after it has acquired portions of such
11 tracts or parcels by purchase or condemnation for transportation purposes where in
12 the judgment of the department such action would assist in making whole the
13 landowner, a part of whose lands have been taken for transportation purposes and
14 would serve to minimize the overall costs of such taking by the public. This
15 subsection does not apply to lands that are sold under s. 16.848.

History: 2013 a. 20.

16 **SECTION 57.** 84.09[✓] (5) (a) of the statutes, as affected by 2013 Wisconsin Act[✓] 20,
17 is amended to read:

18 [✓] 84.09 (5) (a) Subject to pars. (b) and (c) ~~and any prior action under s. 13.48 (14)~~
19 ~~(am) or 16.848 (1)~~, and subject to the approval of the governor, the department may
20 sell at public or private sale property of whatever nature owned by the state and
21 under the jurisdiction of the department when the department determines that the
22 property is no longer necessary for the state's use for transportation purposes and,
23 if real property, the real property is not the subject of a petition under s. 16.310 (2).
24 The department shall present to the governor a full and complete report of the

1 property to be sold, the reason for the sale, and the minimum price for which the same
2 should be sold, together with an application for the governor's approval of the sale.
3 The governor shall thereupon make such investigation as he or she may deem
4 necessary and approve or disapprove the application. Upon such approval and
5 receipt of the full purchase price, the department shall by appropriate deed or other
6 instrument transfer the property to the purchaser. The approval of the governor is
7 not required for public or private sale of property having an appraised value at the
8 time of sale of not more than \$15,000, for the transfer of surplus state real property
9 to the department of administration under s. 16.310, or for the transfer of surplus
10 state personal property to the department of tourism under sub. (5s). The funds
11 derived from sales under this subsection shall be deposited in the transportation
12 fund, and the expense incurred by the department in connection with the sale shall
13 be paid from such fund.

History: 2013 a. 20.

14 **SECTION 58.** 84.09 (5) (c) 1. (intro.) of the statutes, as affected by 2013 Wisconsin
15 Act 20, is amended to read:

16 ✓ 84.09 (5) (c) 1. (intro.) ~~Subject to any prior action under s. 13.48 (14) (am) or~~
17 ~~16.848 (1), prior~~ Prior to conducting a public sale on a generally marketable surplus
18 land parcel under par. (b), the department shall contact the county, municipality, and
19 the local school district where the land parcel is located and the department of
20 natural resources to solicit interest in acquiring the parcel for public use. Upon
21 notification from the department, the county, municipality, local school district, and
22 department of natural resources must respond to the department, stating their

1 interest in the land for public use, within 60 days. Failure to respond within 60 days
2 constitutes noninterest in the land parcel.

History: 2013 a. 20.

3 **SECTION 59.** 84.09 (5) (c) 2. (intro.) of the statutes, as affected by 2013 Wisconsin
4 Act 20, is amended to read:

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

History: 2013 a. 20.

11 **SECTION 60.** 84.09 (5) (c) 2m. (intro.) of the statutes, as affected by 2013
12 Wisconsin Act 20, is amended to read:

13 ✓ 84.09 (5) (c) 2m. (intro.) If a county, municipality, or a local school district
14 expresses interest in acquiring the land for public use related to transportation or
15 infrastructure, the department may, subject to any prior action under s. 13.48 (14)
16 (am) or 16.848 (1), offer the county, municipality, or the local school district the
17 property, for less than the appraised value of the property, if all of the following are
18 true:

History: 2013 a. 20.

19 **SECTION 61.** 84.09 (5m) of the statutes, as affected by 2013 Wisconsin Act 20,
20 is amended to read:

21 ✓ 84.09 (5m) Subject to the approval of the governor in the manner, scope, and
22 form provided by sub. (5) (a), and subject to any prior action under s. 13.48 (14) (am)
23 or 16.848 (1), the department may convey lands or interests therein acquired

1 pursuant to this section and improvements installed thereon to municipalities
 2 within whose limits such lands or interests therein are located. The conveyance of
 3 said lands or interests therein and improvements shall restrict the use of the
 4 premises by the municipality to the uses for which they were acquired, except that
 5 said lands or interests therein declared by the department to be excess may be so
 6 conveyed without restrictions as to use. This subsection shall apply only to the sale
 7 of property acquired by the department for a project that is completed before May 25,
 8 2006. The department may sell property that is acquired by the department for a
 9 project that is completed after May 25, 2006, to a municipality under sub. (5) (c), as
 10 applicable.

History: 2013 a. 20.

11 **SECTION 62.** 84.09[✓] (6) of the statutes, as affected by 2013 Wisconsin Act[✓] 20, is
 12 amended to read:

13 [✓] 84.09 (6) ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lands~~
 14 Lands held by any other state department or independent agency may, with the
 15 approval of the governor, be conveyed to the department in the manner prescribed
 16 by statute and, if none is prescribed, then by a conveyance authorized by appropriate
 17 order or resolution of the head of the department or independent agency concerned.

History: 2013 a. 20.

18 **SECTION 63.** 84.09[✓] (9) of the statutes is created to read:

19 [✓] 84.09 (9) Subsections[✓] (5), (5^m), and (6)[✓] do not apply to state surplus property
 20 that is sold under s. 16.848[✓].

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.

21 **SECTION 64.** 84.40 (2) (a) of the statutes, as affected by 2013 Wisconsin Act[✓] 20,
 22 is amended to read:

1 ✓ 84.40 (2) (a) ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),~~
2 ~~may~~ May sell and convey to a nonprofit-sharing corporation any public right-of-way
3 available for highway purposes and any existing highways or other improvements
4 thereon owned by the state or under the jurisdiction of the department for such
5 consideration and upon such terms and conditions as the department deems in the
6 public interest.

History: 2013 a. 20.

7 ✓ **SECTION 65.** 85.09 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20, ✓
8 is amended to read:

9 ✓ 85.09 (2) (a) The department of transportation shall have the first right to
10 acquire, for present or future transportational or recreational purposes, any
11 property used in operating a railroad or railway, including land and rails, ties,
12 switches, trestles, bridges, and the like located on that property, that has been
13 abandoned. The department of transportation may, in connection with abandoned
14 rail property, assign this right to a state agency, the board of regents of the University
15 of Wisconsin System, any county or municipality, or any transit commission.
16 Acquisition by the department of transportation may be by gift, purchase, or
17 condemnation in accordance with the procedure under s. 32.05. In addition to its
18 property management authority under s. 85.15, the department of transportation
19 may, ~~subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),~~ lease and collect
20 rents and fees for any use of rail property pending discharge of the department's duty
21 to convey property that is not necessary for a public purpose. No person owning
22 abandoned rail property, including any person to whom ownership reverts upon
23 abandonment, may convey or dispose of any abandoned rail property without first
24 obtaining a written release from the department of transportation indicating that

1 the first right of acquisition under this subsection will not be exercised or assigned.
2 No railroad or railway may convey any rail property prior to abandonment if the rail
3 property is part of a rail line shown on the railroad's system map as in the process
4 of abandonment, expected to be abandoned, or under study for possible
5 abandonment unless the conveyance or disposal is for the purpose of providing
6 continued rail service under another company or agency. Any conveyance made
7 without obtaining such release is void. The first right of acquisition of the
8 department of transportation under this subsection does not apply to any rail
9 property declared by the department to be abandoned before January 1, 1977. The
10 department of transportation may acquire any abandoned rail property under this
11 section regardless of the date of its abandonment.

History: 2013 a. 20.

12 **SECTION 66.** 85.09 (4) of the statutes, as affected by 2013 Wisconsin Act 20, is
13 amended to read:

14 ✓ 85.09 (4) ACQUISITION AND CONVEYANCE. Upon its own initiative, the department
15 may determine at any time whether the rail property is abandoned, and whether it
16 is in the best interest of the state to acquire the rail property. Within 90 days after
17 being requested by any state agency, any railroad or any county or municipality in
18 which the rail property is located, the department shall, subject to sub. (5) (b), make
19 a determination of the abandonment status and, if found to be abandoned, shall
20 determine whether it is in the best interest of the public to acquire the rail property.
21 If it is determined to acquire the rail property or any part or interest therein, the
22 department shall, within 180 days of the determination of its abandoned status, or
23 the interstate commerce commission's final order permitting the abandonment, or
24 the termination of any efforts to negotiate an agreement for continual operation of

1 rail service on the line, whichever occurs last, determine the fair market value of the
2 rail property and acquire the rail property at a price deemed reasonable by the
3 department or make a relocation order under s. 32.05. In making its determination,
4 the department shall consider long-range potential for use of the rail property for
5 restoration of railroad service and for other transportation related purposes. The
6 department shall solicit the opinions of appropriate state agencies, affected counties
7 and municipalities and other interested persons. The department shall give due
8 consideration to an expressed desire by a state agency or an affected county or
9 municipality to acquire, in whole or in part, the rail property under consideration.
10 ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject to sub.~~
11 (6), all or part of any interest in abandoned rail property acquired by the department
12 under this section or under s. 66.941 (7), 1975 stats., may be subsequently conveyed
13 to another state agency or a county or municipality for transportational purposes,
14 recreational purposes, scenic purposes or for the purpose of constructing a
15 correctional institution, or to a railroad for continued railroad transportation
16 operations when the railroad has operated on the rail property for 5 years and the
17 department may make such conveyances for such purposes. Any determination of
18 the department under this section that rail property is not abandoned shall not
19 preclude the undertaking of a subsequent investigation and determination
20 concerning the same rail property or any portion thereof. If at any time subsequent
21 to the acquisition of rail property under this section the department determines that
22 the rail property is not suitable for transportational purposes, recreational purposes,
23 scenic purposes or for the purpose of constructing a correctional institution, or that
24 the rail property or any interest therein may be conveyed to any other person on
25 terms which are not inconsistent with the potential use of the rail property for

1 transportational purposes, recreational purposes, scenic purposes or for the purpose
2 of constructing a correctional institution or which yield a benefit, including financial
3 benefits, to the state which outweighs the benefit derived from the rail property if
4 used for transportational purposes, recreational purposes, scenic purposes or for the
5 purpose of constructing a correctional institution, the department may convey the
6 rail property or such interest therein, ~~subject to any prior action under s. 13.48 (14)~~
7 ~~(am) or 16.848 (1) and~~ subject to sub. (6). The department shall give notice of its
8 intention to make the conveyance, and state and local units of government shall have
9 the first 6 months in which to exercise their opportunity to acquire the rail property
10 or interest therein. The railroad from which the rail property was acquired shall
11 have the next 6 months in which to exercise its opportunity to reacquire the rail
12 property or interest therein.

History: 2013 a. 20.

13 [✓]**SECTION 67.** 85.09 (4i) of the statutes, as affected by 2013 Wisconsin Act [✓]20, is
14 amended to read:

15 [✓] 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department, ~~subject to any prior~~
16 ~~action under s. 13.48 (14) (am) or 16.848 (1),~~ shall sell at public or private sale rail
17 property acquired under sub. (4) when the department determines that the rail
18 property is not necessary for a public purpose and, if real property, the real property
19 is not the subject of a petition under s. 16.310 (2). Upon receipt of the full purchase
20 price, the department shall, by appropriate instrument, transfer the rail property to
21 the purchaser. The funds derived from sales under this subsection shall be deposited
22 in the transportation fund, and the expense incurred by the department in

1 connection with the sale shall be paid from the appropriation under s. 20.395 (2) (bq).

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

History: 2013 a. 20.

3 **SECTION 68.** 85.15 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
4 amended to read:

5 ✓ 85.15 (1) ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the~~
6 The department may improve, use, maintain or lease any property acquired for
7 highway, airport or any other transportation purpose until the property is actually
8 needed for any such purpose and may permit use of the property for purposes and
9 upon such terms and conditions as the department deems in the public interest.

History: 2013 a. 20.

10 **SECTION 69.** 108.161 (7) of the statutes, as affected by 2013 Wisconsin Act 20,
11 is amended to read:

12 ✓ 108.161 (7) If any moneys appropriated hereunder are used to buy and hold
13 suitable land, with a view to the future construction of an employment security
14 building thereon, and if such land is later sold or transferred to other use, the
15 proceeds of such sale (or the value of such land when transferred) shall be credited
16 to the account created by sub. (1) ~~except as otherwise provided in ss. 13.48 (14) and~~
17 ~~16.848.~~

History: 2013 a. 20.

18 **SECTION 70.** 108.161 (9) of the statutes, as affected by 2013 Wisconsin Act 20,
19 is amended to read:

20 ✓ 108.161 (9) Any land and building or office quarters acquired under this section
21 shall continue to be used for employment security purposes. Realty or quarters may
22 not be sold or transferred to other use ~~if prior action is taken under s. 13.48 (14) (am)~~
23 ~~or 16.848 (1) and may not be sold or transferred~~ without the governor's approval. The

1 proceeds from the sale, or the value of realty or quarters upon transfer, shall be
2 credited to the account established in sub. (1) or credited to the fund established in
3 s. 108.20, or both in accordance with federal requirements. Equivalent substitute
4 rent-free quarters may be provided, as federally approved. Amounts credited under
5 this subsection shall be used solely to finance employment security quarters
6 according to federal requirements.

History: 2013 a. 20.

7 **SECTION 71.** [✓] 114.33 (6) (a) of the statutes, as affected by 2013 Wisconsin Act [✓] 20,
8 is amended to read:

9 [✓] 114.33 (6) (a) For the purposes of carrying out this section and ss. 114.35 and
10 114.37, the secretary may acquire by gift, devise, purchase or condemnation any
11 lands for establishing, protecting, laying out, enlarging, extending, constructing,
12 reconstructing, improving and maintaining airports, or interests in lands in and
13 about airports. After completion of the improvements, ~~subject to any prior action~~
14 ~~under s. 13.48 (14) (am) or 16.848 (1)~~, the secretary may convey as provided in this
15 subsection lands that were acquired under this subsection, but were not necessary
16 for the airport improvements. The conveyances may be made with reservations
17 concerning the future use and occupation of those lands so as to protect the airports
18 and improvements and their environs and to preserve the view, appearance, light,
19 air and usefulness of the airports.

History: 2013 a. 20.

20 **SECTION 72.** [✓] 114.33 (10) of the statutes, as affected by 2013 Wisconsin Act [✓] 20,
21 is amended to read:

22 [✓] 114.33 (10) Subject to the approval of the governor under this subsection ~~and~~
23 ~~subject to any prior action under s. 13.48 (14) (am) or 16.848 (1)~~, the secretary may

1 sell at public or private sale property of whatever nature owned by the state and
2 under the jurisdiction of the secretary when the secretary determines that the
3 property is no longer necessary for the state's use for airport purposes and, if real
4 property, the real property is not the subject of a petition under s. 16.310. The
5 secretary shall present to the governor a full and complete report of the property to
6 be sold, the reason for the sale, and the minimum price for which the property should
7 be sold, together with an application for the governor's approval of the sale. The
8 governor shall investigate the proposed sale as he or she deems necessary and
9 approve or disapprove the application. Upon approval and receipt of the full
10 purchase price, the secretary shall by appropriate deed or other instrument transfer
11 the property to the purchaser. The funds derived from the sale shall be deposited in
12 the appropriate airport fund, and the expense incurred by the secretary in
13 connection with the sale shall be paid from that fund. This subsection does not apply
14 to any real property that is sold under s. 16.848.

History: 2013 a. 20.

15 SECTION 73. 301.235 (2) (a) 1. of the statutes, as affected by 2013 Wisconsin Act
16 20, is amended to read:
17 / 301.235 (2) (a) 1. Without limitation by reason of any other statute except ss.
18 13.48 (14) (am) and s. 16.848 (1), the power to sell and to convey title in fee simple
19 to a nonprofit corporation any land and any existing buildings thereon owned by, or
20 owned by the state and held for, the department or any of the institutions under the
21 jurisdiction of the department for such consideration and upon such terms and
22 conditions as in the judgment of the secretary are in the public interest.

History: 2013 a. 20.

1 **SECTION 74.** 301.24[✓] (4) of the statutes, as affected by 2013 Wisconsin Act 20,[✓]
2 is amended to read:

3 ✓ 301.24 (4) SALES. Except where a sale occurs under s. ~~13.48 (14) (am)~~ or 16.848
4 (1), the department, with the approval of the building commission, may sell and
5 convey such lands under the jurisdiction of the department as the secretary deems
6 to be in excess of the present or future requirements of the department for either the
7 operation of its facilities or programs, for the maintenance of buffer zones adjacent
8 to its facilities or for other public purposes. The proceeds of the sales shall be credited
9 to the state building trust fund.

History: 2013 a. 20.

10 **SECTION 75.** 301.24[✓] (4m) of the statutes, as affected by 2013 Wisconsin Act 20,[✓]
11 is amended to read:

12 ✓ 301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to
13 any other requirements under this section, except where a sale occurs under s. ~~13.48~~
14 (14) (am) or 16.848 (1), the department may sell or otherwise transfer or dispose of
15 the property acquired for the correctional institution under s. 46.05 (1o), 1985 stats.,
16 only if the sale, transfer or disposition is approved by the joint committee on finance.
17 The department shall submit a plan for any such proposed transfer or disposition to
18 the committee.

History: 2013 a. 20.

19 **SECTION 76.** 302.04[✓] of the statutes, as affected by 2013 Wisconsin Act 20,[✓] is
20 amended to read:

21 ✓ 302.04 Duties of warden and superintendents. Except as provided in ss.
22 ~~13.48 (14) (am)~~ and s. 16.848 (1), the warden or the superintendent of each state
23 prison shall have charge and custody of the prison and all lands, belongings,

1 furniture, implements, stock and provisions and every other species of property
2 within the same or pertaining thereto. The warden or superintendent shall enforce
3 the rules of the department for the administration of the prison and for the
4 government of its officers and the discipline of its inmates.

History: 2013 a. 20.

5 **SECTION 77. Initial applicability.**

6 (1) This act first applies with respect to transactions entered into on the
7 effective date of this subsection.[✓]

8 (END)

Parisi, Lori

From: McGuire, Thaddeus
Sent: Tuesday, August 06, 2013 1:13 PM
To: LRB.Legal
Subject: Draft Review: LRB -2624/1 Topic: Sale or lease of state property

Please Jacket LRB -2624/1 for the ASSEMBLY.

Parisi, Lori

From: Egerer, Matt
Sent: Friday, August 09, 2013 12:12 PM
To: LRB.Legal
Cc: Potter, Steve
Subject: LRB's 2624 2561 and 2562

Our office would like to waive confidentiality for these bill drafts to allow the Wright office to receive them.

2624

2561

2562

Matt Egerer
Office of Representative Peter Barca
Assembly Democratic Leader
608.266.5504

From: Potter, Steve
Sent: Friday, August 09, 2013 11:54 AM
To: Egerer, Matt
Subject: FW: LRB's 2624 2561 and 2562

Can you tell me who owns what so I can get them to share these with me, please?

Thanks.

From: Parisi, Lori
Sent: Thursday, August 08, 2013 4:32 PM
To: Potter, Steve
Subject: LRB's 2624 2561 and 2562

Hello Steve, I am so sorry, but since these drafts are un-introduced and did not originate from Rep. Wright's office, I will need permission from the original requestor to be able to share these with you. In writing via e-mail is preferable, if you know who the requestor is and can contact them, they can e-mail permission to lrb.legal@legis.wisconsin.gov (I am unable to share the original requestor as well due to confidentiality policies).

Sorry for any inconvenience.

Lori Parisi
Program Assistant
State of WI Legislative Reference Bureau
(608)266-3561