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NEWS FOR IMMEDIATE RELEASE

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AG Kaul Releases First AG Opinion Under New, Transparent Process

MADISON, Wis. – Attorney General Josh Kaul issued the first formal AG Opinion of his term, utilizing the transparent process [announced](#) in June of 2019.

Today’s AG Opinion addressed to Washburn County Corporation Counsel Mary Ann Hook Swan is regarding a practice by some counties of entering into lease agreements with private entities for rights to gravel on county-owned land. The opinion concerns whether certain provisions in chapter 83 of the Wisconsin Statutes prevent that arrangement. It also addresses whether Wisconsin’s constitutional “public purpose” doctrine is implicated.

Attorney General Kaul concluded that the statutes discussed do not forbid a county from entering into these types of agreements, but rather that there is general statutory authority for counties to enter into lease agreements relating to mineral rights. Attorney General Kaul further concluded that the constitutional public purpose doctrine would not bar these transactions, regardless whether the purchaser has a public purpose, so long as the county receives adequate consideration.

A copy of the Attorney General's opinion is available [here](#).

A copy of the opinion request is available [here](#).