

No. 536, S.]

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CHAPTER 144

AN ACT to amend 20.41 (5); to repeal and recreate 20.07 (9m), 20.38 (8) and (12) (a), 36.06 (6) and 37.02 (3); and to create 14.89 of the statutes, relating to the construction and financing of buildings for the use of the state, the university and the state colleges, and making appropriations.

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

SECTION 1. 14.89 of the statutes is created to read:

14.89 STATE BUILDING COMMISSION; POWERS AND DUTIES.

(1) For the purpose of providing housing for general state purposes and not specially for any particular state agency, including housing for state offices anywhere in the state and the completion of the state office building, the state building commission shall have the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes the power to sell and to convey title in fee simple to a nonprofit sharing corporation any land and any existing buildings thereon owned by the state for such consideration and upon such terms and conditions as in the judgment of the state building commission are in the public interest.

(b) The power to lease to a nonprofit sharing corporation for terms not exceeding 50 years each any land and existing buildings thereon owned by the state upon such terms, conditions and rentals as in the judgment of the state building commission are in the public interest.

(c) The power to lease or sublease from such nonprofit sharing corporation, and to make available for public use, any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b), and any new buildings erected upon such land or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the state building commission are in the public interest. With respect to any property conveyed to such corporation under par. (a), such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made pursuant to this section to the state engineer and the governor for written approval before they are finally adopted, executed and delivered.

(e) The duty to apply all of the net revenues derived from the operation of such new buildings to the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(f) The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(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 calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power to apply all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(i) The power to pledge and assign all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(j) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

(k) The power and duty, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(2) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (1) (c) 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 lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(3) Nothing in this section empowers the state building commission to incur any state debt.

(4) All laws, conflicting with any provision of this section are, insofar as they conflict with this section and no further, superseded by the provisions of this section.

SECTION 2. 20.07 (9m) of the statutes is repealed and recreated to read:

20.07 (9m) STATE BUILDING COMMISSION. There is appropriated from the general fund annually to the state building commission, the total amount of revenues derived from state office building project rentals, including moneys received from conveyances and leases consummated under s. 14.89, to pay the costs of operation and maintenance of such projects, principal and interest due the commissioner of insurance, and rentals due the Wisconsin state public building corporation on any state office building project.

SECTION 3. 20.38 (8) and (12) (a) of the statutes are repealed and recreated to read:

20.38 (8) STUDENT ACTIVITY FEES. All moneys collected as student activity fees or from operations in connection therewith, and including such moneys received under conveyances and leases consummated under s. 37.02 (3) as the regents shall designate to be receipts under this subsection, to be used as a revolving appropriation for the operation, maintenance and capital expenditures of such student activities including the payment of rentals and other expenditures as provided under leases entered into under s. 37.02 (3) without limitation because of such payments being made from receipts derived in whole or in part from the operation of buildings and facilities other than those covered by such leases.

(12) (a) As revolving appropriations, all moneys received for or on account of any dormitory, commons, dining hall, cafeteria, stationery stand or model farm, and including such moneys received under conveyances and leases consummated under s. 37.02 (3) as the regents shall designate to be

receipts under this subsection to be used for the operation, maintenance and capital expenditures for such activities including the payment of rentals and other expenditures as provided under leases entered into under s. 37.02 (3) without limitation because of such payments being made from receipts derived in whole or in part from the operation of buildings and facilities other than those covered by such leases.

SECTION 4. 20.41 (5) of the statutes is amended to read:

20.41 (5) For student facilities: (a) All moneys received by each and every person, for or on account of residence halls at the university, including the sale of supplies used by students, *and including such moneys received under conveyances consummated under s. 36.06 (6) (b) 1 and leases entered into under s. 36.06 (6) (b) 2 as the regents shall designate to be receipts under this subsection*, shall be paid within one week after receipt into the general fund, and are appropriated therefrom for operation, maintenance and capital expenditures of such residence halls, *including the payment of rentals and other expenditures as provided under leases entered into under s. 36.06 (6) (b) 3 without limitation because of such payments being made from receipts derived in whole or in part from the operation of buildings and facilities other than those covered by such leases*. On June 30, 1947, excess revenues from conducting the trailer camps at Camp Randall since the date of establishment, and annually, beginning June 30, 1948, the annual excess revenues from such trailer camps as determined by the director of budget and accounts from the records of the university shall revert to the general fund.

(c) All moneys received by each and every person for or on account of the athletic council or any similar organization of the university, *including such moneys received under conveyances consummated under s. 36.06 (6) (b) 1 and leases entered into under s. 36.06 (6) (b) 2 as the regents shall designate to be receipts under this subsection*, shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the purposes of such athletic council, or other similar organization of the university, respectively, for carrying out its powers, duties and functions, *including the payment of rentals and other expenditures as provided under leases entered into under s. 36.06 (6) (b) 3 without limitation because of such payments being made from receipts derived in whole or in part from the operation of buildings and facilities other than those covered by such leases*.

(d) All moneys received by each and every person for or on account of the Memorial Union, *including such moneys received under conveyances consummated under s. 36.06 (6) (b) 1 and leases entered into under s. 36.06 (6) (b) 2 as the regents shall designate to be receipts under this subsection*, shall be paid within one week after receipt into the general fund, and are appropriated therefrom as a revolving appropriation for operation, maintenance, and capital expenditures of the Memorial Union, *including the payment of rentals and other expenditures as provided under leases entered into under s. 36.06 (6) (b) 3 without limitation because of such payments being made from receipts derived in whole or in part from the operation of buildings and facilities other than those covered by such leases*.

SECTION 5. 36.06 (6) of the statutes is repealed and recreated to read:

36.06 (6) (a) *Definitions*. Unless the context requires otherwise, the following terms as used in this subsection shall have the following meaning:

1. The term "existing building" in relation to any conveyance, lease or sublease made under par. (b) 1, 2 and 3 means all dormitories, commons, field houses, stadia, indoor practice buildings, memorial unions,

and all equipment therefor and all improvements and additions thereto, which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

2. The term "new building" in relation to any conveyance, lease or sublease made under par. (b) 1, 2 and 3 means all dormitories, commons, field houses, stadia, indoor practice buildings, memorial unions, and all equipment therefor or for existing buildings, and all improvements and additions thereto or to existing buildings, which are erected, constructed or installed after the making of such conveyance, lease or sublease.

3. The term "nonprofit sharing corporation" means a nonstock corporation organized under ch. 181 or corresponding prior general corporation laws.

(b) In order to provide new buildings and to enable the construction and financing thereof, and for no other purpose unless authorized by law, the board of regents shall have the following powers and duties:

1. Without limitation by reason of any other provisions of the statutes the power to sell and to convey title in fee simple to a nonprofit sharing corporation any land and any existing buildings thereon owned by the board of regents for such consideration and upon such terms and conditions as in the judgment of the board of regents are in the public interest.

2. The power to lease to a nonprofit sharing corporation for terms not exceeding 50 years each any land and any existing buildings thereon owned by the board of regents upon such terms, conditions and rentals as in the judgment of the board of regents are in the public interest.

3. The power to lease or sublease from such nonprofit sharing corporation, and to make available for public use, any such land and existing buildings conveyed or leased to such corporation under subds. 1 and 2, and any new buildings erected upon such land or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the board of regents are in the public interest. With respect to any property conveyed to such corporation under subd. 1, such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.

4. The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this subsection to the state engineer and the governor for written approval before they are finally adopted, executed and delivered.

5. The duty to apply all of the net revenues derived from the operation of such new buildings to the payment of rentals due and to become due under any lease or sublease of such new buildings made under subd. 3.

6. The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings made under subd. 3.

7. The power to covenant and agree in any lease or sublease of such new buildings made under subd. 3 to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

8. The power to apply all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under subd. 3.

9. The power to pledge and assign all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under subd. 3.

10. The power to covenant and agree in any lease or sublease made under subd. 3 to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

11. The power and duty, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under subd. 3, or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(c) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under par. (b) 3 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 lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(d) Nothing in this subsection empowers the board of regents to incur any state debt.

(e) All laws, conflicting with any provision of this subsection are, insofar as they conflict with this section and no further, superseded by the provisions of this subsection.

SECTION 6. 37.02 (3) of the statutes is repealed and recreated to read:

37.02 (3) The provisions of s. 36.06 (6) shall apply to the state colleges, and the board of regents of state colleges shall have all of the powers and duties enumerated in s. 36.06 (6), and the power to enter into leases or contracts with local units of government for the purposes mentioned therein as the board deems for the best interests of the state colleges.

Approved May 25, 1955.
