

No. 413, S.]

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CHAPTER 45

AN ACT to amend 14.86 (2), 14.89 (1) (intro. par.) and (g) and 20.240 (41); and to create 14.86 (3), 14.89 (5) and (6) and 20.240 (42) of the statutes, relating to the powers of the state building commission to construct, operate, maintain and pay rentals on state office buildings and making an appropriation.

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

SECTION 1. 14.86 (2) of the statutes is amended to read:

14.86 (2) (a) For the purpose of providing housing for * * * *state departments and agencies*, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate * * * *acquisition* thereof by the state, the state building commission is authorized and empowered to acquire any necessary lands, and to lease and re-lease any lands owned by the state and available for the purpose to the Wisconsin state public building corporation for a *term or terms* not exceeding 50 years each, on condition that such corporation shall construct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items,

as the commission may require, and shall re-lease the same to the commission upon satisfactory terms as to the rental, maintenance and ultimate * * * acquisition by the state as may be in its best interests in the judgment of the commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the commission through the department of administration, which shall have charge of such property as provided in s. 16.85. * * * *The commission shall operate the projects in such manner as to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to make the payments due the Wisconsin state public building corporation; provided that, if the commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project, the commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to make the rental payments due the Wisconsin state public building corporation and may pay the difference between the aggregate of the costs of operation and maintenance of the project and the rental payments due the Wisconsin state public building corporation and the rentals paid by the departments and agencies occupying or availing themselves of the space in or capacity of the project from the state building trust fund; and, provided that this provision shall not preclude the use of any such revenues for construction purposes as hereinafter provided.* Revenues derived by the commission from such operation shall be placed in the general fund and are appropriated to the state building commission to be used to pay the cost of construction, operation and maintenance and to meet payments due the Wisconsin state public building corporation on account of such * * * projects.

(b) The commission shall annually determine and fix the rate of annual rental and the share which shall be paid by each state *department and agency occupying the building project.* Such share shall be computed on a basis of square feet of floor space occupied or used by each *department and agency, giving proper weight to the quality of space occupied.* The commission in its discretion may continue to charge each such *department and agency* such rental after the project has been completed and * * * *acquired by the state.* Such rentals shall be placed in the general fund and are appropriated to the commission to be used for operation and maintenance and any unused balances shall be credited to the state building trust fund created by s. 13.351 (3). Plans for * * * *projects* and all contracts and leases and re-leases made pursuant to this section shall, before becoming effective, have the written approval of the commissioner of administration and the governor. Nothing herein contained shall authorize the commission to incur any state debt for the construction, *lease or re-lease* of such buildings, improvements, facilities or equipment for * * * *the housing of state departments and agencies.*

SECTION 2. 14.86 (3) of the statutes is created to read:

14.86 (3) In exercising the powers, functions and duties conferred upon the commission pursuant to this section, the commission shall have and may exercise all of the powers conferred upon it pursuant to s. 14.89 not inconsistent with this section. The state shall be liable for accrued rentals and for any other default under any lease or re-lease made with the Wisconsin state public building corporation under this section and may be sued therefor on contract as in other contract actions pursuant to ch. 285, except that it shall not be necessary for the Wisconsin state public building corporation or any assignee of such corporation or any person or other legal entity proceeding on behalf of such corporation to file any claim with the legislature prior to the commencement of any such action.

SECTION 3. 14.89 (1) (intro. par.) and (g) of the statutes are amended to read:

14.89 (1) (intro. par.) For the purpose of providing housing for * * * *state departments and agencies*, including housing for state offices anywhere in the state and the completion of the state office building, *and all buildings, improvements, facilities or equipment or other capital items required in connection therewith*, and to refinance indebtedness previously or hereafter created by a nonprofit sharing corporation for the purpose of providing a state office building or buildings or additions or improvements thereto which are located on land owned by the state or by the nonprofit sharing corporation, or for any one or more of said purposes, the state building commission shall have the following powers and duties:

(g) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount * * * *which together with other moneys of the commission available for such purpose will produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.*

SECTION 4. 14.89 (5) and (6) of the statutes are created to read:

14.89 (5) Unless the context requires otherwise, the terms "building", "new buildings" and "existing buildings", as used in this section, include all buildings, structures, improvements, facilities, equipment or other capital items as the commission determines to be necessary or desirable for the purpose of providing housing for state departments and agencies.

(6) In the event the state building commission finds and declares that the housing available in any building leased or subleased from a nonprofit sharing corporation under sub. (1) (c) is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such building, the commission need not operate such building in a manner to provide revenue therefrom sufficient to pay the costs of operation and maintenance of such building and to make the rental payments due the nonprofit sharing corporation and may pay the difference between the aggregate of the costs of operation and maintenance of such building and the rental payments due the nonprofit sharing corporation and the rentals paid by the departments and agencies occupying or availing themselves of the space in or capacity of such building from the state building trust fund.

SECTION 5. 20.240 (41) of the statutes is amended to read:

20.240 (41) REVENUES FROM BUILDING PROJECTS. There is appropriated from the general fund annually as a revolving appropriation to the state building commission, the total amount of revenues derived *by the commission under ss. 14.86 and 14.89* from * * * building project rentals and charges, including moneys received from conveyances and leases consummated under * * * *ss. 14.86 and 14.89*, to pay the costs of operation and maintenance of such projects * * * and rentals due the Wisconsin state public building corporation or other nonprofit sharing corporation on any * * * *such building project.*

SECTION 6. 20.240 (42) of the statutes is created to read:

20.240 (42) BUILDING COMMISSION; RENTAL SUPPLEMENT. There is appropriated annually from the state building trust fund to the state building commission a sum sufficient, together with the sums appropriated to the state building commission pursuant to sub. (41), to pay the costs of operation and maintenance of building projects leased or re-leased by

the commission under ss. 14.86 and 14.89 and to pay the rentals due the Wisconsin state public building corporation or other nonprofit sharing corporation on such building projects.

SECTION 7. This bill is declared to be an emergency appropriation bill in accordance with the requirements of section 16.47 (2) of the statutes.

Approved May 2, 1961.
