



2013 ASSEMBLY BILL 317

August 23, 2013 – Introduced by Representatives WRIGHT, SMITH, HINTZ, WACHS, JORGENSEN, BERCEAU, RICHARDS, GOYKE, KOLSTE, JOHNSON, BERNARD SCHABER, SHANKLAND, SINICKI, ZEPNICK, GENRICH, HESSELBEIN, DOYLE, C. TAYLOR, YOUNG, OHNSTAD, HEBL, RINGHAND, VRUWINK, MILROY, BILLINGS and BARCA, cosponsored by Senator T. CULLEN. Referred to Joint Committee on Finance.

1 **AN ACT** *to repeal* 13.48 (14) (am) 2. to 4., 13.48 (14) (bg) and (br), 13.48 (14) (c)
2 1. to 4., 13.48 (14) (cm), 16.705 (1b) (c), 16.848 (1) (b) and (c), 16.848 (1e), 16.848
3 (1m), 16.848 (1s), 16.848 (2) (am), 16.848 (2) (gx) and 16.848 (4) (c); **to**
4 **renumber and amend** 13.48 (14) (am) 1., 13.48 (14) (c) (intro.), 13.48 (14) (d)
5 and 16.848 (1) (a); **to amend** 13.48 (2) (b) 3., 13.48 (14) (title), 13.48 (14) (a),
6 13.48 (14) (b), 13.48 (20), 13.48 (22), 13.48 (23), 13.482 (2) (a), 13.488 (1) (a),
7 13.488 (1) (b), 16.310 (5), 16.84 (1), 16.848 (title), 16.848 (4) (a), 16.848 (4) (b)
8 3., 16.848 (4) (b) 5., 20.373 (1) (g), 25.60, 36.09 (1) (L), 36.11 (1) (b), 36.11 (1) (e),
9 36.11 (28), 36.33 (title) and (1), 36.33 (2) (title) and (a) (intro.), 36.33 (3), 41.23,
10 41.41 (7) (b), 44.015 (1), 45.03 (5) (c) 1. a., 46.03 (30) (a), 46.035 (2) (a), 46.06 (4),
11 51.06 (6), 84.01 (30) (g) 3., 84.09 (1), 84.09 (5) (a), 84.09 (5) (c) 1., 84.09 (5) (c)
12 2. (intro.), 84.09 (5) (c) 2m. (intro.), 84.09 (5m), 84.09 (6), 84.40 (2) (a), 85.09 (2)
13 (a), 85.09 (4), 85.09 (4i), 85.15 (1), 108.161 (7), 108.161 (9), 114.33 (6) (a), 114.33
14 (10), 301.235 (2) (a) 1., 301.24 (4), 301.24 (4m) and 302.04; **to repeal and**

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1 **recreate** 16.848 (4) (b) 1.; and **to create** 13.48 (14) (d) 1., 3., and 4., 16.848 (2)
2 (a), 16.848 (2) (b), 16.848 (2) (gw), 16.848 (4) (b) 2. and 84.09 (9) of the statutes;
3 **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

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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 to any entity the right of first refusal with respect to the proposed sale of any property and does not permit DOA to decrease the full-time equivalent positions or to lapse or transfer moneys from the appropriations of any agency. The net proceeds of any sale are used to retire any outstanding public debt that was incurred to acquire, construct, or improve the property being sold and if the property was acquired, constructed, or improved with federal financial assistance, to repay the federal government to the extent 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. DOA must use any remaining net proceeds to retire other outstanding public debt.

The bill also permits the Building Commission, with certain exceptions, to sell state-owned real property where this authority is not given to another state agency by law and to transfer land under its jurisdiction among agencies. Sales may be accomplished in a manner similar to the manner in which sales are accomplished by DOA, except that sales of surplus land having a value of \$20,000 are subject to the

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approval of JCF. Under the bill, the commission does not have the authority to sell a parcel of state-owned real property once DOA notifies the commission that an offer of sale or sale with respect to the parcel is pending. The net proceeds of any sales by the commission are used to retire any public debt that was used to acquire or construct any improvements on the property being sold. The remaining net proceeds must be deposited in the budget stabilization fund.

The bill does not require state agencies to file biennial reports with respect to all real property under their jurisdictions but instead directs state agencies to report biennially to the commission concerning parcels of surplus land under their jurisdictions and directs the commission to compile biennially and transmit to JCF an inventory of state-owned surplus land.

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

1 **SECTION 1.** 13.48 (2) (b) 3. of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 13.48 **(2)** (b) 3. ~~Except as provided in sub. (14) (am),~~ the The building
4 commission may lease space in buildings described under subd. 2. to other
5 governmental bodies or to nonprofit associations organized for public purposes and
6 shall charge those bodies or associations an annual rental which shall be not less
7 than the cost of operating, maintaining and amortizing the construction cost of the
8 leased space.

9 **SECTION 2.** 13.48 (14) (title) of the statutes, as affected by 2013 Wisconsin Act
10 20, is amended to read:

11 13.48 **(14)** (title) SALE OR LEASE OF PROPERTY LANDS.

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

14 13.48 **(14)** (a) In this subsection, “agency” has the meaning given in s. ~~16.52 (7)~~
15 for “state agency” in s. 20.001 (1), except that the term does not include the Board of
16 Regents of the University of Wisconsin System.

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1 **SECTION 4.** 13.48 (14) (am) 1. of the statutes, as affected by 2013 Wisconsin Act
2 20, is renumbered 13.48 (14) (am) and amended to read:

3 13.48 **(14)** (am) Except as provided in this paragraph and subject to par. (d),
4 the building commission shall have the authority to sell or lease all or any part of a
5 state-owned real property ~~unless the sale or lease is prohibited under the state or~~
6 ~~federal constitution or federal law or the sale is conducted as a part of a procedure~~
7 ~~to enforce an obligation to this state~~ building or structure or state-owned land,
8 including farmland, where such authority is not otherwise provided to an agency by
9 law, and may transfer real property land under its jurisdiction among agencies. ~~The~~
10 ~~commission may sell or lease property under this paragraph with or without the~~
11 ~~approval of the agency having jurisdiction over the property and regardless of~~
12 ~~whether the property is included in an inventory submitted under par. (d).~~ The
13 building commission does not have the authority to sell or lease any state-owned real
14 property under this paragraph after the department of administration notifies the
15 commission in writing that an offer of sale or sale or lease agreement with respect
16 to a property is pending under s. 16.848 (1). If the sale or lease is not completed and
17 no further action is pending with respect to the property, the authority of the building
18 commission under this paragraph is restored.

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

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

23 13.48 **(14)** (b) ~~The~~ Subject to par. (d), the building commission shall sell or lease
24 on the basis of either public bids, with the building commission reserving the right
25 to reject any or all bids in the best interest of the state, or ~~on the basis of negotiated~~

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1 prices as determined through a competitive or transparent process. Buildings,
2 structures and land mentioned in this subsection shall be subject to general property
3 taxes levied by those taxing bodies within whose area they lie if used for commercial
4 purposes, and shall be subject to special assessments for public improvements in the
5 same manner and to the same extent as privately owned real property buildings,
6 structures, and land, subject to approval of the building commission when required
7 under s. 66.0703 (6).

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

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

12 13.48 (14) (c) ~~Except as provided in par. (e), if~~ If there is any outstanding public
13 debt used to finance the acquisition, of a building, structure, or land or the
14 ~~construction, or improvement of any property~~ a building or structure that is sold or
15 leased under par. (am) ~~(b)~~, the building commission shall deposit a sufficient amount
16 of the net proceeds from the sale or lease of the ~~property~~ building, structure, or land
17 in the bond security and redemption fund under s. 18.09 to repay the principal and
18 pay the interest on the debt, and any premium due upon refunding any of that debt.
19 ~~If there is any outstanding public debt used to finance the acquisition, construction,~~
20 ~~or improvement of any property that is sold or leased under par. (am), the building~~
21 ~~commission shall then provide a sufficient amount of the net proceeds from the sale~~
22 ~~or lease of the property for the costs of maintaining federal tax law compliance~~
23 ~~applicable to the debt. If the property was acquired, constructed, or improved with~~
24 ~~federal financial assistance, the commission shall pay to the federal government any~~
25 ~~of the proceeds required by federal law. If the property was acquired by gift or grant~~

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1 or with gift or grant funds, the commission shall adhere to any restriction governing
2 use of the proceeds. Except as required under par. (e) and ss. 20.395 (9) (qd) and 51.06
3 (6), if Except as provided in s. 51.06 (6), if there is no such debt outstanding, there
4 are no moneys payable to the federal government, and there is no restriction
5 governing use of the proceeds, and or if the net proceeds exceed the amount required
6 to be deposited, paid, or used for another purpose under this subsection repay that
7 principal and pay that interest and premium, the building commission shall use
8 deposit the net proceeds or remaining net proceeds to pay principal and interest costs
9 on outstanding public debt issued to finance the acquisition, construction, or
10 improvement of property. If any net proceeds remain thereafter, the commission
11 shall use the proceeds to pay principal and interest costs on other outstanding public
12 debt. For the purpose of paying principal and interest costs on other outstanding
13 public debt under this paragraph, the commission may cause outstanding bonds to
14 be called for redemption on or following their optional redemption date, establish one
15 or more escrow accounts to redeem bonds at their optional redemption date, or
16 purchase bonds in the open market. To the extent practical, the commission shall
17 consider all of the following in determining which public debt to redeem: in the
18 budget stabilization fund.

19 **SECTION 9.** 13.48 (14) (c) 1. to 4. of the statutes, as created by 2013 Wisconsin
20 Act 20, are repealed.

21 **SECTION 10.** 13.48 (14) (cm) of the statutes, as created by 2013 Wisconsin Act
22 20, is repealed.

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

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1 13.48 (14) (d) 2. Biennially, beginning on January 1, 2014, ~~each agency other~~
2 ~~than the investment board shall submit to the department of administration an~~
3 ~~inventory of all real property under its jurisdiction. Except with respect to the Board~~
4 ~~of Regents of the University of Wisconsin System, the inventory shall include the~~
5 ~~estimated fair market value of each property. The agency shall specifically identify~~
6 ~~any underutilized assets in the inventory. No later than July 1 following receipt of~~
7 ~~the inventories, the department of administration shall obtain appraisals of all~~
8 ~~properties in the inventories that are identified by the department for potential sale~~
9 ~~and 1984, each agency having surplus land shall submit to the building commission~~
10 ~~and the joint committee on finance an inventory containing the location, description~~
11 ~~and fair market value of each parcel of property identified for potential sale surplus~~
12 ~~land.~~

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

14 13.48 (14) (d) 1. In this paragraph, “surplus land” means land under the
15 jurisdiction of the commission and allocated for use by an agency, but unused and not
16 needed for the agency’s operations or included in the agency’s plan for construction
17 or development.

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

21 a. The location, description and fair market value.

22 b. Whether the commission intends to sell or transfer the use of the parcel from
23 one agency to another agency.

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

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1 4. If the commission proposes to sell or transfer a parcel of surplus land having
2 a fair market value of at least \$20,000, the commission shall notify the joint
3 committee on finance in writing of its proposed action. If the cochairpersons of the
4 committee do not notify the commission that the committee has scheduled a meeting
5 for the purpose of reviewing the proposed sale or transfer within 14 working days
6 after the date of the commission's notification, the parcel may be sold or transferred
7 by the commission. If, within 14 working days after the date of the commission's
8 notification, the cochairpersons of the committee notify the commission that the
9 committee has scheduled a meeting for the purpose of reviewing the proposed sale
10 or transfer, the parcel may be sold or transferred under this subdivision only upon
11 approval of the committee. This subdivision does not apply to surplus land that is
12 authorized to be sold under s. 16.848.

13 **SECTION 13.** 13.48 (20) of the statutes, as affected by 2013 Wisconsin Act 20,
14 is amended to read:

15 13.48 **(20)** RESIDENCE HALLS. ~~Except as provided in sub. (14) (am), the~~ The
16 building commission may approve the sale or lease of state-owned residence halls
17 by the board of regents of the University of Wisconsin System to another state agency
18 or a nonstate nonprofit agency for purposes provided in s. 36.11 (1) (e).

19 **SECTION 14.** 13.48 (22) of the statutes, as affected by 2013 Wisconsin Act 20,
20 is amended to read:

21 13.48 **(22)** SALE OR LEASE OF CAPITOL AREA LANDS. The building commission may
22 lease or resell lands acquired in the capitol planning area for public or private
23 redevelopment and may set such conditions of sale or lease as it deems necessary to
24 ensure development compatible with the needs of the community and the state. This
25 subsection does not apply to lands that are authorized to be sold ~~or leased~~ under s.

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1 16.848 while an offer of sale, sale, or lease agreement is pending or while the lands
2 are leased.

3 **SECTION 15.** 13.48 (23) of the statutes, as affected by 2013 Wisconsin Act 20,
4 is amended to read:

5 13.48 **(23)** LEASE OF SPACE FOR COMMERCIAL USE. ~~Except as provided in sub. (14)~~
6 ~~(am),~~ the The building commission may lease space in state office buildings for
7 commercial use, including without limitation because of enumeration, retail, service
8 and office uses. In doing so the building commission shall consider the cost and fair
9 market value of the space as well as the desirability of the proposed use. Such leases
10 may be negotiated or awarded by competitive bid procedures. All such leases of space
11 in state office buildings shall provide for payments in lieu of property taxes.

12 **SECTION 16.** 13.482 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
13 is amended to read:

14 13.482 **(2)** (a) For the purpose of providing housing for state departments and
15 agencies, including housing for state offices and the completion of the state office
16 building, and to enable the construction, financing and ultimate acquisition thereof
17 by the state, the building commission may acquire any necessary lands, and, ~~subject~~
18 ~~to s. 13.48 (14) (am),~~ lease and re-lease any lands owned by the state and available
19 for the purpose to the Wisconsin State Public Building Corporation or other nonstock
20 corporation organized under ch. 181 that is a nonprofit corporation, as defined in s.
21 181.0103 (17). The lease and re-lease shall be for a term or terms not exceeding 50
22 years each and shall be made on the condition that such corporation shall construct
23 and provide on such leased lands such building projects, including buildings,
24 improvements, facilities or equipment or other capital items, as the building
25 commission requires, and shall re-lease the same to the building commission upon

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1 satisfactory terms as to the rental, maintenance and ultimate acquisition by the
2 state as is in its best interests in the judgment of the building commission. After such
3 leases and re-leases are executed and until the projects are acquired by the state,
4 they shall be operated by the building commission through the department of
5 administration, which shall have charge of such property as provided in ss. 16.85 and
6 16.8511. The building commission shall operate the projects in such manner as to
7 provide revenues therefrom sufficient to pay the costs of operation and maintenance
8 of the project and to provide for the payments due the Wisconsin State Public
9 Building Corporation or other nonstock, nonprofit corporation but if the building
10 commission finds and declares that the housing available in any such project is in
11 excess of the current housing needs or requirements of the state departments and
12 agencies occupying or availing themselves of the space in or capacity of such project,
13 the building commission need not operate such project in a manner to provide
14 revenues therefrom sufficient to pay the costs of operation and maintenance of the
15 project and to provide for the rental payments due the Wisconsin State Public
16 Building Corporation or other nonstock, nonprofit corporation.

17 **SECTION 17.** 13.488 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
18 is amended to read:

19 13.488 (1) (a) Without limitation by reason of any other statutes ~~except s. 13.48~~
20 ~~(14) (am)~~, the power to sell and to convey title in fee simple to a nonprofit-sharing
21 corporation any land and any existing buildings thereon owned by the state for such
22 consideration and upon such terms and conditions as in the judgment of the building
23 commission are in the public interest.

24 **SECTION 18.** 13.488 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 20,
25 is amended to read:

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1 13.488 (1) (b) ~~Except as provided in s. 13.48 (14) (am), the~~ The power to lease
2 to a nonprofit-sharing corporation for terms not exceeding 50 years each any land
3 and existing buildings thereon owned by the state upon such terms, conditions and
4 rentals as in the judgment of the building commission are in the public interest.

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

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

10 **SECTION 20.** 16.705 (1b) (c) of the statutes, as created by 2013 Wisconsin Act
11 20, is repealed.

12 **SECTION 21.** 16.84 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
13 amended to read:

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

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

3 **16.848** (title) **Sale or lease of certain state property or facilities.**

4 **SECTION 23.** 16.848 (1) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
5 is renumbered 16.848 (1) and amended to read:

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

23 **SECTION 24.** 16.848 (1) (b) and (c) of the statutes, as created by 2013 Wisconsin
24 Act 20, are repealed.

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

3 **SECTION 26.** 16.848 (1m) of the statutes, as created by 2013 Wisconsin Act 20,
4 is repealed.

5 **SECTION 27.** 16.848 (1s) of the statutes, as created by 2013 Wisconsin Act 20,
6 is repealed.

7 **SECTION 28.** 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 **SECTION 29.** 16.848 (2) (am) of the statutes, as created by 2013 Wisconsin Act
11 20, is repealed.

12 **SECTION 30.** 16.848 (2) (b) of the statutes is created to read:

13 16.848 (2) (b) Subsection (1) does not apply to property under the jurisdiction
14 of the Board of Regents of the University of Wisconsin System.

15 **SECTION 31.** 16.848 (2) (gw) of the statutes is created to read:

16 16.848 (2) (gw) Subsection (1) does not apply to the sale of property by the
17 department of health services under s. 51.06 (6).

18 **SECTION 32.** 16.848 (2) (gx) of the statutes, as created by 2013 Wisconsin Act
19 20, is repealed.

20 **SECTION 33.** 16.848 (4) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
21 is amended to read:

22 16.848 (4) (a) Except as provided in s. 13.48 (14) (e), if there is any outstanding
23 public debt used to finance the acquisition, construction, or improvement of any
24 property that is sold ~~or~~ leased under sub. (1), the department shall deposit a
25 sufficient amount of the net proceeds from the sale ~~or~~ lease of the property in the bond

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

21 **SECTION 34.** 16.848 (4) (b) 1. of the statutes, as affected by 2013 Wisconsin Act
22 20, is repealed and recreated to read:

23 16.848 (4) (b) 1. According preference to the redemption of general obligation
24 debt within the same statutory bond purpose that was used to acquire, build, or
25 improve the property being sold.

ASSEMBLY BILL 317**SECTION 35**

1 **SECTION 35.** 16.848 (4) (b) 2. of the statutes is created to read:

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

5 **SECTION 36.** 16.848 (4) (b) 3. of the statutes, as affected by 2013 Wisconsin Act
6 20, is amended to read:

7 16.848 (4) (b) 3. The extent to which general obligation debt that was issued
8 to acquire, build, or improve the property being sold ~~or leased~~ is subject to current
9 optional redemption, would require establishment of an escrow, or could be assigned
10 for accounting purposes to another statutory bond purpose.

11 **SECTION 37.** 16.848 (4) (b) 5. of the statutes, as affected by 2013 Wisconsin Act
12 20, is amended to read:

13 16.848 (4) (b) 5. The costs of ~~maintaining~~ federal tax law compliance in the
14 selection of general obligation debt to be redeemed.

15 **SECTION 38.** 16.848 (4) (c) of the statutes, as created by 2013 Wisconsin Act 20,
16 is repealed.

17 **SECTION 39.** 20.373 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20,
18 is amended to read:

19 20.373 (1) (g) *Administration, operation, repair, and rehabilitation.* From the
20 general fund, all moneys received from the sale of surplus land under 2005 Wisconsin
21 Act 25, section 9105 (14q) ~~except as provided in s. 13.48 (14) (am) or 16.848 (1),~~ to be
22 used for administration of the authority and the operation, repair, and rehabilitation
23 of the Fox River lock system.

24 **SECTION 40.** 25.60 of the statutes, as affected by 2013 Wisconsin Act 20, is
25 amended to read:

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

7 **SECTION 41.** 36.09 (1) (L) of the statutes, as affected by 2013 Wisconsin Act 20,
8 is amended to read:

9 36.09 (1) (L) The board shall possess all powers necessary or convenient for the
10 operation of the system except as limited in this chapter and ~~ss. 13.48 (14) (am) and~~
11 ~~16.848 (1)~~.

12 **SECTION 42.** 36.11 (1) (b) of the statutes, as affected by 2013 Wisconsin Act 20,
13 is amended to read:

14 36.11 (1) (b) Except as provided in this paragraph and ~~ss. 13.48 (14) (am) and~~
15 ~~16.848 (1)~~, the board may purchase, have custody of, hold, control, possess, lease,
16 grant easements and enjoy any lands, buildings, books, records and all other
17 property of any nature which may be necessary and required for the purposes, objects
18 and uses of the system authorized by law. Any lease by the board is subject to the
19 powers of the University of Wisconsin Hospitals and Clinics Authority under s.
20 233.03 (13) and the rights of the authority under any lease agreement, as defined in
21 s. 233.01 (6). The board shall not permit a facility that would be privately owned or
22 operated to be constructed on state-owned land without obtaining prior approval of
23 the building commission under s. 13.48 (12). ~~Subject to prior action under s. 13.48~~
24 ~~(14) (am) or 16.848 (1)~~, the The board may sell or dispose of such property as provided
25 by law, or any part thereof when in its judgment it is for the best interests of the

ASSEMBLY BILL 317**SECTION 42**

1 system and the state. All purchases and sales of real property shall be subject to the
2 approval of the building commission. The provision of all leases of real property to
3 be occupied by the board shall be the responsibility of the department of
4 administration under s. 16.84 (5).

5 **SECTION 43.** 36.11 (1) (e) of the statutes, as affected by 2013 Wisconsin Act 20,
6 is amended to read:

7 36.11 (1) (e) ~~Subject to prior action under s. 13.48 (14) (am) or 16.848 (1), the~~
8 The board, with the approval of the building commission, may sell or lease
9 state-owned residence halls to another state agency or nonstate nonprofit agency for
10 purposes of alternate use.

11 **SECTION 44.** 36.11 (28) of the statutes, as affected by 2013 Wisconsin Act 20,
12 is amended to read:

13 36.11 (28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND
14 CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), ~~and subject~~
15 ~~to any prior lease entered into under s. 13.48 (14) (am) or 16.848 (1),~~ the board shall
16 negotiate and enter into a lease agreement with the University of Wisconsin
17 Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and
18 shall comply with s. 233.04 (7g).

19 **SECTION 45.** 36.33 (title) and (1) of the statutes, as affected by 2013 Wisconsin
20 Act 20, are amended to read:

21 **36.33 (title) Sale ~~or lease and relocation of agricultural lands.~~ (1)**
22 LEGISLATIVE INTENT. The legislature finds and determines that, because of the
23 problems resulting from the development of the city of Madison around certain
24 agricultural lands of the University of Wisconsin-Madison, the desirability of
25 consolidating lands used for agricultural instruction, research and extension

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1 purposes, the desirability of disposing of agricultural lands no longer needed by the
2 university and the need for land of better quality and of greater quantity for the
3 purpose of improving and expanding agricultural research, it is in the public interest
4 for the board to sell or lease, in whole or in part, ~~and subject to any prior action under~~
5 ~~s. 13.48 (14) (am) or 16.848 (1)~~, the agricultural lands and improvements thereon
6 owned by the board and located in sections 19, 20 and 30, township 7 north, range
7 9 east, Dane County; sections 25 and 27, township 7 north, range 8 east, Dane
8 County; sections 34 and 35, township 38 north, range 11 east, Oneida County; and
9 section 22, township 22 north, range 8 east, Portage County; and to purchase other
10 agricultural lands outside of the Madison urban area and to construct thereon the
11 necessary buildings and improvements. The foregoing policy determination is made
12 without reference to or intention of limiting the powers which the board may
13 otherwise have.

14 **SECTION 46.** 36.33 (2) (title) and (a) (intro.) of the statutes, as affected by 2013
15 Wisconsin Act 20, are amended to read:

16 36.33 (2) (title) METHOD OF SALE ~~OR LEASE~~; ASSESSMENTS. (a) (intro.) ~~Subject to~~
17 ~~any prior action under s. 13.48 (14) (am) or 16.848 (1), the~~ The board, in selling or
18 leasing any part of the agricultural lands and improvements thereon, mentioned in
19 sub. (1), shall sell or lease on the basis of either of the following:

20 **SECTION 47.** 36.33 (3) of the statutes, as affected by 2013 Wisconsin Act 20, is
21 amended to read:

22 36.33 (3) BUILDING COMMISSION APPROVAL. The sale, lease and purchase of
23 agricultural lands mentioned in sub. (1) ~~is subject to prior action under s. 13.48 (14)~~
24 ~~(am) or 16.848 (1) and~~ shall be subject to the approval of the building commission.

ASSEMBLY BILL 317**SECTION 48**

1 **SECTION 48.** 41.23 of the statutes, as affected by 2013 Wisconsin Act 20, is
2 amended to read:

3 **41.23 Sale of excess or surplus property.** The department may acquire
4 excess or surplus property from the department of administration under ss. 16.72 (4)
5 (b) and 16.98 (1) or from the department of transportation under s. 84.09 (5s) and,
6 ~~subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the department may~~
7 sell the property ~~acquired under this section~~ to any person at a price determined by
8 the department of tourism. All proceeds received by the department of tourism from
9 the sale of property under this section shall be credited to the appropriation account
10 under s. 20.380 (1) (h).

11 **SECTION 49.** 41.41 (7) (b) of the statutes, as affected by 2013 Wisconsin Act 20,
12 is amended to read:

13 41.41 (7) (b) ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),~~
14 lease Lease land that is part of the Kickapoo valley reserve to any person for purposes
15 consistent with the management of the reserve under sub. (3), or for agricultural
16 purposes, and lease other land that is acquired by the board for any lawful purpose.

17 **SECTION 50.** 44.015 (1) of the statutes, as affected by 2013 Wisconsin Act 20,
18 is amended to read:

19 44.015 (1) Acquire any interest in real or personal property by gift, bequest or
20 otherwise in any amount and, ~~subject to prior action under s. 13.48 (14) (am) or~~
21 ~~16.848 (1), may operate, manage, sell, or rent, or convey~~ real estate acquired by gift,
22 bequest, foreclosure or other means, upon such terms and conditions as the board of
23 curators deems for its interests but may not sell, mortgage, transfer or dispose of in
24 any manner or remove from its buildings, except for temporary purposes, any article
25 therein without authority of law.

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1 **SECTION 51.** 45.03 (5) (c) 1. a. of the statutes, as affected by 2013 Wisconsin Act
2 20, is amended to read:

3 45.03 **(5)** (c) 1. a. Without limitation by reason of any other provisions of the
4 statutes except ~~ss. 13.48 (14) (am) and s. 16.848 (1)~~, unless otherwise required by law,
5 the power to sell and to convey title in fee simple to a nonprofit corporation any land
6 and any existing buildings owned by the state that are under the jurisdiction of the
7 department for the consideration and upon the terms and conditions as in the
8 judgment of the board are in the public interest.

9 **SECTION 52.** 46.03 (30) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
10 is amended to read:

11 46.03 **(30)** (a) To provide for an orderly reduction of state institutional primary
12 psychiatric services the department may approve the institutes entering into
13 contracts with county departments under s. 51.42 for providing primary psychiatric
14 care. If excess capacity exists at state operated mental health institutes, the
15 department shall, subject to ~~ss. 13.48 (14) (am) and s. 16.848 (1)~~, explore the possible
16 sale or lease of such excess facilities to a county department under s. 51.42.

17 **SECTION 53.** 46.035 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
18 is amended to read:

19 46.035 **(2)** (a) Without limitation by reason of any other provisions of the
20 statutes except ~~ss. 13.48 (14) (am) and s. 16.848 (1)~~, the power to sell and to convey
21 title in fee simple to a nonprofit corporation any land and any existing buildings
22 thereon owned by, or owned by the state and held for, the department or of any of the
23 institutions under the jurisdiction of the department for such consideration and
24 upon such terms and conditions as in the judgment of the secretary are in the public
25 interest.

ASSEMBLY BILL 317**SECTION 54**

1 **SECTION 54.** 46.06 (4) of the statutes, as affected by 2013 Wisconsin Act 20, is
2 amended to read:

3 46.06 (4) SALES. The department may, with the approval of the building
4 commission, ~~and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),~~ sell
5 and convey such lands under the jurisdiction of the department as the secretary
6 deems to be in excess of the present or future requirements of the department for
7 either the operation of its facilities or programs, for the maintenance of buffer zones
8 adjacent to its facilities or for other public purposes. The proceeds of such sales are
9 subject to s. 13.48 (14) (c).

10 **SECTION 55.** 51.06 (6) of the statutes, as affected by 2013 Wisconsin Act 20, is
11 amended to read:

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

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1 under this subsection, the department shall credit the net proceeds or remaining net
2 proceeds to the appropriation account under s. 20.435 (2) (gk).

3 **SECTION 56.** 84.01 (30) (g) 3. of the statutes, as affected by 2013 Wisconsin Act
4 20, is amended to read:

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

11 **SECTION 57.** 84.09 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
12 amended to read:

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

ASSEMBLY BILL 317**SECTION 57**

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

19 **SECTION 58.** 84.09 (5) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
20 is amended to read:

21 84.09 (5) (a) Subject to pars. (b) and (c) ~~and any prior action under s. 13.48 (14)~~
22 ~~(am) or 16.848 (1)~~, and subject to the approval of the governor, the department may
23 sell at public or private sale property of whatever nature owned by the state and
24 under the jurisdiction of the department when the department determines that the
25 property is no longer necessary for the state's use for transportation purposes and,

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

16 **SECTION 59.** 84.09 (5) (c) 1. of the statutes, as affected by 2013 Wisconsin Act
17 20, is amended to read:

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

ASSEMBLY BILL 317**SECTION 59**

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

3 **SECTION 60.** 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:

11 **SECTION 61.** 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:

19 **SECTION 62.** 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
24 pursuant to this section and improvements installed thereon to municipalities
25 within whose limits such lands or interests therein are located. The conveyance of

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

9 **SECTION 63.** 84.09 (6) of the statutes, as affected by 2013 Wisconsin Act 20, is
10 amended to read:

11 84.09 (6) ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lands~~
12 Lands held by any other state department or independent agency may, with the
13 approval of the governor, be conveyed to the department in the manner prescribed
14 by statute and, if none is prescribed, then by a conveyance authorized by appropriate
15 order or resolution of the head of the department or independent agency concerned.

16 **SECTION 64.** 84.09 (9) of the statutes is created to read:

17 84.09 (9) Subsections (5), (5m), and (6) do not apply to state surplus property
18 that is sold under s. 16.848.

19 **SECTION 65.** 84.40 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
20 is amended to read:

21 84.40 (2) (a) ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),~~
22 may May sell and convey to a nonprofit-sharing corporation any public right-of-way
23 available for highway purposes and any existing highways or other improvements
24 thereon owned by the state or under the jurisdiction of the department for such

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1 consideration and upon such terms and conditions as the department deems in the
2 public interest.

3 **SECTION 66.** 85.09 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
4 is amended to read:

5 85.09 (2) (a) The department of transportation shall have the first right to
6 acquire, for present or future transportational or recreational purposes, any
7 property used in operating a railroad or railway, including land and rails, ties,
8 switches, trestles, bridges, and the like located on that property, that has been
9 abandoned. The department of transportation may, in connection with abandoned
10 rail property, assign this right to a state agency, the board of regents of the University
11 of Wisconsin System, any county or municipality, or any transit commission.
12 Acquisition by the department of transportation may be by gift, purchase, or
13 condemnation in accordance with the procedure under s. 32.05. In addition to its
14 property management authority under s. 85.15, the department of transportation
15 may, ~~subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),~~ lease and collect
16 rents and fees for any use of rail property pending discharge of the department's duty
17 to convey property that is not necessary for a public purpose. No person owning
18 abandoned rail property, including any person to whom ownership reverts upon
19 abandonment, may convey or dispose of any abandoned rail property without first
20 obtaining a written release from the department of transportation indicating that
21 the first right of acquisition under this subsection will not be exercised or assigned.
22 No railroad or railway may convey any rail property prior to abandonment if the rail
23 property is part of a rail line shown on the railroad's system map as in the process
24 of abandonment, expected to be abandoned, or under study for possible
25 abandonment unless the conveyance or disposal is for the purpose of providing

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1 continued rail service under another company or agency. Any conveyance made
2 without obtaining such release is void. The first right of acquisition of the
3 department of transportation under this subsection does not apply to any rail
4 property declared by the department to be abandoned before January 1, 1977. The
5 department of transportation may acquire any abandoned rail property under this
6 section regardless of the date of its abandonment.

7 **SECTION 67.** 85.09 (4) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 amended to read:

9 **85.09 (4) ACQUISITION AND CONVEYANCE.** Upon its own initiative, the department
10 may determine at any time whether the rail property is abandoned, and whether it
11 is in the best interest of the state to acquire the rail property. Within 90 days after
12 being requested by any state agency, any railroad or any county or municipality in
13 which the rail property is located, the department shall, subject to sub. (5) (b), make
14 a determination of the abandonment status and, if found to be abandoned, shall
15 determine whether it is in the best interest of the public to acquire the rail property.
16 If it is determined to acquire the rail property or any part or interest therein, the
17 department shall, within 180 days of the determination of its abandoned status, or
18 the interstate commerce commission's final order permitting the abandonment, or
19 the termination of any efforts to negotiate an agreement for continual operation of
20 rail service on the line, whichever occurs last, determine the fair market value of the
21 rail property and acquire the rail property at a price deemed reasonable by the
22 department or make a relocation order under s. 32.05. In making its determination,
23 the department shall consider long-range potential for use of the rail property for
24 restoration of railroad service and for other transportation related purposes. The
25 department shall solicit the opinions of appropriate state agencies, affected counties

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1 and municipalities and other interested persons. The department shall give due
2 consideration to an expressed desire by a state agency or an affected county or
3 municipality to acquire, in whole or in part, the rail property under consideration.
4 ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject to sub.~~
5 (6), all or part of any interest in abandoned rail property acquired by the department
6 under this section or under s. 66.941 (7), 1975 stats., may be subsequently conveyed
7 to another state agency or a county or municipality for transportation purposes,
8 recreational purposes, scenic purposes or for the purpose of constructing a
9 correctional institution, or to a railroad for continued railroad transportation
10 operations when the railroad has operated on the rail property for 5 years and the
11 department may make such conveyances for such purposes. Any determination of
12 the department under this section that rail property is not abandoned shall not
13 preclude the undertaking of a subsequent investigation and determination
14 concerning the same rail property or any portion thereof. If at any time subsequent
15 to the acquisition of rail property under this section the department determines that
16 the rail property is not suitable for transportation purposes, recreational purposes,
17 scenic purposes or for the purpose of constructing a correctional institution, or that
18 the rail property or any interest therein may be conveyed to any other person on
19 terms which are not inconsistent with the potential use of the rail property for
20 transportation purposes, recreational purposes, scenic purposes or for the purpose
21 of constructing a correctional institution or which yield a benefit, including financial
22 benefits, to the state which outweighs the benefit derived from the rail property if
23 used for transportation purposes, recreational purposes, scenic purposes or for the
24 purpose of constructing a correctional institution, the department may convey the
25 rail property or such interest therein, ~~subject to any prior action under s. 13.48 (14)~~

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1 ~~(am) or 16.848 (1) and~~ subject to sub. (6). The department shall give notice of its
2 intention to make the conveyance, and state and local units of government shall have
3 the first 6 months in which to exercise their opportunity to acquire the rail property
4 or interest therein. The railroad from which the rail property was acquired shall
5 have the next 6 months in which to exercise its opportunity to reacquire the rail
6 property or interest therein.

7 **SECTION 68.** 85.09 (4i) of the statutes, as affected by 2013 Wisconsin Act 20, is
8 amended to read:

9 **85.09 (4i) DISPOSAL OF RAIL PROPERTY.** The department, ~~subject to any prior~~
10 ~~action under s. 13.48 (14) (am) or 16.848 (1),~~ shall sell at public or private sale rail
11 property acquired under sub. (4) when the department determines that the rail
12 property is not necessary for a public purpose and, if real property, the real property
13 is not the subject of a petition under s. 16.310 (2). Upon receipt of the full purchase
14 price, the department shall, by appropriate instrument, transfer the rail property to
15 the purchaser. The funds derived from sales under this subsection shall be deposited
16 in the transportation fund, and the expense incurred by the department in
17 connection with the sale shall be paid from the appropriation under s. 20.395 (2) (bq).
18 This subsection does not apply to real property that is sold under s. 16.848.

19 **SECTION 69.** 85.15 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
20 amended to read:

21 **85.15 (1)** ~~Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the~~
22 The department may improve, use, maintain or lease any property acquired for
23 highway, airport or any other transportation purpose until the property is actually
24 needed for any such purpose and may permit use of the property for purposes and
25 upon such terms and conditions as the department deems in the public interest.

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1 **SECTION 70.** 108.161 (7) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 108.161 (7) If any moneys appropriated hereunder are used to buy and hold
4 suitable land, with a view to the future construction of an employment security
5 building thereon, and if such land is later sold or transferred to other use, the
6 proceeds of such sale (or the value of such land when transferred) shall be credited
7 to the account created by sub. (1) ~~except as otherwise provided in ss. 13.48 (14) and~~
8 ~~16.848.~~

9 **SECTION 71.** 108.161 (9) of the statutes, as affected by 2013 Wisconsin Act 20,
10 is amended to read:

11 108.161 (9) Any land and building or office quarters acquired under this section
12 shall continue to be used for employment security purposes. Realty or quarters may
13 not be sold or transferred to other use ~~if prior action is taken under s. 13.48 (14) (am)~~
14 ~~or 16.848 (1) and may not be sold or transferred~~ without the governor's approval. The
15 proceeds from the sale, or the value of realty or quarters upon transfer, shall be
16 credited to the account established in sub. (1) or credited to the fund established in
17 s. 108.20, or both in accordance with federal requirements. Equivalent substitute
18 rent-free quarters may be provided, as federally approved. Amounts credited under
19 this subsection shall be used solely to finance employment security quarters
20 according to federal requirements.

21 **SECTION 72.** 114.33 (6) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
22 is amended to read:

23 114.33 (6) (a) For the purposes of carrying out this section and ss. 114.35 and
24 114.37, the secretary may acquire by gift, devise, purchase or condemnation any
25 lands for establishing, protecting, laying out, enlarging, extending, constructing,

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1 reconstructing, improving and maintaining airports, or interests in lands in and
2 about airports. After completion of the improvements, ~~subject to any prior action~~
3 ~~under s. 13.48 (14) (am) or 16.848 (1)~~, the secretary may convey as provided in this
4 subsection lands that were acquired under this subsection, but were not necessary
5 for the airport improvements. The conveyances may be made with reservations
6 concerning the future use and occupation of those lands so as to protect the airports
7 and improvements and their environs and to preserve the view, appearance, light,
8 air and usefulness of the airports.

9 **SECTION 73.** 114.33 (10) of the statutes, as affected by 2013 Wisconsin Act 20,
10 is amended to read:

11 114.33 (10) Subject to the approval of the governor under this subsection ~~and~~
12 ~~subject to any prior action under s. 13.48 (14) (am) or 16.848 (1)~~, the secretary may
13 sell at public or private sale property of whatever nature owned by the state and
14 under the jurisdiction of the secretary when the secretary determines that the
15 property is no longer necessary for the state's use for airport purposes and, if real
16 property, the real property is not the subject of a petition under s. 16.310. The
17 secretary shall present to the governor a full and complete report of the property to
18 be sold, the reason for the sale, and the minimum price for which the property should
19 be sold, together with an application for the governor's approval of the sale. The
20 governor shall investigate the proposed sale as he or she deems necessary and
21 approve or disapprove the application. Upon approval and receipt of the full
22 purchase price, the secretary shall by appropriate deed or other instrument transfer
23 the property to the purchaser. The funds derived from the sale shall be deposited in
24 the appropriate airport fund, and the expense incurred by the secretary in

ASSEMBLY BILL 317**SECTION 73**

1 connection with the sale shall be paid from that fund. This subsection does not apply
2 to real property that is sold under s. 16.848.

3 **SECTION 74.** 301.235 (2) (a) 1. of the statutes, as affected by 2013 Wisconsin Act
4 20, is amended to read:

5 301.235 (2) (a) 1. Without limitation by reason of any other statute except ss.
6 ~~13.48 (14) (am)~~ and s. 16.848 (1), the power to sell and to convey title in fee simple
7 to a nonprofit corporation any land and any existing buildings thereon owned by, or
8 owned by the state and held for, the department or any of the institutions under the
9 jurisdiction of the department for such consideration and upon such terms and
10 conditions as in the judgment of the secretary are in the public interest.

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

13 301.24 (4) SALES. Except where a sale occurs under s. ~~13.48 (14) (am)~~ or 16.848
14 (1), the department, with the approval of the building commission, may sell and
15 convey such lands under the jurisdiction of the department as the secretary deems
16 to be in excess of the present or future requirements of the department for either the
17 operation of its facilities or programs, for the maintenance of buffer zones adjacent
18 to its facilities or for other public purposes. The proceeds of the sales shall be credited
19 to the state building trust fund.

20 **SECTION 76.** 301.24 (4m) of the statutes, as affected by 2013 Wisconsin Act 20,
21 is amended to read:

22 301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to
23 any other requirements under this section, except where a sale occurs under s. ~~13.48~~
24 ~~(14) (am)~~ or 16.848 (1), the department may sell or otherwise transfer or dispose of
25 the property acquired for the correctional institution under s. 46.05 (1o), 1985 stats.,

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1 only if the sale, transfer or disposition is approved by the joint committee on finance.
2 The department shall submit a plan for any such proposed transfer or disposition to
3 the committee.

4 **SECTION 77.** 302.04 of the statutes, as affected by 2013 Wisconsin Act 20, is
5 amended to read:

6 **302.04 Duties of warden and superintendents.** Except as provided in ss.
7 ~~13.48 (14) (am) and s. 16.848 (1)~~, the warden or the superintendent of each state
8 prison shall have charge and custody of the prison and all lands, belongings,
9 furniture, implements, stock and provisions and every other species of property
10 within the same or pertaining thereto. The warden or superintendent shall enforce
11 the rules of the department for the administration of the prison and for the
12 government of its officers and the discipline of its inmates.

13 **SECTION 78. Initial applicability.**

14 (1) This act first applies with respect to transactions entered into on the
15 effective date of this subsection.

16 (END)