



## 2011 SENATE BILL 38

March 17, 2011 – Introduced by Senators WIRCH, CARPENTER and S. COGGS. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1     **AN ACT to repeal** 16.83 (2) (b), 16.83 (3), 20.525 (2) (a) and 20.865 (2) (eb); **to**  
2             **amend** 14.02, 15.07 (2) (j), 15.105 (5), 16.83 (title), (1) and (2) (intro.) and (a),  
3             16.83 (2) (c) and (d), 16.84 (1), 20.505 (4) (r), 20.525 (2) (title), 20.865 (2) (e),  
4             20.867 (1) (b) and 25.35; and **to create** 16.848 (2) (i) of the statutes; **relating**  
5             **to:** public sale of the executive residence and appurtenant real and personal  
6             property.

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### *Analysis by the Legislative Reference Bureau*

Currently, this state owns an executive residence together with grounds and furnishings in the village of Maple Bluff. The facility is operated with a sum sufficient appropriation funded from general purpose revenues. The governor is authorized to appoint the employees who staff the residence and fix their compensation. The employees serve at the pleasure of the governor. The State Capitol and Executive Residence Board, consisting of 16 members including state officials and citizen members, supervises the maintenance of the property, including the furnishings. The board determines whether to accept any gifts for the benefit of the property and any major renovation is subject to the board's approval. The Department of Administration (DOA) is responsible for the day-to-day operation of the facility.

This bill directs DOA to publicly offer the executive residence, together with its appurtenant real and personal property, for sale to the highest responsible bidder.

**SENATE BILL 38**

The bill provides that if there is any outstanding debt that has been incurred by the state to finance improvements at the property, DOA must first use the proceeds to retire the debt and any premium due on refunding the debt. If any of the personal property was gifted to the state, DOA must adhere to any restriction governing use of the proceeds. DOA must then deposit the remaining proceeds in the general fund. The bill permits DOA to transfer to a charitable organization any personal property at the residence that DOA is unable to sell.

The bill permits the State Capitol and Executive Residence Board to transfer to the Historical Society, in lieu of sale, any personal property at the residence that the board determines to be of unusual significance to the state. The bill also renames the State Capitol and Executive Residence Board to be the State Capitol Board and eliminates responsibility of the board for supervising the maintenance of and renovations to the executive residence.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 14.02 of the statutes is amended to read:

2           **14.02 Governor may appoint employees.** Except as provided in s. 14.26  
3 (5g), the governor may appoint and fix the compensation of such employees as he or  
4 she deems necessary for the execution of the functions of the office of the governor  
5 ~~and for the domestic service of the executive residence.~~ The governor may remove  
6 any of the appointees appointed under this section at pleasure.

7           **SECTION 2.** 15.07 (2) (j) of the statutes is amended to read:

8           **15.07 (2) (j)** At its first meeting in each even-numbered year, the state capitol  
9 ~~and executive residence board~~ shall elect officers for 2-year terms.

10          **SECTION 3.** 15.105 (5) of the statutes is amended to read:

11          **15.105 (5) STATE CAPITOL AND EXECUTIVE RESIDENCE BOARD.** There is created a  
12 state capitol ~~and executive residence~~ board, attached to the department of  
13 administration under s. 15.03, consisting of the secretary of administration or the  
14 secretary's designee, the director of the historical society or the director's designee,

**SENATE BILL 38**

1 an architect or engineer employed by the department of administration appointed  
2 by the secretary of administration, 3 senators and 3 representatives to the assembly  
3 appointed as are the members of standing committees in their respective houses, and  
4 7 citizen members appointed for staggered 6-year terms of whom at least 2 shall be  
5 architects registered under ch. 443, one shall be a landscape architect registered  
6 under ch. 443 and 3 shall be interior designers.

7 **SECTION 4.** 16.83 (title), (1) and (2) (intro.) and (a) of the statutes are amended  
8 to read:

9 **16.83 (title) State capitol and executive residence board. (1) PURPOSE.**  
10 The purpose of the state capitol ~~and executive residence~~ board is to direct the  
11 continuing and consistent maintenance of the property, decorative furniture and  
12 furnishings of the state capitol ~~and executive residence~~.

13 **(2) POWERS AND DUTIES.** (intro.) No renovation, repairs except repairs of an  
14 emergency nature, installation of fixtures, decorative items or furnishings for the  
15 grounds and buildings of the state capitol ~~or executive residence~~ may be performed  
16 by or become the property of the state by purchase wholly or in part from state funds,  
17 or by gift, loan or otherwise until approved by the board as to design, structure,  
18 composition and appropriateness. The board shall:

19 (a) Annually thoroughly investigate the state of repair of the state capitol ~~and~~  
20 ~~executive residence~~.

21 **SECTION 5.** 16.83 (2) (b) of the statutes is repealed.

22 **SECTION 6.** 16.83 (2) (c) and (d) of the statutes are amended to read:

23 16.83 **(2) (c)** Ensure the architectural and decorative integrity of the buildings,  
24 fixtures, decorative items, furnishings and grounds of the state capitol ~~and executive~~

**SENATE BILL 38****SECTION 6**

1 residence by setting standards and criteria for subsequent repair, replacement and  
2 additions.

3 (d) Accept for the state donations or loans of furnishings, works of art or other  
4 decorative items and fixtures consistent with par. (c) to be used at the state capitol.

5 **SECTION 7.** 16.83 (3) of the statutes is repealed.

6 **SECTION 8.** 16.84 (1) of the statutes is amended to read:

7 16.84 (1) Have charge of, operate, maintain and keep in repair the state capitol  
8 building, ~~the executive residence~~, the light, heat and power plant, the state office  
9 buildings and their power plants, the grounds connected therewith, and such other  
10 state properties as are designated by law. All costs of such operation and  
11 maintenance shall be paid from the appropriations under s. 20.505 (5) (ka) and (kb),  
12 except for debt service costs paid under s. 20.866 (1) (u). The department shall  
13 transfer moneys from the appropriation under s. 20.505 (5) (ka) to the appropriation  
14 account under s. 20.505 (5) (kc) sufficient to make principal and interest payments  
15 on state facilities and payments to the United States under s. 13.488 (1) (m).

16 **SECTION 9.** 16.848 (2) (i) of the statutes is created to read:

17 16.848 (2) (i) Subsection (1) does not apply to the property that is directed to  
18 be offered for sale under 2011 Wisconsin Act .... (this act), section 17 (1).

19 **SECTION 10.** 20.505 (4) (r) of the statutes is amended to read:

20 20.505 (4) (r) *State capitol and ~~executive residence~~ board; gifts and grants.*  
21 From the state capitol restoration fund, all moneys received by the state capitol and  
22 ~~executive residence~~ board from gifts, grants and bequests to be used for the purposes  
23 set forth in s. 16.83 (2) (e).

24 **SECTION 11.** 20.525 (2) (title) of the statutes is amended to read:

25 20.525 (2) (title) ~~EXECUTIVE RESIDENCE~~ MAINTENANCE OF STATE CAPITOL.

**SENATE BILL 38**

1           **SECTION 12.** 20.525 (2) (a) of the statutes is repealed.

2           **SECTION 13.** 20.865 (2) (e) of the statutes is amended to read:

3           20.865 (2) (e) ~~*Maintenance of capitol and executive residence*~~ *Operations,*  
4 *protective service, and maintenance.* The amounts in the schedule for the cost of  
5 operations, protective services and maintenance of the state capitol building ~~and the~~  
6 ~~executive residence~~, including minor projects approved under s. 13.48 (3) or (10) or  
7 16.855 (16) (b), to be paid into the appropriation made under s. 20.505 (5) (ka).

8           **SECTION 14.** 20.865 (2) (eb) of the statutes is repealed.

9           **SECTION 15.** 20.867 (1) (b) of the statutes is amended to read:

10          20.867 (1) (b) ~~*Principal repayment and interest; state capitol and executive*~~  
11 ~~*residence.*~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal  
12 and interest costs incurred in financing building projects at the state capitol ~~and~~  
13 ~~executive residence~~ and to make payments under an agreement or ancillary  
14 arrangement entered into under s. 18.06 (8) (a).

15          **SECTION 16.** 25.35 of the statutes is amended to read:

16          **25.35 State capitol restoration fund.** There is established a separate  
17 nonlapsible trust fund designated as the state capitol restoration fund, to consist of  
18 all monetary public and private gifts, grants and bequests received by the state  
19 capitol ~~and executive residence~~ board under s. 16.83 (2) (e).

20          **SECTION 17. Nonstatutory provisions.**

21          (1) No later than the first day of the 6th month beginning after the effective date  
22 of this subsection, the department of administration shall publicly offer for sale to  
23 the highest responsible bidder the executive residence and all appurtenant real and  
24 personal property owned by this state in the village of Maple Bluff except as provided  
25 in this subsection. The department may reject any and all bids in the best interest

**SENATE BILL 38****SECTION 17**

1 of the state and if all bids are rejected, the department shall expeditiously reoffer the  
2 property in the same manner. If there is any outstanding debt incurred by the state  
3 that has been used to finance improvements to the property at the time of the sale,  
4 the department shall first deposit from the net proceeds of the sale into the bond  
5 security and redemption fund under section 18.09 of the statutes the amount needed  
6 to repay the principal and to pay the interest on the debt and any premium due on  
7 refunding that debt. If any of the property was acquired with gift and grant funds,  
8 the department shall adhere to any restriction governing use of the proceeds. The  
9 department shall deposit the remaining net proceeds in the general fund. In lieu of  
10 sale, the state capitol and executive residence board may transfer to the historical  
11 society or the department for appropriate display, preservation, or storage any  
12 personal property at the residence that is of unusual significance to this state, in the  
13 judgment of the board. The department may also donate to a charitable organization  
14 any personal property at the residence that the department is unable to sell.

15 **SECTION 18. Effective dates.** This act takes effect on the day after publication,  
16 except as follows:

17 (1) The treatment of sections 14.02, 15.07 (2) (j), 15.105 (5), 16.83 (title), (1), and  
18 (2) (intro.) and (a), (b), (c), and (d), and (3), 16.84 (1), 20.505 (4) (r), 20.525 (2) (title)  
19 and (a), 20.865 (2) (e) and (eb), 20.867 (1) (b), and 25.35 of the statutes takes effect  
20 on January 1, 2013.

21 (END)