

CHAPTER 25

TRUST FUNDS AND THEIR MANAGEMENT

25.01	Authorized investments and loans.	25.20	General fund.
25.02	Term, amount, interest rate.	25.21	Common school fund.
25.03	Joint municipal loans.	25.22	Common school fund income.
25.04	Date when interest and principal become due.	25.23	Distribution of the common school fund income.
25.05	The application.	25.235	Swamp land grants.
25.06	Certificates of indebtedness.	25.25	Normal school fund.
25.07	State loan a special charge.	25.26	University fund.
25.08	Collection from municipalities other than school districts.	25.27	Agricultural college fund.
25.09	Collections from school districts.	25.29	Conservation fund.
25.10	Use of funds.	25.31	Benevolent fund.
25.11	Extension of loan.	25.36	Veterans trust fund.
25.12	Duty of attorney general and revenue department.	25.40	Transportation fund.
25.13	Interest, how accounted for.	25.41	State housing authority reserve fund.
25.14	State investment fund.	25.42	Wisconsin election campaign fund.
25.156	Powers and duties of members of the board.	25.45	Waste management fund.
25.16	Executive director.	25.50	Local government pooled-investment fund.
25.17	Powers and duties of board.	25.55	Local government trust-investment fund.
25.18	Additional powers of board.	25.60	Budget stabilization fund.
25.19	State treasurer, ex officio treasurer; bond; deposit of securities.	25.61	Tax reform reserve fund.
		25.65	County mining investment fund.

Cross Reference: See definitions in 24.01.

25.01 Authorized Investments and loans.

(1) **WHAT FUNDS.** The moneys belonging to the common school fund, the normal school fund, the university fund and the agricultural college fund shall be invested or loaned by the the board of commissioners of public lands as such moneys accumulate in the treasury, and the board shall keep a separate account of all investments and loans from each fund.

(2) **INVESTMENTS.** (a) Any of said funds may be invested in the purchase of county bonds issued under the authority conferred by s. 59.92, Stats. 1953, or in the purchase of bonds or notes of the United States or in securities issued under the provisions of the federal farm loan act of July 17, 1916, or the farm credit act of 1971 or in bonds of this state or in bonds issued pursuant to law by any town, village, city, county or school district of this state. All bonds, notes and other securities so purchased shall be deposited with the state treasurer.

(b) The board of commissioners of public lands may authorize investment of any of said funds in loans to students under s. 39.32 through assignment, sale or conveyance of such loans to the board of commissioners by the higher educational aids board. Such investments shall be guaranteed under rules established under s. 39.33. The responsibility and right to authorize such loans and for collection of interest and principal on such loans assigned, sold or conveyed to the board of commissioners

shall rest with the higher educational aids board. Interest and principal payments from such loans shall be received from the appropriations under s. 20.235 (1) (ff), (g), (ha) and (ma), interest to be computed on the unpaid principal balance of the loans at the interest rate stated on the loan notes assigned, sold or conveyed, computed as of January 1 and July 1 of each year and payable within 90 days thereafter. All notes assigned, sold or conveyed shall be held for the commissioners by the higher educational aids board.

(3) **LOANS.** Any of said funds may be loaned to school districts or boards of education by whatever name designated, to be used for the operation and maintenance of schools, in erecting and remodeling school buildings, teacherages, in the purchase of teacherages, teacherage sites, schoolhouse sites, bus garage sites, transportation vehicles, bus garages, school equipment, or school playgrounds, or in refunding their indebtedness, and for the purposes enumerated in s. 67.04 (6) or otherwise authorized by law; or to towns, villages, cities, counties, vocational, technical and adult education districts and boards of education of any city within the state, as provided in s. 67.04 (1) to (6) or otherwise authorized by law; and every such school district, town, village, city, county, vocational, technical and adult education district and board of education may borrow of the board, from said funds or either of them, such sum of money, for such time and upon such conditions as may be

agreed upon between the board and the borrower; subject to the limitations, restrictions and conditions hereinafter set forth. In this chapter any such school district, town, village, city, county, vocational, technical and adult education district or board of education, or all of them, may be designated by the word "municipality" or "municipalities".

(4) PREFERENCES. So far as practicable investments in student loans through assignment, sale or conveyance of such loans by the higher educational aids board shall be supplied before any other loan or investment authorized by this section is made.

(6) REFUNDING LOANS. Any school district may borrow from any funds described in this section to refund any indebtedness incurred for a lawful purpose and within the constitutional limitations.

History: 1971 c. 154; 1973 c. 114; 1975 c. 224.

25.02 Term, amount, interest rate. (1)

MUNICIPAL LOANS OTHER THAN TO SCHOOL DISTRICTS. The loans provided for by s. 25.01 (3), other than those to school districts, may be made for any term not exceeding 20 years, may be made payable in instalments, and be in such amounts as shall not, in connection with all other indebtedness of the municipality applying therefor, exceed 5% of the average valuation of the taxable property therein as equalized for state purposes for the 3 years next preceding, except that, as to any city which is authorized to issue bonds for school purposes, such debt limitation shall not exceed an additional 10% of the average of the value of the property in such city and in the territory attached thereto for school purposes as equalized for state purposes for the 3 years next preceding. When such loan is made to pay off existing indebtedness it may be advanced to the borrower in instalments as fast as such indebtedness or the evidence thereof is canceled.

(2) SCHOOL DISTRICT LOANS. Every loan to a school district may be made for such time, not exceeding 20 years, as is agreed upon between said school district and the board of commissioners of public lands, and for such amount as together with all other indebtedness of such district, shall not exceed its allowable indebtedness as determined under s. 67.03 (1), except that, in determining such debt limit, such valuation of all taxable personal property in excess of 50% of such valuation of the real estate shall be disregarded. The principal shall be payable in approximately equal annual instalments.

(3) INTEREST RATES. All loans shall bear and draw interest at a rate not less than 2% payable annually, except that investments in student loans made under s. 25.01 (2) (b) shall bear

and draw interest at an annual rate not less than 7%.

(4) REPAYMENT BEFORE DUE DATE PERMITTED. Any municipality after March 15 and prior to August 1 of any year may repay one or more instalments in advance of the due date, and all interest upon such advance payment shall thereupon terminate.

History: 1975 c. 224, 422.

25.03 Joint municipal loans. The board may invest the said trust funds in loans to any 2 towns, to any town and village or to any town and city jointly; and all provisions of law relative to loans of such trust funds to a single town shall also be applicable to such joint loan to such 2 towns or to such town and village. Every payment of interest or principal upon said loan shall be paid by the 2 towns, by the town and the village or by the town and city pro rata according to the last equalized assessed value thereof.

25.04 Date when interest and principal become due.

The annual interest and instalments of principal of all loans from the trust funds, excluding interest and instalments of principal from investments in student loans made under s. 25.01 (2) (b), shall be payable into the state treasury with other state taxes, or on or before August 15 of each year in accordance with s. 74.03.

History: 1975 c. 224.

25.05 The application. (1) FOR ALL MUNICIPALITIES.

No loan shall be made under s. 25.01 (3) unless an application therefor be first made to the board as required by this section. Such application shall state the amount of money required, the purpose to which it is to be applied, and the times and terms of repayment; and it shall be accompanied by satisfactory proof (a) of the assessed valuation for the preceding 3 years of all the taxable property within the municipality making the application; (b) of all the existing indebtedness of such municipality; and (c) of the approval of the application as required by this section.

(2) FOR MUNICIPALITIES OTHER THAN SCHOOL DISTRICTS. Every such application shall be approved and authorized for a town, by the signatures of all of its supervisors acknowledged as conveyances of land are acknowledged; for a village, by a vote of not less than three-fourths of its trustees; for a city, by a vote of not less than two-thirds of the members of its common council; for the board of education of any city, by a vote of not less than two-thirds of all of its members at a regular or special meeting thereof and also by a vote of not less than two-thirds of all the members of the common council of such

city; for a county, by a vote of not less than two-thirds of all the members of its board of supervisors at some regular or special session thereof. Every vote so required shall be by ayes and noes duly recorded.

(3) FOR SCHOOL DISTRICTS. Every such application shall be approved and authorized for a school district by a vote of a majority of its legal voters voting on such question. If such vote be taken at a special meeting the objects thereof shall be clearly stated in the notice of the meeting. The application shall state the facts in detail respecting the holding of the meeting, the taking and the result of the vote required, and shall be signed by each member of the district board, and verified by the clerk. The statement accompanying the application shall contain a correct map or plat of the district and, when the district is a joint district, it shall show the assessed valuation in its several parts separately, so that the valuation of so much thereof as lies in each town or municipality of which it is a part, may be readily shown.

(4) POPULAR VOTE, WHEN REQUIRED. Whenever any municipality is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a loan for that purpose must be approved and authorized by a majority vote of such electors at a special election called, noticed and held in the manner provided for other special elections. The notice of such election shall state the amount of the proposed loan and the purpose for which it will be used; but this subsection shall not apply to loans made by boards of education applying as provided in sub. (2).

(5) IRREPEALABLE TAX LEVY. Such application shall be accompanied also by a certified copy under the hand of the proper clerk of a recorded resolution adopted by the municipality applying for or approving the loan, levying upon all the taxable property of the municipality a direct annual tax for the purpose of paying and sufficient to pay the interest on such proposed loan as it falls due, and also to pay and discharge the principal thereof within 20 years from the making of such loan. Such a levy shall become void and of no effect if the board declines to make the loan; otherwise it shall remain valid and irrepealable until the loan and all interest thereon shall be fully paid.

(5a) LIQUIDATION AND PAYMENT OF TAXES NOT YET DUE. Any owner of lands situated within such town, village, city, county or school district who intends to convey such lands to the U.S. government or to other tax-exempt body, may apply to the department of revenue to have the amount of such loan which is a lien on his

property on account of such irrepealable tax levy, ascertained by finding the proportion which the assessed valuation of his property according to last assessment bears to the assessed valuation of the whole property of the town, village, city or school district, and upon payment of such sum so ascertained to the board of commissioners of public lands such board shall issue to such owner a certificate showing that such lands so conveyed are free and clear of any lien on account of such tax levy, and upon receipt of such payment the amount thereof shall be credited as a partial repayment of such loan. Such application to the department of revenue shall be accompanied by a copy of the contract to convey such lands to such tax-exempt body, and after the filing of such application and proof of recording of a deed of conveyance of such lands to such tax-exempt body such lands shall not be subject to any tax.

(6) PROCEEDINGS TO BE RECORDED AND BECOME CONCLUSIVE EVIDENCE. The aforesaid application, statement and all accompanying exhibits and documents shall be recorded in the office of the board and thereupon be filed in the office of the secretary of state, and shall, together with the record thereof, be conclusive evidence of the facts therein stated.

25.06 Certificates of indebtedness. If the application is approved by the board it shall cause certificates of indebtedness to be prepared in proper form and transmitted to the municipality submitting the same. Every such certificate shall be executed and signed for a school district by its president, for a town by its chairman, for a village by its president, for a city by its mayor, for a board of education by its president, for a vocational, technical and adult education district by its district board chairman and for a county by the chairman of its board, shall be countersigned by the clerk of the municipality or, in the case of a vocational, technical and adult education district, by the district board secretary executing the same, returned to the board, and deposited with the department of revenue, which shall certify that fact to the department of administration. The department of administration shall thereupon draw a warrant upon the state treasurer for the amount of the loan, payable to the treasurer of the municipality making the loan or as he directs. The certificate of indebtedness shall then be conclusive evidence of the validity of such indebtedness and that all the requirements of law concerning the application for the making and acceptance of such loan have been complied with.

History: 1971 c. 154

25.07 State loan a special charge. All the taxable property in any municipality which has obtained or shall obtain any loan from the state or from any of its trust funds shall stand charged for the payment of the principal and interest thereof. The annual tax levied as provided by s. 25.05 (5) shall be a special charge to be paid next after the state tax out of any moneys collected as taxes within said municipality.

25.08 Collection from municipalities other than school districts. (1) STATEMENT. The department of administration, upon information certified by the department of revenue, shall furnish a statement annually to the county clerk of each county in which any special charge for principal or interest is due or will become due in the next succeeding 12 months. This statement shall detail the special charges due or to become due from the county and from any town, village or city in the county.

(2) APPORTIONMENT BY COUNTY CLERKS. Such clerk on receiving such statement shall apportion and include the amount to be paid by the county in his apportionment of the state taxes to the several towns, villages and cities in his county, and add to the amount thus apportioned to each town, village or city all special charges, if any, that are to be paid thereby on account of any loan thereto from the state or any of its trust funds. The amounts thus apportioned and included shall be stated in separate sums and carried out in all tax rolls and reports in separate columns; but otherwise the same shall be levied, charged and inserted in the several tax rolls and collected and paid over with and in the same manner as the state tax until paid into the treasury; and in case of neglect or refusal to pay any sum or sums when due, the same shall be subject to all the provisions of law applicable to cases of default in payment of state taxes.

25.09 Collections from school districts. (1) This section applies to all outstanding trust fund loans to school districts, as defined in s. 115.01 (3).

(2) When a school district makes a loan under ss. 25.01 and 25.02 (2), the board of commissioners of public lands shall, on or before August 1 of each year until the loan is paid, transmit to the school district clerk a certified statement of the amount due. The board of commissioners of public lands shall furnish a copy of each certification to the state treasurer and the department of public instruction.

(3) The school district clerk shall then cause the amount due to be added to the school district levy and collected in the same manner as the

school district tax, except the amount for state trust fund loans shall be separately designated.

(4) The school district treasurer shall transmit to the state treasurer on his own order the full amount levied for state trust fund loans within 15 days after March 15. The state treasurer shall notify the board of commissioners of public lands when he receives payment. Any such payments not made by March 30 shall be declared delinquent and are subject to a penalty of 1% per month or fraction thereof, to be paid to the state treasurer with the delinquent payment.

(5) If the school district treasurer fails to remit the amounts due under sub. (4), the state superintendent, upon certification of delinquency by the board of commissioners of public lands, shall deduct the amount due including any penalty from any school aid payments due the school district, shall remit such amount to the state treasurer and, no later than June 15, shall notify the school district treasurer and the board of commissioners of public lands to that effect.

History: 1971 c. 262; 1973 c. 90

25.10 Use of funds. No money obtained by any school district, school board, vocational, technical and adult education district, town, village, city or county by such loan shall be applied to or paid out for any purpose except that specified in the application therefor without the consent of the board.

History: 1971 c. 154.

25.11 Extension of loan. All loans made or which may be made from any of such funds to any municipality may be extended for such time and upon such terms as may be agreed upon by and between the board and such borrower; provided, however, that no loan shall be extended upon which there is any default in the payment of interest at the time of making application therefor, nor to any period beyond 20 years from its inception, nor at any rate of interest less than the minimum established by law.

25.12 Duty of attorney general and revenue department. If any officer neglects or refuses to perform any duty required of him by law in relation to the levy or collection of any tax required to be raised to make any payment of principal or interest on any loan from the state, the attorney general shall apply to the supreme court for a mandamus to compel the performance of such duty; and the department of revenue may do or cause to be done the duty required of such officer with the same effect as if done by him.

25.13 Interest, how accounted for. Every sum of money collected as interest upon any loan from either of the trust funds specified in s. 25.01 shall be paid into the state treasury and be credited to the income of the fund from which the loan was made.

25.14 State investment fund. (1) There is created a state investment fund under the jurisdiction and management of the investment board (hereinafter referred to as "board") to be operated as an investment trust for the purpose of managing the securities of all the state's funds consisting of the funds specified in s. 25.17 (1) except the state insurance fund, state life fund, fixed retirement investment trust, variable retirement investment trust, capital improvement fund, bond security and redemption fund, state building trust fund, the trust funds of the historical society, the state housing authority reserve fund, funds which by the constitution are required to be controlled and invested by the board of commissioners of public lands, funds which are required by specific provision of law to be controlled and invested by any other authority, the university trust funds and the trust funds of the state universities except that the respective authorities controlling the investment of any such excluded fund may authorize the transfer of any temporary cash assets of any such excluded fund to the state investment fund in accordance with subs. (2) and (3).

(2) At such time as the board determines, all of the securities held by any of the state's funds, except those specifically excluded in sub. (1), shall be transferred, at the market value plus accrued interest as of the date of transfer, to the state investment fund together with such amounts of cash as may be required to provide each contributing fund an equity in the state investment fund which may be expressed in terms of even thousands of dollars. Thereafter, the department of administration shall make such subsequent transfers of money between the individual funds and the state investment fund as in its judgment is advisable and in accordance with cash requirements of the individual funds, such transfer to be made on the basis of even thousands of dollars, and it shall furnish to the board such information with respect to daily balances of individual funds within the investment fund as may be required.

(3) All earnings, profits or losses of the state investment fund shall be distributed to each participating fund in the same ratio as each such fund's average daily balance within the state investment fund bears to the total average daily

balance of all participating funds. Such distribution shall be made at such times as the department of administration may determine, but must be made at least semiannually in each complete fiscal year of operation.

(4) The department of administration shall maintain such records as may be required to account for each contributing fund's share in the state investment fund.

(5) The assets of the state investment fund shall be invested as prescribed by s. 25.17 (3) (b) and (ba).

History: 1973 c. 137; 1977 c. 418.

25.156 Powers and duties of members of the board. (1) The members of the board shall be the governing body of the investment board and shall prescribe rules and formulate policies deemed necessary and appropriate to carry out its functions.

(2) The members of the board shall employ an executive director, who shall serve outside the classified service, at the pleasure of the members of the board. Such director shall be qualified by training and prior experience to manage, administer and direct the investment of funds.

(3) The members of the board shall appoint an investment director to act as executive director pro tem, except that until such appointment is made by the members of the board, the executive director may temporarily designate such director pro tem.

(4) The members of the board shall adopt rules restricting the executive director, investment directors and employes from having financial interest, directly or indirectly, in firms or corporations providing services to the department and governing the receipt of gifts or favors therefrom, and also governing personal investments of all employes including the executive director and investment directors to prevent conflicts of interest.

(5) The members of the board shall be the trustees of the state investment fund.

25.16 Executive director. (1) The executive and administrative functions of the investment board shall be vested in an executive director, who shall perform his functions in conformity with the requirements of the members of the board and in accordance with policies, principles and directives determined by the members of the board.

(2) The executive director shall appoint the employes necessary to perform the duties of the board under the classified service. These shall include investment directors. The members of the board shall participate in the selection of

such directors. Such investment directors shall serve a probationary period of not less than 6 months nor more than 2 years as determined by the members of the board. Neither the executive director, any investment director nor any employe shall have any financial interest, either directly or indirectly, in any firm engaged in the sale or marketing of real estate or investments of any kind, nor shall any of them render investment advice to others for remuneration.

(3) The executive director shall take the official oath and the executive director and each investment director shall file a bond for the faithful performance of his duties in such amount and with such sureties as the members of the board require.

(4) The director pro tem shall act in place of the executive director in his absence or disability. The director pro tem shall take and file the official oath required of the executive director.

(5) All documents which must be executed by or on behalf of the board shall be signed only by the executive director or, in the event of his absence or disability, by the director pro tem unless the members of the board or the executive director require the countersignature of an investment director or an investment supervisor on certain documents.

25.17 Powers and duties of board. The "State of Wisconsin Investment Board" shall be a body corporate with power to sue and be sued in said name. The board shall have a seal with the words, "State of Wisconsin Investment Board". The board shall:

(1) Have exclusive control of the investment and collection of the principal and interest of all moneys loaned or invested from any of the following funds:

- (a) Benevolent fund (s. 25.31);
- (ag) The bond security and redemption fund (s. 18.09);
- (am) Budget stabilization fund (s. 25.60);
- (ar) The capital improvement fund (s. 18.08);
- (b) Conservation fund (s. 25.29);
- (c) County mining investment fund (s. 25.65).
- (d) Industrial building construction loan fund (s. 560.07).
- (e) Deposit fund (s. 34.08);
- (fm) Fixed retirement investment trust (s. 40.06);
- (g) General fund (s. 25.20), including trust funds of the historical society (s. 44.015);
- (h) Transportation fund (s. 25.40);
- (j) Insurance security fund (s. 646.05);
- (jc) Investment and local impact fund (s. 70.395 (2) (b)).

(jg) Local government pooled-investment fund (s. 25.50);

(jr) Local government trust-investment fund (s. 25.55);

(k) Veterans trust fund (s. 25.36), except loans to veterans;

(km) Veterans mortgage loan repayment fund (s. 45.79 (7));

(l) Public employe trust fund (s. 40.01);

(o) School fund income (s. 25.22);

(p) Self-insured employers liability fund (s. 102.28 (8));

(r) State housing authority reserve fund (s. 25.41);

(s) State property insurance fund (ch. 605);

(sp) State indemnity fund (ch. 608);

(t) State life insurance fund (ch. 607);

(v) Tax reform reserve fund (s. 25.61);

(x) Unemployment administration fund (s. 108.20 (1));

(xm) Wisconsin election campaign fund (s. 25.42);

(y) Variable retirement investment trust (s. 40.06);

(ym) Waste management fund (s. 25.45);

(z) Work injury supplemental benefit fund (s. 102.65);

(zl) State building trust fund except for the purpose and extent of loans to the Wisconsin state public building corporation, the Wisconsin university building corporation, and the Wisconsin state colleges building corporation, which shall be subject to sub. (2) (b); and

(zm) All other funds of the state or of any state department or institution, except funds which by the constitution are required to be controlled and invested by the board of commissioners of public lands, funds which are required by specific provision of law to be controlled and invested by any other authority, and moneys in the university of Wisconsin trust funds, and in the trust funds of the state universities.

(2) (a) Invest any of the funds specified in sub. (1), except operating funds, the capital improvement fund and the bond security and redemption fund, in loans to the Wisconsin university building corporation, state colleges building corporation or the Wisconsin state public building corporation, but only if such loans are secured by mortgages upon property owned by the respective corporations producing sufficient income to retire the mortgage over the term of the loan or are secured by the pledge of rentals sufficient in amount to retire the indebtedness. The investment board shall make no loans to any building corporation described in this subsection except under the conditions herein prescribed, or except as otherwise provided in par. (b). These loans shall be made only when in the judgment of the investment

board it is to the interest of the funds to do so, except that loans made under par. (b) shall be made at the direction of the building commission.

(b) Invest the state building trust fund in loans to the Wisconsin state public building corporation, to the Wisconsin university building corporation, and to the Wisconsin state colleges building corporation. Except for interim loans for construction, or other temporary financing for the purchase of lands, planning (including both engineering and financing) and all other expenses incidental to any of the foregoing, such loans shall be secured by a pledge and assignment of net revenues derived from the operation of buildings by said corporations on lands leased or conveyed to said corporations. Any such loan shall be made upon the direction of the state building commission.

(c) Invest the state housing authority reserve fund as directed by the Wisconsin housing finance authority in housing rehabilitation loan program bonds of the authority including subordinated bonds which may also be special obligations of the authority. In making such investment, the board shall accept such terms and conditions as the authority specifies and is relieved of any obligations relative to prudent investment of the fund, including those set forth under ch. 881.

(3) (a) Invest any of the following funds: 1. fixed retirement investment trust; 2. state life fund; 3. veterans trust fund, in loans, securities and any other investments authorized by s. 206.34 of the 1969 statutes, and in bonds or other evidences of indebtedness or preferred stock of companies engaged in the finance business whether as direct lenders or as holding companies owning subsidiaries engaged in the finance business, provided such investments meet all other requirements of s. 206.34 of the 1969 statutes. Such investments previously permitted by s. 206.34 (1) (m) or sub. (4) are deemed to be permitted investments under this subsection.

(b) Invest any of the funds over which it has investment authority, including but not limited to the state investment fund and surplus funds of the state building trust fund not invested under sub. (2) (b) and not in the state investment fund, in:

1. Direct obligations maturing within 10 years or less from the date of settlement, of the United States or its agencies, corporations wholly owned by the United States, the international bank for reconstruction and development, the inter-American development bank, the federal national mortgage association or any corporation chartered by an act of congress.

2. Securities maturing within 10 years or less from the date of settlement, guaranteed by the United States or, where the full faith and credit of the United States is pledged or, where securities are collateralized by government-insured investments or, where the securities are issued by a corporation created by act of congress and regulated by such act.

3. Unsecured notes of financial and industrial issuers maturing within 5 years or less from the date of settlement and having one of the 2 highest ratings given by a nationally recognized rating service, but if the corporation issuing such notes has any long-term senior debt issues outstanding which also have been rated, the rating must be one of the 3 highest ratings so given.

4. Certificates of deposit issued by banks located in the United States.

5. Bankers acceptances accepted by banks located in the United States.

6. Direct obligations of or guaranteed by the government of Canada maturing within 2 years from the date of settlement provided that at the time of purchase the board enters into a contract with a bank or securities dealer in the United States or Canada providing that at the maturity of the obligation the Canadian dollars realized will be exchanged into U.S. dollars at a guaranteed rate of exchange.

(ba) Invest the funds included in the state investment fund created by s. 25.14 in loans upon collateral security in the form of direct obligations of the U.S. government having a maturity of 5 years or less where the principal amount of each such loan does not exceed 98% of the market value of such collateral security.

(bc) 1. Subject to subd. 2, make sums available, at the request of the higher educational aids board, for the purpose of making loans to needy students of the medical school of the university of Wisconsin system and the medical college of Wisconsin under s. 39.34. Such sums shall be made available from July 1, 1975, to June 30, 1977, and shall not exceed \$87,500 for students of the medical college of Wisconsin and \$112,500 for students of the medical school of the university of Wisconsin system outstanding at any one time from July 1, 1975, to June 30, 1976, and \$175,000 for students of the medical college of Wisconsin and \$225,000 for students of the medical school of the university of Wisconsin system outstanding at any one time from July 1, 1976, to June 30, 1977, of the balances of the general fund. Such loans shall be made by the higher educational aids board from the appropriations under s. 20.235 (1) (gn). Despite the specific provisions of sub. (1), the responsibility for collection of the interest and principal on such loans to students shall rest in

the higher educational aids board and the function of the investment board shall be limited to advancing funds to the higher educational aids board, based upon the certificates of the higher educational aids board as to the current status of the student loans made, due and collectible under s. 39.34 and to periodically receiving from the appropriations made by s. 20.235 (1) (gm) payments of principal and interest on the advances made to the higher educational aids board, interest to be computed monthly at 7% per annum on the unpaid principal balance of the advances and in accordance with the time schedule provided in s. 39.34.

2. A cumulative total of not more than \$400,000 may be advanced under this paragraph upon the request of the higher educational aids board. However, the investment board shall advance such funds only when the joint committee on finance determines that the liquidity of the general fund is not in danger to a point which will not permit this state to pay its obligations as they arise, and subsequently approves advance of such funds based upon such determination. Requests for the advance of funds shall be considered as are requests for supplemental appropriations under s. 13.101 (5) and (6).

(bf) 1. Subject to subds. 2 and 3, make sums available, at the request of the higher educational aids board, for the purpose of making additional loans to needy students under s. 39.32. Such sums may not exceed \$55,000,000 outstanding at any one time of the balances of the general fund. Such loans shall initially be made by the higher educational aids board from the appropriations under s. 20.235 (1) (g). Despite the specific provisions of sub. (1), the responsibility for collection of the interest and principal on such loans to students shall rest in the higher educational aids board and the function of the investment board shall be limited to advancing funds to the higher educational aids board, based upon the certificates of the higher educational aids board as to the current status of the student loans made, due and collectible under s. 39.32, and to periodically receiving from the appropriations made by s. 20.235 (1) (fa), (g), (h) and (m) payments of principal and interest on the advances made to the higher educational aids board, interest to be computed monthly at 4% per annum on the unpaid principal balance of the advances, made prior to July 1, 1966, and at the maximum rate allowable under P.L. 89-329 and P.L. 89-287, or 4%, whichever is the greater, on all loans made on or after July 1, 1966, computed as of January 1 and July 1 of each year and payable within 90 days thereafter.

2. A cumulative total of not more than \$55,000,000 may be advanced under this section upon the request of the higher educational aids board. However, the investment board shall advance the funds only when the joint committee on finance acting under s. 13.101 determines that the liquidity of the general fund is not in danger to a point which will not permit this state to pay its obligations as they arise, and subsequently approves advance of the funds based upon such determination.

3. Notwithstanding subd. 2 and s. 20.235 (1) (g), following the first issue of revenue obligation bonds under s. 39.37, no principal repaid or refunded on student loans funded under this paragraph may be used to make loans to students under s. 39.32. Principal repaid or refunded may be used to repurchase student loans funded from general fund advances and assigned, sold or conveyed pursuant to s. 39.28 (4). All other principal repaid or refunded on loans funded under this paragraph shall be returned to the investment board to reduce the advances from general fund balances authorized by the joint committee on finance under subd. 2.

(bg) Make sums available, at the request of the department of veterans affairs, for the purpose of making additional housing loans to veterans under ss. 45.352, 1971 stats. and 45.80. Such sums shall be made available notwithstanding ss. 25.156 to 25.18 and shall not exceed \$16,500,000 outstanding at any one time of the balances of the general fund. Such loans shall initially be made by the department of veterans affairs from the appropriations under s. 20.485 (2) (y). Despite the specific provisions of sub. (1), the responsibility for collection of the interest and principal on such loans to veterans shall rest in the department of veterans affairs and the functions of the investment board shall be limited to advancing funds to the department of veterans affairs and to periodically receiving from the appropriations made by s. 20.485 (2) (b), (x) and (xm) payments of principal and interest on the advances made to the department of veterans affairs.

(bh) Invest the fixed retirement investment trust and state life fund in loans secured by mortgages upon unencumbered and improved real property in the United States or Canada when such real estate is leased to a corporation incorporated or existing under the laws of the United States or any state, district or territory thereof, or Canada or any province thereof, whose income available for fixed charges for the period of 5 fiscal years next preceding the date of the investment has averaged not less than 1.5

times its average annual fixed charges applicable to such period, if there is pledged and assigned, either absolutely or conditionally, as additional security for the loan either the lease or sufficient of the rentals payable thereunder to repay the principal and interest of the loan within the unexpired term of the lease. Real property and leasehold estates are not encumbered within the meaning of this section by reason of the existence of unpaid assessments and taxes not delinquent, mineral, oil or timber rights, easements or rights-of-way for public highways, private roads, railroads, telegraph, telephone, electric light and power lines, drains, sewers or other similar easements or rights-of-way, liens for service and maintenance of water rights when not delinquent, party wall agreements, building restrictions, or other restrictive covenants or conditions, with or without a reversionary clause, or leases under which rents or profits are reserved to the owner. The foregoing limitations and restrictions shall not apply to real estate loans which are insured under the national housing act by the federal housing administration or to real estate loans made under ch. 219, or insured under policies of insurance issued by responsible mortgage insurance companies.

(bk) Make sums available, at the request of the department of veterans affairs, for the purpose of making additional loans to veterans under s. 45.351 (2). Such sums shall be made available notwithstanding ss. 25.156 to 25.18 and shall not exceed \$2,000,000 outstanding at any one time of the balances of the general fund. Such loans shall initially be made by the department of veterans affairs from the appropriation under s. 20.485 (2) (um). Despite the specific provisions of sub. (1), the responsibility for collection of the interest and principal on such loans to veterans shall rest in the department of veterans affairs and the functions of the investment board shall be limited to advancing funds to the department of veterans affairs and to periodically receiving from the appropriations made by s. 20.485 (2) (b), (up) and (ux) payments of principal and interest on the advances made to the department of veterans affairs.

(c) Have exclusive control of the investment and collection of the principal and interest of all funds of the historical society which are available for investment as determined by said society. The board may dispose of said investments and any other securities placed under its control by the historical society when in the judgment of the board it is for the best interest of the society to do so. The board may invest those funds of the society which are available for investment under ch. 881.

(d) Invest the funds of the state insurance fund in investments permitted by s. 201.25 of the 1969 statutes.

(dg) Have authority to invest in:

1. Direct obligations of the United States and of agencies of and corporations wholly owned by the United States, and direct obligations of federal land banks, federal home loan banks, central bank for cooperatives and banks for cooperatives, international bank for reconstruction and development and inter-American development bank, in each case maturing within one year or less from the date of investment.

2. Commercial paper maturing within one year or less from the date of investment and rated prime by the national credit office, if the issuing corporation has one or more long-term senior debt issues outstanding, each of which has one of the 3 highest ratings issued by Moody's investors service or Standard & Poor's corporation.

3. Certificates of deposit maturing within one year or less from the date of investment, issued by banks or savings and loan associations located in the United States and having capital and surplus of at least \$50,000,000.

(dm) Make loans secured by mortgages upon unencumbered and wholly or partly improved real property in the United States or Canada, or upon leasehold estates in improved real property therein. Real property and leasehold estates shall not be deemed to be encumbered within the meaning of this paragraph by reason of the existence of unpaid assessments and taxes not delinquent, mineral, oil or timber rights, easements or rights-of-way for public highways, private roads, railroad, telegraph, telephone, electric light and power lines, drains, sewers or other similar easements or rights-of-way, lines for service and maintenance of water rights when not delinquent, party wall agreements, building restrictions, or other restrictive covenants or conditions, with or without a reversionary clause, or leases under which rents or profits are reserved to the owner. No such loan shall exceed 75% of the then fair market value, including buildings, if any, mortgages to secure the same. If the value of the buildings constitutes any part of the security, such buildings shall be kept insured to an amount which, together with 75% of the value of the land, shall equal or exceed the loan. The foregoing limitations and restrictions shall not apply to loans made under ch. 219 or real estate loans which are insured in whole or in part by the federal housing administration or commercial mortgage insurers.

(dr) Invest the funds of the bond security and redemption fund only in direct obligations of the United States maturing in amounts and

at times sufficient to pay the principal and interest payable from such fund during the calendar year.

(e) Sell investments from one fund to another when the board determines that it is necessary and desirable, and dispose of any investments when in their judgment it is to the best interest of these funds to do so.

(f) Every investment shall be held as an asset of the fund by which purchased and, except as otherwise provided by law, the loss or gain shall inure thereto.

(g) All loans, securities and other investments in which moneys of any such fund, including the general fund, are invested shall be under the management and control of the board.

(4) Invest the funds of the fixed retirement investment trust in loans, securities or investments in addition to those permitted by any other section of the statutes, but the aggregate of the loans, securities and investments made under this subsection shall not exceed 15% of the admitted assets of said trust.

(5) The limitations upon the percentage of the assets of any fund which are imposed by sub. (4) or any other statute shall not be applicable to investments made by the investment board of funds in the variable retirement investment trust created under s. 40.06 and said investments shall be excluded in computing the assets to which any such limitations apply. Assets of the variable retirement investment trust shall be invested primarily in equity securities which shall include common stocks, real estate or other recognized forms of equities whether or not subject to indebtedness, including securities convertible into common stocks except that the investment board temporarily may invest such assets in investments which are authorized under sub. (3), but the assets so temporarily invested shall be replaced by equity securities at the earliest time deemed by the board to be practicable considering the then existing condition of the securities market and other influential factors.

(7) Make all loans and investment purchases from any funds under its control in the name of the board, except that:

(a) Mortgages on real estate outside of Wisconsin may be made to, and the title to real estate outside of Wisconsin may be acquired in the name of, a trustee under a trust agreement between the board and a bank or trust company organized under the laws of the United States or any state thereof having a combined capital and surplus of at least \$25,000,000; and any such mortgages or real estate acquired prior to June

24, 1966 may be assigned or conveyed to such trustee under an appropriate trust agreement between it and the board.

(b) Loans, securities and investments may be purchased or held in the name of, or transferred to nominees of one or more banks or trust companies meeting the requirements of this section under a custodial agreement between the board and each such bank or trust company. Any such bank or trust company shall be organized under the laws of the United States or any state thereof and any such bank or trust company not located in Wisconsin shall have a combined capital surplus and undivided profits of at least \$100,000,000.

(8) Accept when necessary to protect a mortgage loan, a quitclaim deed or warranty deed to the mortgaged property in full satisfaction of the mortgage debt, and manage, operate, lease, exchange, sell and convey, by land contract, quitclaim deed or warranty deed, and grant easement rights in, any real property acquired by said board. Any lease, land contract, quitclaim deed, warranty deed, easement, satisfaction of mortgage, partial release of mortgage, or any other instrument relating to real property in which said board has an interest shall be executed on behalf of said board by the executive director.

(9) Give such advice and assistance as may be requested by the board of commissioners of public lands or the board of regents of the university of Wisconsin system in the investment of any moneys which under sub. (1) are excepted from the moneys to be loaned or invested by the investment board, and assign, sell, convey and deed to them such investments made by the said board as may be mutually agreeable. The cost of any services rendered to the board of commissioners of public lands or the board of regents of the university of Wisconsin system pursuant to this section shall be charged to the fund to which the moneys invested belong and shall be added to appropriation to the investment board in s. 20.536.

(10) Notwithstanding s. 206.34 (1) (c) of the 1969 statutes whenever a building constitutes any part of the security for a loan made by the investment board under either s. 25.17 (3) (bh) or 206.34 (1) (c) of the 1969 statutes, such building shall be kept insured for at least the unpaid amount of the loan or such larger amount as may be necessary to comply with any coinsurance clause inserted in or attached to the policy. When the full insurable value of the building is less than the unpaid amount of the loan, such building shall be kept insured for the full insurable value thereof.

(11) In order to promptly process investment transactions and receipts, have authority to establish and maintain accounts in its own name in those banks with whom it has entered into custodial agreements.

(12) Succeed to all of the duties, functions, and powers, property, documents, records, assets, liabilities and obligations of:

(a) The annuity board of the state teachers retirement system in the investment of the several funds of the state teachers retirement system;

(b) The commissioner of insurance in the investment of the state insurance fund;

(c) The commissioner of insurance, the state treasurer, the secretary of state and the attorney general in the investment of the life fund;

(d) The state treasurer, the secretary of state and the attorney general in the investment of the soldiers' rehabilitation fund;

(g) All other state boards, commissions, departments, institutions and officers in the investment of any funds which under sub. (1) are hereafter to be loaned and invested by the investment board.

(13) Succeed to all of the property, documents, records and assets of the state annuity and investment board in the investment of the several funds which were under the control of said board.

(14) The investment board shall as of June 30 and December 31 of each year make and file with the department of employe trust funds a report of the value of the assets of the fixed retirement investment trust and of the variable retirement investment trust, determined as of each such date at market value for the variable retirement investment trust and on the following basis for the fixed retirement investment trust:

(a) Bonds shall be valued at par. Other evidences of debt and loans secured by mortgages having a fixed term and rate shall be valued at the outstanding principal balance.

(b) Preferred stocks shall be valued at current market value, but if no current market exists shall be valued at par.

(c) Real property which is leased to others shall be valued at cost less the total of principal paid to date.

(d) Any preferred stock, bond, or mortgage which is in arrears or in default shall be assigned a value by the investment board which will approximate what the board in its sole discretion feels the asset is worth.

(e) All other investments shall be valued at market.

(f) With respect to all securities under pars. (a) to (e), the amount of any premium or dis-

count at time of purchase, gain or loss at time of sale or other disposition, premium on call or redemption, commitment or standby fee, profit or loss on residual value, scrap value, fire or casualty award, condemnation award, adjustment in book value, or other gains or losses shall be transferred to the transaction amortization account of the fixed retirement investment trust under s. 40.06.

(g) With respect to all securities under pars. (a) to (e), the amount of any dividend, interest income, accrued interest received or accrued interest paid, arrears of interest or any other adjustment in interest shall be transferred to the current income account of the fixed retirement investment trust under s. 40.06.

(15) For purposes of the power and authority of the investment board to make investments the "admitted assets" of the fixed retirement investment trust or the variable retirement investment trust shall be the total valuation of the assets of such trust as set forth in the last report made pursuant to sub. (14), plus the purchase price of any investments, other than common stocks, made subsequent to such last report, minus the admitted asset value of any asset sold, other than common stocks, subsequent to such last report, plus the market value of the common stocks of the trust on the last day of the preceding month. Any percentage limitation or permission respecting the power and authority of the investment board to make investments shall be calculated as each occasion for investment occurs and upon the admitted assets of the trust at that time.

(51) Have the legislative audit bureau conduct a financial audit to include financial statements and an evaluation of accounting controls and accounting records of the board at least every 2 years.

(52) Maintain records from which it can determine the particular investments of the sinking funds of the bond security and redemption fund made under sub. (3) (dr) and the fair market value of such investments, and report this information to the department of administration at its request.

(61) Designate special depositories in which the state treasurer may make special deposits of funds, not exceeding the amount limited by the board, which shall be deposited subject to the depository's rules and regulations relative to either savings accounts, time certificates of deposit or open time accounts, as the case may be.

(63) Fix the rates of interest to be paid by public depositories on active deposits and special deposits of the state treasurer. Such rates of interest shall be based upon the size and activity of public deposits and shall take into consideration the net return to public depositories on

sound investments. Rates of interest fixed as provided herein shall be paid uniformly by all public depositories on all public deposits unless the payment of interest on such deposits is prohibited under any act of congress or any rule or regulation of any federal agency having supervision over such public depository, and such public deposits shall be subject to no charge other than the amount required to be paid into the state deposit fund. Any public depository which refuses, neglects or by subterfuge avoids payment of interest on public deposits in accordance with the fixed rates shall be excluded from the right to receive and hold public deposits. Inactive deposits other than special deposits of the state treasurer shall bear the same rates of interest as are paid by such public depository on time accounts.

(65) Invest the industrial building construction loan fund under sub. (1) (d) only on the basis specified in sub. (3) (b) or (ba).

History: 1971 c. 41 s. 12; 1971 c. 74; 1971 c. 100 s. 23; 1971 c. 125 s. 522 (1); 1971 c. 164; 1971 c. 214 s. 147; 1971 c. 260 s. 92 (3) to (5); 1973 c. 117, 137, 151; 1973 c. 208 s. 17; 1973 c. 209, 333, 336; 1975 c. 26, 27, 39, 118, 147, 164, 180, 189, 200, 422; 1977 c. 29 ss. 439 to 439f, 1654 (1); 1977 c. 31, 107, 377, 418, 423.

State deposits in a working bank must be payable on demand and withdrawn only by check issued on a warrant authorized by the department of administration. A proposal for the use of "check float" to purchase short-term securities is unauthorized. 58 Atty. Gen. 107.

Commingling of common stocks of various employe trust funds is not prohibited by sub. (3) (f). 59 Atty. Gen. 149.

Investment board may not, without authorization from the legislature, engage in "put" and "call" options on its stock portfolio. 60 Atty. Gen. 266.

Investment board has authority under (8) to contribute to a private improvement association for street improvements, if the improvements will directly benefit the board's property. 65 Atty. Gen. 85.

25.18 Additional powers of board. (1) In addition to the powers and duties enumerated in s. 25.17 the investment board may:

(a) Employ special legal or investment counsel in any matters arising out of the scope of its investment authority. The employment of special legal counsel shall be with the advice and consent of the attorney general whenever such special counsel is to be compensated by the board. Any expense of counsel so employed shall be borne by the fund for which the services shall be furnished.

(b) Execute instruments in which it agrees 1. to indemnify against its failure to indorse payments of any kind which may be made upon notes, bonds, debentures or other securities or 2. to indemnify the issuer of securities, whether it be the obligor thereon or a trustee or agent, against any loss which might be incurred as the result of the issuance or reissuance of securities to replace securities which have been lost, stolen, mutilated or destroyed.

(c) Secure insurance against burglary, robbery or theft on any of the securities owned or held by the board or any of the funds under its management.

(d) Liquidate or cause to be liquidated any corporation 100% of whose common stock is owned by the board, or operate such corporation until it can be liquidated to recoup the investment of the board, but such period shall not exceed 5 years.

(e) Take such action as may be necessary to make investments in mortgage loans or in the purchase of interests in real estate in any other state or in Canada, including but not excluding because of enumeration, qualifying to do business, filing reports, paying franchise, license or other fees and taxes, designating agents, designating an office and subjecting itself to suit.

(f) Maintain and repair any building or other structure or premises which it owns in fee or in which it owns the beneficial interest and, notwithstanding the provisions of any other statutes, it shall have exclusive authority to make such agreements and enter into such contracts as it deems necessary for such purpose.

(g) To engage in financial transactions whereby bearer securities issued or guaranteed by the U.S. government or any of its agencies, which are owned by the board, are delivered to reputable and financially responsible dealers in such securities under an agreement which provides a) for the replacement thereof with securities of the same kind and amount upon demand therefor by the board, b) for the payment to said board by said dealer of a commission, based upon the amount of said securities, for the period of time between the delivery of the securities to such dealer and his replacement thereof, and c) for the pledge and delivery by said dealer to said board of other securities issued or guaranteed by the U.S. government or any of its agencies, having a market value at the time of such pledge equal to at least the market value of the securities so delivered, to guarantee the replacement of such securities.

(h) Sell stock, debentures or other securities which it has the right to acquire upon the exercise of conversion rights then owned by it.

(i) Engage in financial transactions whereby securities owned by the board, are delivered to reputable and financially responsible dealers under an agreement satisfactory to the board which provides for cash equal to the full current market value of the security as adjusted from time to time to changes in the market, and for replacement thereof with securities of the kind and amount upon demand by the board.

(j) Engage in financial transactions whereby securities owned by the board are delivered to

reputable and financially responsible dealers under an agreement satisfactory to the board which provides for delivery to the board of other securities as collateral of at least equal value to the current market value of the security as adjusted from time to time to changes in the market, and for replacement of the original securities of the same kind and amount upon demand by the board.

(k) Engage in financial transactions whereby securities are purchased by the board under an agreement providing for the resale of such securities by the board to the original seller at a stated price together with a payment to the board of interest for the period the board holds the securities.

(l) Engage in financial transactions whereby securities owned by the board are sold under an agreement providing for the repurchase of such securities by the board at a stated price together with the payment to the buyer of interest for the period the buyer holds the securities.

History: 1975 c. 39.

25.19 State treasurer, ex officio treasurer; bond; deposit of securities. The state treasurer shall be ex officio treasurer of the investment board and shall give an additional bond in such amount and with such corporate sureties as shall be required and approved by the board, the cost of which shall be borne by the board. Any of the securities purchased by the investment board for any of the funds whose investment is under the control of the board may be deposited by the board or the state treasurer in vaults or other safe depositories outside of the office of the state treasurer, and either in or outside of this state, but a safekeeping receipt shall be delivered to the state treasurer for all securities so deposited. Every such safekeeping receipt shall describe the securities covered thereby and be payable on demand, without conditions, to the investment board or to any designated fund under the control of the board or to the state treasurer.

25.20 General fund. All moneys in the state treasury not specifically designated in any statute as belonging to any other funds constitute the general fund.

25.21 Common school fund. All moneys accruing to the state by virtue of section 2 of article X of the constitution, and all other moneys paid into the state treasury on account of the capital of the school fund, constitute the school fund. All of said fund, except that portion set apart for state universities by s. 25.25, having

been found necessary for the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor, is set apart for those objects and denominated the "Common School Fund" which is a separate and perpetual fund.

25.22 Common school fund income. The common school fund income is constituted of the interest derived from the common school fund and from unpaid balances of purchase money on sales of common school lands; and all other revenues derived from the common school lands.

25.23 Distribution of the common school fund income. Pursuant to section 5 of article X of the constitution, the common school fund income shall be distributed to the school districts among the several towns, villages and cities of the state for the support of common schools therein, as provided in s. 43.70.

History: 1971 c. 152 s. 38.

25.235 Swamp land grants. All swamp and overflowed lands and moneys in lieu thereof received from the United States by virtue of the act of congress approved September 28, 1850, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits;" and all moneys received as purchase money for such lands, including loans and investments and moneys due upon certificates of sale thereof; and all swamp lands and moneys in lieu thereof received subsequent to the enactment of chapter 537, laws of 1865, or which are hereafter received, from the United States; and the proceeds of the sale of all lands conveyed to this state pursuant to the act of congress approved March 2, 1865, entitled "an act for the relief of purchasers and locators of swamp and overflowed lands," are trust lands and moneys, to be applied, exclusively, as provided in s. 25.25.

25.25 Normal school fund. The lands and moneys described in s. 25.235, not being granted for any other specified purpose, accrue to the school fund by virtue of section 2 of article X of the constitution; and having been found unnecessary for the support and maintenance of common schools, are appropriated to the support and maintenance of state universities and suitable libraries and apparatus therefor, and to that end are set apart and denominated the "Normal School Fund". All lands, moneys, loans, investments and securities heretofore set apart to the normal school fund and all swamp lands and moneys that may hereafter be received on account of the capital of such fund

constitute a separate and perpetual fund. All receipts from earnings on the normal school fund shall be paid into the general fund as general purpose revenue.

25.26 University fund. All moneys accruing to the state pursuant to section 6 of article X of the constitution, and all other moneys paid into the state treasury on account of the capital of the university fund, constitute the university fund, which is a separate and perpetual fund.

25.27 Agricultural college fund. All moneys derived from the sale of the lands and land scrip accruing to the state by virtue of the act of congress approved July 2, 1862, entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and the mechanic arts," and all other moneys paid into the state treasury on account of the capital of the agricultural college fund, constitute the agricultural college fund, which is a separate and perpetual fund and shall remain forever undiminished. If said fund shall by any action or contingency be impaired a state tax is hereby levied sufficient to replace the same, to be collected with the state taxes for the next ensuing year and paid into said fund.

25.29 Conservation fund. Except as otherwise provided by law, all moneys accruing to the state for or in behalf of the department of natural resources under chs. 23, 26, 27, 28, 29 and 77, including grants received from the federal government or any of its agencies, shall constitute the "Conservation Fund" and, unless otherwise provided by law, shall be paid, within one week after receipt into the state treasury and credited to the conservation fund.

(1) License fees and other state moneys collected by each field employe of the department shall be remitted to the department within one month after receipt together with a report of the number of licenses issued and details covering the type and the amount of money remitted.

(2) Funds accruing to the conservation fund from license fees paid by hunters and from sport and recreation fishing license fees shall not be diverted for any other purpose than those provided by the department, except:

(a) As necessary to carry out civil disorder responsibilities under s. 22.165.

(b) As provided in s. 20.370 (1) (uh).

(3) No money shall be expended or paid from the conservation fund except in pursuance of an appropriation by law.

(4) A gift or bequest shall be used in accordance with the directions of the donor.

(5) All moneys received from the United States for fire prevention and control, forest planting and other forestry activities, and for wildlife restoration projects and for other purposes, and as provided in s. 29.174 (13), shall be devoted to the purposes for which these moneys are received.

(6) All of the proceeds of the tax which is levied under s. 70.58, and all moneys paid into the state treasury as the counties' share of compensation of emergency fire wardens under s. 26.14 shall be used for acquiring, preserving and developing the forests of the state, including the acquisition of lands owned by counties by virtue of any tax deed and of other lands suitable for state forests, and for the development of lands so acquired and the conduct of forestry thereon, including the growing and planting of trees; for forest and marsh fire prevention and control; for compensation of emergency fire wardens; for maintenance, permanent property and forestry improvements; for the aerial photographic survey under s. 16.965; for other forestry purposes authorized by law and for the payment of aid for forests as authorized in s. 28.11 and ch.77.

(a) Eight per cent of the tax which is levied under s. 70.58 or of the funds provided for in lieu of such levy shall be used to acquire and develop state forest lands within areas approved by the department and the governor and located within the region composed of Manitowoc, Calumet, Winnebago, Sheboygan, Fond du Lac, Ozaukee, Washington, Dodge, Milwaukee, Waukesha, Jefferson, Racine, Kenosha, Walworth, Rock and Outagamie counties.

(b) Four per cent of the tax levied under s. 70.58, or of the funds provided in lieu of such levy shall be used for the purchase of state forest lands within areas approved by the department and the governor and located within the region specified above.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37).

25.31 Benevolent fund. The benevolent fund, amounting to the principal sum of \$13,500, transferred to the state by chapter 636, laws of 1917, constitutes a separate trust fund and shall be conserved and applied as follows:

First: The principal of said trust fund shall be held by the state treasurer, and be invested and reinvested as provided in ch. 25.

Second: The income of said trust fund shall be used and expended exclusively for the benefit of girls committed to the Wisconsin school for girls, or such other institutions as the state may hereafter establish and maintain for the care, custody and education of girls of the classes now or hereafter authorized by law to be committed

to said institution, in providing healthful and instructive recreation and amusements, furnishing advance educational facilities for such of them as show special fitness therefor, providing needed medical or surgical care in exceptional cases, and other similar purposes; but no part of said income shall be used for defraying any of the ordinary expenses of any such institution.

Third: Said income shall be disbursed from the state treasury only upon warrants issued on certifications by the department of health and social services upon the recommendation of the superintendent or other managing officer of such school or other institution.

25.36 Veterans trust fund. All moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used exclusively for veterans and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents; all moneys paid as interest on and repayment of loans under the post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; and all gifts of money received by the board of veterans affairs for the purposes of this fund.

25.40 Transportation fund. (1) The separate nonlapsible trust fund designated as the transportation fund shall consist of the following:

(a) All collections of the department of transportation or the transportation commission except net sales taxes as determined in s. 77.61 (4) (b) and other revenues specified in ch. 218 derived from the issuance of licenses under the authority of the commissioner of banking which shall be paid into the general fund.

(b) Motor fuel taxes and other revenues collected under ch. 78.

(c) Taxes on air carrier companies under ch. 76 and aircraft registration fees under s. 114.20.

(d) Assessments collected by the transportation commission under ss. 184.10 and 195.60.

(e) All moneys paid into the state treasury by any local unit of government or other sources for transportation purposes.

(f) All federal aid for aeronautics, highways and other transportation purposes made available by any act of congress, subject to applicable federal regulations.

(g) The investment income of the transportation fund.

(h) The actual administrative costs, as determined by the department of administration, incurred by the department of transportation in

collecting the sales tax on the occasional sale of motor vehicles which shall be transferred from the general fund.

(i) Taxes on railroad companies under ch. 76 except those distributed under s. 76.24 (1).

(2) Payments from the transportation fund, except for appropriations made by ss. 20.115 (1) (q), 20.255 (1) (q) and (r), 20.285 (1) (x), 20.292 (1) (u), 20.370 (1) (vt), 20.505 (3), 20.530 (1), 20.545 (3) (q), 20.566 (1) (u) and 20.765 (2) (u) or authorized by s. 25.17 shall be made only on the order of the secretary of transportation, from which order the secretary of administration shall draw a warrant in favor of the payee and charge the same to the transportation fund.

History: 1971 c. 125, 211; 1973 c. 90, 333; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 199; 1977 c. 29, 274, 418, 447.

25.41 State housing authority reserve fund. (1) All moneys appropriated or transferred by law; all moneys received from the federal government, from the state housing finance authority, or from any other source for the purpose of the state housing authority reserve fund; and all income or interest earned by, or increment to the state housing authority reserve fund due to the investment thereof shall constitute the state housing authority reserve fund which shall be used only as provided in this section.

(2) Except for the purpose of investment as provided in s. 25.17 (2) (c), moneys in the fund shall be used only for the purpose of funding the appropriation to the housing rehabilitation loan program loan loss reserve fund under s. 20.490 (2) (q). Nothing in this section may be construed as limiting the power of the legislature, at any time, to abolish the fund.

(3) Subject to s. 25.17 (2) (c), the board has exclusive control of the investment and collection of the principal and interest of all moneys invested from the fund and shall invest in investments authorized under s. 25.17 (3) (b).

History: 1977 c. 418.

25.42 Wisconsin election campaign fund. All moneys appropriated under s. 20.855 (2) (b) together with all moneys reverting to the state under s. 11.50 (8) shall constitute the Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.

History: 1977 c. 107; 1977 c. 418 s. 929 (55)

25.45 Waste management fund. There is established a separate nonlapsible trust fund designated as the waste management fund, to consist of all fees collected under s. 144.441 (2) (c) and (3). Moneys in the waste management

fund shall be used for the purposes enumerated in s. 144.441 (3) (d).

History: 1977 c. 377.

25.50 Local government pooled-investment fund. (1) DEFINITIONS. In this section:

(a) "Board" means the state investment board.

(b) "Fund" means the local government pooled-investment fund.

(c) "Local funds" means funds under the control or in the custody of any local government or local official that are not required to meet current expenditures or demands.

(d) "Local government" means any county, town, village, city, power district, sewerage district, drainage district, public library system, school district or vocational, technical and adult education district in this state, any commission, committee, board or officer of any governmental subdivision of this state, any court of this state, other than the court of appeals or the supreme court, or any authority created under s. 231.02, 234.02 or 499.02 (1).

(e) "Local official" means each officer or employe of a local government who by law or vote of the governing body of the local government is made the custodian of funds.

(2) CREATION. There is established within the state investment fund a local government pooled-investment fund with a separate and identifiable account within the fund for each local government.

(3) LOCAL GOVERNMENTS AUTHORIZED TO PLACE FUNDS IN POOL. (a) With the consent of the governing body, a local official may transfer local funds to the state treasurer for deposit in the fund.

(b) On the dates specified and to the extent to which they are available, subject to s. 16.53 (10), funds payable to local governments under ss. 70.996 (1), 79.02 (2) (a) and (am), 79.03 (1), 79.04 (1), (2) (a) and (3), 79.06, 79.08, 79.10 (1) and (3) and 79.17 (1) and (3) shall be considered local funds and, pursuant to the instructions of local officials, may be paid into the separate accounts of all local governments established in the local government pooled-investment fund and, pursuant to the instructions of local officials, to the extent to which they are available, be disbursed or invested.

(4) PERIOD OF INVESTMENTS; WITHDRAWAL OF FUNDS. Subject to the right of the local government to specify the period in which its funds may be held in the fund, the state treasurer shall prescribe the mechanisms and procedures for deposits and withdrawals.

(5) INVESTMENT POLICIES. The investment board shall formulate policies for the investment and reinvestment of moneys in the fund and the acquisition, retention, management and disposition of such investments.

(6) INVESTMENT BOARD TO INVEST, REINVEST POOLED FUNDS. In the amounts available for investment purposes and subject to the policies formulated by the investment board, the investment board shall invest and reinvest moneys in the fund and acquire, retain, manage, including the exercise of any voting rights, and dispose of investments of the fund.

(7) REIMBURSEMENT OF EXPENSES. The state treasurer shall deduct quarterly a maximum of 0.25% of the amount of income received from the earnings of the fund during the preceding calendar quarter for all actual and necessary expenses incurred by the state in administering the fund.

(8) SEPARATE ACCOUNTS. (a) The department of administration shall keep a separate account for each local government and shall record the individual amounts and the totals of all investments of each local government's moneys in the fund.

(b) The state treasurer shall report monthly to each local official the deposits and withdrawals of the preceding month and any other activity within the account.

(9) RULES. The state treasurer may promulgate rules to carry out the purposes of this section.

History: 1975 c. 164; 1977 c. 29, 187.

25.55 Local government trust-investment fund. (1) There is created a local government trust-investment fund under the jurisdiction and management of the investment board.

(2) Local governments as defined in s. 25.50 (1) (d), may transfer to the state treasurer for deposit in the local government trust-investment fund excess cash for investment by the investment board. Local governments shall specify the term of investment of moneys transferred. The department of administration shall set up a separate account for each local government. The investment board shall invest each account separately in investments authorized under s. 25.17 (3) (b), (ba) and (dg). All interest accruing as a result of such investment shall be allocated to the account for which it was invested. The investment board shall prescribe rules determining the amounts which may be transferred to this fund for investment and the procedures to be followed for making deposits and withdrawals.

(3) Administrative expenses allocated to the operation of this fund shall be deducted from interest earned by the fund in an amount not to exceed 0.25% per quarter of the interest earned by the separate accounts in the fund.

(4) The state treasurer may promulgate rules to carry out the purposes of this section.

History: 1975 c. 164; 1977 c. 29.

25.60 Budget stabilization fund. All moneys appropriated under s. 20.875 (1) (a) shall constitute the budget stabilization fund. Moneys appropriated to this fund shall be reserved to fund existing or enacted programs which receive no funding or partial funding during the 1977-79 biennium or which will require significantly increased funding in the 1979-81 biennium.

History: 1977 c. 418.

25.61 Tax reform reserve fund. All moneys appropriated under s. 20.875 (2) (a) shall constitute the tax reform reserve fund. This money is reserved for tax reductions which may occur as a result of comprehensive tax reform measures to be proposed in the 1979-81 executive biennial budget bill.

History: 1977 c. 418.

25.65 County mining investment fund.

(1) DEFINITIONS. In this section:

(a) "Board" means the state investment board.

(b) "County funds" mean payments received by counties under s. 70.395 (2) (d) 1.

(c) "County government" means any county in this state.

(d) "County official" means each officer or employe of a county government who by law or vote of the governing body of the county government is made custodian of county funds.

(e) "Fund" means the county mining investment fund.

(2) CREATION. There is established under the control of the board a county mining investment fund with a separate and identifiable account within the fund for each county government.

(3) COUNTY GOVERNMENTS AUTHORIZED TO PLACE COUNTY FUNDS IN FUND. With the consent of the county board a county official may

transfer a maximum of 10% of any county funds received in a year under s. 70.395 (2) (d) 1 to the state treasurer for deposit in the fund. A county official may authorize the investment and local impact fund board to transfer the county funds to the state treasurer for the county.

(4) PERIOD OF INVESTMENTS; WITHDRAWAL OF FUNDS. Subject to the restrictions in this subsection the state treasurer shall prescribe the mechanisms and procedures for deposits and withdrawals. The mechanisms and procedures shall include a requirement for review and approval by the investment and local impact fund board of all withdrawals made within 10 years of deposit. The state treasurer shall notify the investment and local impact fund board of all withdrawals made 10 years or more after deposit. Withdrawals shall be made only to cover the costs of alleviating impacts due to the closing of a metalliferous mine in the county or the curtailment of metalliferous mining activity in the county.

(5) INVESTMENT POLICIES. The board shall formulate policies for the investment and reinvestment of moneys in the fund and the acquisition, retention, management and disposition of the investments.

(6) REIMBURSEMENT OF EXPENSES. The state treasurer shall deduct quarterly a maximum of 0.25% of the amount of income received from the earnings of the fund during the preceding calendar quarter for all actual and necessary expenses incurred by the state in administering the fund.

(7) SEPARATE ACCOUNTS. (a) The department of administration shall keep a separate account for each county government and shall record the individual amounts and the totals of all investments of each county government's moneys in the fund.

(b) The state treasurer shall report quarterly to each county official the deposits and withdrawals of the preceding quarter and any other activity within the account.

History: 1977 c. 423.