

No. 993, A.]

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### CHAPTER 671

AN ACT to create 15.995, 20.788, 182.60 and 236.45 (5) of the statutes relating to the creation of the Wisconsin federal surplus property development commission for the acquisition, development and disposal of surplus federal realty and making an appropriation.

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

SECTION 1. 15.995 of the statutes is created to read:

15.995 WISCONSIN FEDERAL SURPLUS PROPERTY DEVELOPMENT COMMISSION. (1) PURPOSE AND CREATION: In order that federally-owned land, improvements and appurtenances thereto which may be disposed of by the federal government may be acquired and integrated into the Wisconsin economy with the least amount of dislocation of economic, social and governmental institutions of the state, in order that the tax base may be enhanced, in order to assure effective zoning and land use development of such property and in order to provide a facility competent to prevent the piecemeal and unplanned disposition and discordant development of such property which would have a lasting detrimental effect on said institutions, there is created a Wisconsin federal surplus property development commission hereafter known as the commission. The commission shall be composed of 5 members to be appointed by the governor with the advice and consent of the senate for terms of 3 years. Vacancies shall be filled as provided in s. 17.20 (2). The terms of the members first appointed shall begin as soon after the effective date of this section (1959) as may be. The terms of the members subsequently appointed shall begin July 1; of those appointed effective July 1, 1960, one shall be appointed for one year; 2 for 2 years and 2 for 3 years.

(2) POWERS AND DUTIES. The commission shall have the following powers and duties:

(a) To ascertain the feasibility of acquiring surplus federal lands and improvements and appurtenances thereto within this state in order to assure that such property will be properly integrated into the economic, social and governmental institutions of the state.

(b) If, after study of any available federal surplus property, it is determined by a majority of the commissioners that the procurement

of such property is in the public interest, the individual members of the commission may, by and with the consent of the governor, incorporate under the federal surplus property development corporation laws and develop and dispose of any such available property.

(c) To study social, economic and governmental problems relating to such property; to confer with officials of affected local units of government with respect to such problems and to propose solutions with respect thereto.

(d) To employ such personnel as may be required to conduct necessary studies and surveys.

(e) To request of any state agency or any agency of a political subdivision such data as may be necessary to accomplish its purposes, and such agencies shall comply with said requests.

(f) To grant approval before any portion of property acquired by a corporation created by it may incorporate as a city or village or be annexed to any incorporated municipality and no such property shall be incorporated or annexed without such approval.

(3) RECORDS AND COMPENSATION. The commission shall keep a record of its proceedings. The members shall receive no compensation but shall be reimbursed for their actual and necessary expenditures. The commission shall report annually to the governor and biennially to the legislature.

SECTION 2. 20.788 of the statutes is created to read:

20.788 SURPLUS PROPERTY DEVELOPMENT COMMISSION.

(1) ADMINISTRATION. There is appropriated from the general fund to the Wisconsin federal surplus property development commission annually \$5,000 to carry out its functions under s. 15.995.

SECTION 3. 182.60 of the statutes is created to read:

182.60 SURPLUS FEDERAL PROPERTY DEVELOPMENT CORPORATIONS. (1) CREATION. Nonprofit federal surplus property development corporations hereafter known as development corporations may be created by the Wisconsin federal surplus property development commission when a majority of the commissioners determines that the acquisition of federal surplus property is feasible. Such corporations may be organized under ch. 181 and shall have the powers enumerated therein except as otherwise provided in this section. The members of such corporations shall constitute the board of directors thereof.

(2) ACQUIRE LAND. Development corporations may acquire by gift, devise, lease or purchase any land and improvements and appurtenances thereto (hereinafter called "property") made available by the federal government if it is determined by them to be necessary to assure that the economic, social and governmental institutions of the state will thereby be enhanced or benefited and protected from piecemeal, unplanned and inefficient development which would adversely affect the tax base or the efficient development of the property. The interest acquired by the corporation may be in fee simple or less than fee simple as may be deemed expedient or necessary by the corporation. Any property thereto determined to be unneeded by the corporation may be leased or sold by the corporation at public or private sale with or without restrictions, conditions or reservations concerning the future use and occupation of such property so as to protect the property and its environs and to preserve the values thereof.

(3) DEVELOPMENT OF PROPERTIES. Development corporations may develop surplus property acquired by platting such lands, installing utilities, laying out streets and roads and doing all other things which may enhance the development of such property.

(4) **ISSUANCE OF BONDS.** Development corporations may by resolution provide for the issuance of mortgage or revenue bonds or both in such amount as may be required to pay for all or part of the cost of acquiring and developing any surplus federal property. They likewise may provide for the issuance of refunding bonds, to retire any bonds then outstanding at the principal amount thereof plus any redemption premium and accrued interest thereon; and to pay for all or part of the cost of development of the property for which the bonds being refunded were issued. The bonds to be so issued may be offered and sold by the corporation in such manner as is determined by the corporation to be most suitable and economical. The bonds shall be signed by the chairman and vice chairman of the corporation or by their facsimile signatures, and the official seal of the corporation shall be affixed thereto and shall bear the facsimile signature of the chairman of the corporation. In case any officer, whose signature or facsimile of whose signature shall appear on any bonds or coupons, shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient, for all purposes the same as if he had remained in office until such delivery. All bonds issued under this section shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of this state. To the extent that the proceeds of any bonds sold exceed the cost of the development for which such bonds were issued, those funds shall be applied to the credit of the sinking fund reserve or other reserve for such issue. The corporation may take any action in connection with the mechanics of setting up and servicing the issuance of bonds which will provide adequate protection for the purchasers, and which may be required by the circumstances then in force. Bonds issued under this section shall be payable solely from the property and the funds pledged or mortgaged for their payment as herein authorized and shall not constitute a debt of the state or of any political subdivision of the state. All expenses incurred by a development corporation shall be paid solely from funds provided under the authority of this section.

(5) **PAYMENT OF BONDS.** All moneys accruing from the sale of federal surplus property acquired by a development corporation shall provide a fund to pay the interest and retire the bonds of such property when the same becomes due and to create a reserve for such purpose. Such moneys shall be deemed to be trust funds to be held and applied solely to these purposes. Such bonds may be retired by the corporation before the date of maturity. Upon dissolution of the corporation, all trust funds remaining in the name of the corporation shall revert to the state.

(6) **SALE OR LEASE OF PROPERTY.** The corporation may by majority vote determine to sell or lease all or part of any property acquired when the sale thereof will, in the opinion of the corporation and with the approval of the development commission, result in effective utilization of such property. Such sale or lease may be to a private person or to a governmental agency.

(7) **REPORTS.** The corporations shall annually on or before September 1 of each year submit a report for the prior fiscal year to the department of resource development.

(8) **TAX EXEMPTION.** All property held by a development corporation shall be exempt from all general property taxes, but shall be liable for all special assessments.

(9) **DISSOLUTION.** A corporation created hereunder may be dissolved by the officers when they find:

(a) That the corporation has paid all of its bonded indebtedness and other obligations;

(b) That the purposes for which the corporation was created have been solved or are impossible of accomplishment; and

(c) That all funds and property of the corporation remaining as payment of all indebtedness and obligations have been surrendered to those appropriate agencies of the state.

(10) SPECIAL DISTRICT. If a majority of the directors of the surplus property corporation find that the creation of a special economic improvement district is in the public interest, they may petition the governor to create such a district. The boundaries of the district shall be coextensive with the boundaries of the surplus property.

(a) If the governor finds that the creation of such district is necessary for the accomplishment of the purposes of s. 15.995, he shall create such a district and give it a corporate name by which in all proceedings it shall thereafter be known, and thereupon the district shall be a body corporate and a local unit of government with powers herein specified.

(b) Within 20 days after the governor creates an economic improvement district, an appeal may be taken directly to the supreme court by any interested person feeling himself aggrieved.

(c) If no appeal is taken within 20 days of the creation of the district, the governor shall transmit to the secretary of state, and the register of deeds in each of the counties having lands within the district, copies of the findings and decisions of the governor incorporating said district. The same shall be filed in the above-mentioned offices in the manner prescribed by law concerning corporations, upon the payment of the requisite fee.

(d) Every such district may borrow money and issue its obligations therefor and the board of supervisors created in par. (f) may levy special assessments on such surplus property to pay such debts and for other purposes. The districts may sue and be sued and shall in addition have all powers specified for surplus federal property development corporations under this section.

(e) Any such district, when in temporary need, is authorized to borrow money pursuant to the provisions and limitations applicable to cities, or s. 67.12 and to levy special assessments upon such surplus property to pay such debts.

(f) The district shall be governed by a board of supervisors which shall establish its own bylaws. The board of supervisors shall consist of the members of the commission appointed under s. 15.995 and 5 persons named by the county board or boards for the county or counties in which the property is located. The term of office of supervisors appointed by such county board or boards shall be 3 years.

SECTION 4. 236.45 (5) of the statutes is created to read:

236.45 (5) REGULATION OF FEDERAL SURPLUS LAND. With respect to any surplus lands in excess of 500 acres in area, sold in this state by the federal government for private development, the department of resource development may, in accordance with the procedure specified in ch. 227, regulate the subdivision or other division of such federal surplus land in any of the ways and with the same powers authorized hereunder for municipalities, towns or counties. Before promulgating such rules, the department shall first receive the recommendations of the planning division and of any committee appointed for that purpose by the governor.

Approved February 16, 1960.