

1999 DRAFTING REQUEST

Bill

Received: **01/17/99**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Grinde**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **State Finance - miscellaneous**

Extra Copies: **JTK**

Topic:

DOA:.....Grinde - BCPL funding of soil surveys and soil mapping activities

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 01/17/99	jgeller 01/18/99	lpaasch 01/19/99	_____	lrb_docadmin 01/19/99		State

FE Sent For:

<END>

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1?	champra	1/18 jlg	1/19 LP	1/19 LP cmh			

FE Sent For:

<END>

Miller, Steve

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Saturday, January 16, 1999 4:25 PM
To: Champagne, Rick
Cc: Schmiedicke, David; Gates-Hendrix, Sherrie; LaBelle, Vicky; Miller, Steve
Subject: Statutory language request

Please modify s. 24.04 to include soil surveys and soil mapping activities as expenses necessarily incurred in caring for public lands.

The intent of this request is to allow the Board of Commissioners of Public Lands to contribute to the soil survey and mapping activities that will be done on trust lands. The federal government, other state agencies and the Land Information Board would be contributing to the project to complete these activities on lands throughout the state.

Let me know if you have any questions.

Kirsten Grinde
6-7973



LD-Note
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1838/1

RAC: *x*.....

SEON

JLg

DOA:.....Grinde – BCPL funding of soil surveys and soil mapping activities
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE ✓

Under current law, the board of commissioners of public lands (BCPL) is responsible for managing certain lands held in trust by the state. The proceeds from these lands are deposited in the common school fund, the normal school fund, the university fund and the agricultural college fund (collectively, the "trust funds"). Under current law, BCPL may deduct expenses necessarily incurred in caring for and selling the lands from moneys deposited in the trust funds. The expenses necessarily incurred in caring for public lands include expenses for reforestation, erosion and insect control, submerged log monitoring, surveys, appraisals and other land management practices that serve to protect or enhance the interests of the beneficiaries of the trust funds. This bill provides that such expenses also include soil surveys and soil mapping activities.

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

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

1 **SECTION 1.** 24.04 (2) [✓] of the statutes is amended to read:

2 24.04 (2) **DISBURSEMENTS.** All expenses necessarily incurred in caring for and
3 selling public lands shall be deducted from the gross receipts of the fund to which the
4 proceeds of the sale of the land will be added. Expenses necessarily incurred in
5 caring for public lands may include expenses for reforestation, erosion and insect
6 control, submerged log monitoring, surveys, appraisals, [✓] soil surveys and soil
7 mapping activities and other land management practices that serve to protect or
8 enhance the interests of the beneficiaries of the trust funds.

9 History: 1975 c. 39 s. 734; 1977 c. 418; 1979 c. 34; 1983 a. 423; 1993 a. 16; 1997 a. 27.

(END) ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1838/1dn

RAC:.....

↑
jlg

Kirsten Grinde:

There may be constitutional problems in permitting the board of commissioners of public lands (BCPL) to fund soil surveys and soil mapping activities from the gross receipts of the trust funds if these funds will be used for any soil survey or any soil mapping activity on lands other than public lands. It is a longstanding principle that the legislature may not divert moneys in the state's trust funds for purposes other than those for which the trust is established. *State ex rel. Sweet and another v. Cunningham and others*, 88 Wis. 81, 83 (1894), *State ex rel. Owen v. Donald*, 160 Wis. 21, 68 (1915); and *Estate of Payne*, 208 Wis. 142, 147 (1932). Under the Wisconsin Constitution, there is no explicit provision authorizing the use of the proceeds from the sale of school and university lands for soil surveys and soil mapping activities on lands that are not public lands. Consequently, authorizing BCPL, which serve as the trustee of the trust funds, to fund such soil surveys and soil mapping activities from the gross receipts of the trust funds raises the immediate issue of whether such funding falls within the purpose of the trust funds.

Richard A. Champagne
Legislative Attorney
266-9930

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1838/1dn
RAC;jlg:lp

January 19, 1999

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