

State of Wisconsin



1997 Assembly Bill 770

Date of enactment: **April 27, 1998**
Date of publication*: **May 11, 1998**

1997 WISCONSIN ACT 194

AN ACT *to amend* 15.445 (2) (b) 2., 15.445 (2) (d) 3., 15.445 (2) (e), 20.923 (6) (L), 23.095 (1) (a), 23.095 (3) (b), 23.095 (3) (c), 23.095 (3) (d) 1., 23.095 (3) (d) 2., 41.41 (5) (a), 41.41 (5) (e), 41.41 (7) (a) and 230.08 (2) (yn); and *to create* 15.445 (2) (b) 4., 15.445 (2) (b) 5., 15.445 (2) (d) 2m., 23.095 (2m), 23.095 (3) (d) 3. and 41.41 (7m) of the statutes; **relating to:** the Kickapoo valley reserve, the Kickapoo reserve management board and providing a penalty.

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

SECTION 1. 15.445 (2) (b) 2. of the statutes is amended to read:

15.445 (2) (b) 2. Two members who are residents of that portion of the Kickapoo river River watershed, as determined by the department of natural resources, that lies outside of the area specified in subd. 1.

SECTION 2. 15.445 (2) (b) 4. of the statutes is created to read:

15.445 (2) (b) 4. One member who is a resident of the area composed of the areas specified in subds. 1. and 2.

SECTION 3. 15.445 (2) (b) 5. of the statutes is created to read:

15.445 (2) (b) 5. One member who has an interest in and knowledge of the cultural resources within the Kickapoo River watershed.

SECTION 4. 15.445 (2) (d) 2m. of the statutes is created to read:

15.445 (2) (d) 2m. The governor shall appoint the members specified in par. (b) 4. and 5. from a list of individuals recommended by the Ho-Chunk Nation.

SECTION 5. 15.445 (2) (d) 3. of the statutes is amended to read:

15.445 (2) (d) 3. Each municipality or school district specified in this paragraph may recommend no more than 3 members. The Ho-Chunk Nation may recommend no more than 3 individuals for the membership position under par. (b) 4. and no more than 3 individuals for the membership position under par. (b) 5. At the request of the governor, a municipality ~~or~~ a school district ~~or the Ho-Chunk Nation~~ shall recommend additional members if an individual who is recommended by the municipality or school district declines to serve.

SECTION 6. 15.445 (2) (e) of the statutes is amended to read:

15.445 (2) (e) *Liaison representatives.* The secretary of agriculture, trade and consumer protection, the secretary of natural resources, the secretary of transportation, the secretary of commerce, the secretary of administration, the director of the state historical society and the chancellor of the university of Wisconsin-extension, or their designees, shall serve as liaison representatives to the board. ~~The board shall request the Winnebago tribal council to appoint a liaison representative to the board.~~ The board may request any ~~other Indian tribal council which~~ federally recognized American Indian tribe or band in this state, other than the Ho-Chunk Nation, that expresses an interest in the governance of the Kickapoo

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

valley reserve to appoint a liaison representative to the board. The liaison representatives are not board members and have no voting power.

SECTION 7. 20.923 (6) (L) of the statutes is amended to read:

20.923 (6) (L) Tourism, department of; Kickapoo reserve management board: executive ~~secretary~~ director and staff.

SECTION 8. 23.095 (1) (a) of the statutes is amended to read:

23.095 (1) (a) “Damage” means to commit a physical act that unreasonably destroys, molests, defaces, removes or ~~unreasonably~~ wastes.

SECTION 9. 23.095 (2m) of the statutes is created to read:

23.095 (2m) PROHIBITION ON LAND IN KICKAPOO VALLEY RESERVE. No person may damage or attempt to damage any natural resource or archaeological feature located in the Kickapoo valley reserve under s. 41.41 (2).

SECTION 10. 23.095 (3) (b) of the statutes is amended to read:

23.095 (3) (b) Except as provided in pars. (c) and (d), any person who violates sub. (1m) or (2m) shall forfeit not more than \$200.

SECTION 11. 23.095 (3) (c) of the statutes is amended to read:

23.095 (3) (c) If a person violates sub. (1m) or (2m) and the violation involves damaging or attempting to damage a natural resource and the violation occurs on land in a state natural area, as defined in s. 23.27 (1) (h), the person shall forfeit not more than \$2,000.

SECTION 12. 23.095 (3) (d) 1. of the statutes is amended to read:

23.095 (3) (d) 1. If Except as provided in subs. 2. and 3., if a person violates sub. (1m) or (2m) and the violation involves damaging or attempting to damage an archaeological feature, the person shall forfeit not less than \$100 nor more than \$10,000.

SECTION 13. 23.095 (3) (d) 2. of the statutes is amended to read:

23.095 (3) (d) 2. If Except as provided in subd. 3., if a person violates sub. (1m) or (2m) and the violation involves intentionally damaging or intentionally attempting to damage an archaeological feature, the person shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 14. 23.095 (3) (d) 3. of the statutes is created to read:

23.095 (3) (d) 3. If a person violates sub. (2m) and the violation involves intentionally damaging or attempting

to damage an archaeological feature in the pursuit of commercial gain, the person shall, in addition to the penalty imposed under subd. 2., be fined an amount 2 times the gross value gained or the gross loss caused by the violation, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

SECTION 15. 41.41 (5) (a) of the statutes is amended to read:

41.41 (5) (a) Appoint an executive ~~secretary~~ director outside the classified service.

SECTION 16. 41.41 (5) (e) of the statutes is amended to read:

41.41 (5) (e) Consult and cooperate with the department of agriculture, trade and consumer protection, the department of natural resources, the department of transportation, the department of commerce, the department of administration, the state historical society, the university of Wisconsin—extension, ~~the Winnebago tribe and any other Indian tribe which~~ any federally recognized American Indian tribe or band in this state that appoints a liaison representative to the board regarding the management of the Kickapoo valley reserve.

SECTION 17. 41.41 (7) (a) of the statutes is amended to read:

41.41 (7) (a) Delegate responsibility for administration of the Kickapoo valley reserve to the executive ~~secretary~~ director.

SECTION 18. 41.41 (7m) of the statutes is created to read:

41.41 (7m) INTERIM MANAGEMENT. Notwithstanding subs. (2), (3) and (6) (a), the board may undertake interim management of land that is to be acquired from the federal government under sub. (2) prior to the transfer of the land to the state, if such interim management is approved by the federal government.

SECTION 19. 230.08 (2) (yn) of the statutes is amended to read:

230.08 (2) (yn) The executive ~~secretary~~ director and staff of the Kickapoo reserve management board.

SECTION 20. Nonstatutory provisions.

(1) Notwithstanding section 15.445 (2) (b) (intro.) of the statutes, the initial term of the member of the Kickapoo valley governing board appointed under section 15.445 (2) (b) 4. of the statutes, as created by this act, shall expire on May 1, 2000, and the initial term of the member of the Kickapoo valley governing board appointed under section 15.445 (2) (b) 5. of the statutes, as created by this act, shall expire on May 1, 2001.