

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/1dn
GMM:cjs:cph

March 4, 2003

Representative Kestell:

In reviewing this draft, please note in particular all of the following:

1. The draft does not authorize bonding for the preservation and protection of the historic sites collection because s. 20.866 (2) (ze) and (zf) already authorizes public debt for the historical society to acquire, construct, develop, enlarge, or improve historic sites to the maximum extent allowable under the Wisconsin Constitution. Specifically, article VIII, section 7 (2) (a), of the Wisconsin Constitution authorizes the state to contract public debt to “acquire, construct, develop, extend, enlarge, or improve land, waters, property, highways, railways, buildings, equipment, or facilities for public purposes,” and s. 20.866 (2) (ze) and (zf) already track that exact language for the historic sites. Accordingly, if and when the legislature wishes to authorize the state to contract more public debt for the historical society to acquire, construct, develop, enlarge, or improve historic sites, the legislature may accomplish that goal by simply amending the dollar amount in s. 20.866 (2) (ze) or (zf).

2. As instructed, this draft creates a segregated historic sites trust fund and directs all earned revenue and fundraising revenue of the historic sites to be deposited in that fund and to be used only for purposes of the historic sites. As we have seen, however, in the governor's budget adjustment bill and biennial budget bill, placing those moneys in a segregated fund and limiting the purposes for which they may be expended does not protect those moneys from being transferred to the general fund or used for other purposes by future governors and legislatures. Short of a constitutional amendment, the only way to keep those moneys completely safe from use for other purposes would be to keep those moneys out of the state treasury altogether, for example, by handing over management of all the historic sites to private foundations as in the Circus World model.

If you have any questions about the draft, please do not to hesitate to contact me directly at the phone number or e-mail address listed below.

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