

2005 DRAFTING REQUEST

Bill

Received: **09/12/2005**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Lee Nerison (608) 266-3534**

By/Representing: **Scott Loomans**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Econ. Development - tourism**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Nerison@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow appointment to Kickapoo Valley Reserve Board of individuals recommended by Ho-Chunk Nation who are not residents of the specified area

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 10/21/2005	kfollett 11/17/2005		_____			
/1			jfrantze 11/17/2005	_____	lnorthro 11/17/2005	sbasford 02/14/2006	

FE Sent For:

<END>

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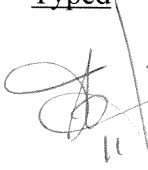
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/?	csundber	1/1 kjf 1/1/7		Sulf 1/1/7			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
~~100 N. Hamilton Street~~ 1 East Main
Legal Section 266-3561 Suite 200

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 9/12/05

Legislator, agency, or other person requesting this draft Rep. Nelson

Person submitting request (name and phone number) Scott Loomans 6-3534

Persons to contact for questions about this draft (names and phone numbers)
Scott Loomans, Mary West (KVR Executive Director) 608-625-2960

Describe the problem, including any helpful examples. How do you want to solve the problem?

The HoChunk nation does not have members living in the Kickapoo watershed who are interested in serving on the board. To solve the problem, would like to eliminate requirement that the HoChunk appointees live in the watershed.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

~~15.445~~ 15.445 (2)

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

Sen. Kapanick's office has permission to view this draft if they want. YES NO

15.435 STRUCTURE OF THE EXECUTIVE BRANCH

ber's position on the board shall be considered vacant until a successor is appointed under s. 15.07 (1) (b).

(d) *Qualifications.* 1. One of the public members shall reside in a town in which a metalliferous mineral ore body is known to exist.

2. One of the public members shall reside in a county in which metalliferous mineral development is occurring or in an adjacent county.

3. One of the local officials shall reside in a county or school district in which metalliferous mineral development is occurring or in an adjacent county or school district; and

4. One local official shall reside in a county or school district in which metalliferous minerals are extracted or an adjacent county or school district.

5. The Native American shall reside in a municipality in which a metalliferous mineral ore body is known to exist.

(e) *Recommendations.* 1. One public member shall be recommended by the town boards in towns in which a metalliferous mineral ore body is known to exist. Preference shall be given to the appointment of a public member who resides in a township in which the development of a metalliferous mineral ore body is occurring.

2. One municipal official member shall be recommended by the League of Wisconsin Municipalities.

3. One municipal official member shall be recommended by the Wisconsin Towns Association.

4. The school board member shall be recommended by the Wisconsin Association of School Boards.

5. The county official members shall be recommended by the Wisconsin Counties Association.

6. The Native American member shall be recommended by the Great Lakes Inter-Tribal Council, Inc. Preference should be given to the appointment of a Native American who resides in a town in which the development of a metalliferous mineral ore body is occurring.

(g) *Assistance; advice.* The board may request of any state agency such assistance as may be necessary for the board to fulfill its duties.

History: 1977 c. 31, 423; 1979 c. 63; 1979 c. 361 s. 112; 1981 c. 86, 391; 1983 a. 36 s. 96 (4); 1983 a. 192 ss. 20, 303 (7); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1995 a. 27 ss. 188, 189 and 9116 (5); 1997 a. 27; 2001 a. 103.

15.44 Department of tourism. There is created a department of tourism under the direction and supervision of the secretary of tourism.

History: 1995 a. 27.

15.445 Same; attached boards. (1) ARTS BOARD. There is created an arts board which is attached to the department of tourism under s. 15.03. The arts board shall consist of 15 members appointed for 3-year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2 members shall be from the southwest portion of this state and at least 2 members shall be from the southeast portion of this state.

(2) **KICKAPOO RESERVE MANAGEMENT BOARD.** (a) *Creation.* There is created a Kickapoo reserve management board which is attached to the department of tourism under s. 15.03.

(b) *Membership.* The board consists of the following members appointed to serve for 3-year terms:

1. Four members who are residents of the area composed of the villages of La Farge and Ontario, the towns of Stark and Whitestown and the school districts encompassing the villages of La Farge and Ontario.

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

3. Three members who are not residents of the watershed specified in subd. 2., one of whom shall be an advocate for the environment, one of whom shall have a demonstrated interest in education and one of whom shall represent recreation and tourism interests.

~~4. One member who is a resident of the area composed of the areas specified in subds. 1. and 2.~~

5. One member who has an interest in and knowledge of the cultural resources within the Kickapoo River watershed.

(c) *Vacancies.* If any member ceases to retain the status required for his or her appointment under par. (b), the member vacates his or her office.

(d) *Recommendations for membership.* 1. The governor shall appoint the members specified in par. (b) 1. from a list of individuals recommended by the governing bodies of the municipalities and school boards of the school districts specified in par. (b) 1.

2. The governor shall appoint the members specified in par. (b) 2. from a list of individuals recommended by the governing bodies of each town, village and city which includes territory located within the area specified in par. (b) 2.

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.

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, a school district or the Ho-Chunk Nation shall recommend additional members if an individual who is recommended declines to serve.

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

(3) **LOWER WISCONSIN STATE RIVERWAY BOARD.** (a) There is created a lower Wisconsin state riverway board, which is attached to the department of tourism under s. 15.03.

(b) The board shall be composed of the following members appointed for 3-year terms:

1. One member from Crawford County.
2. One member from Dane County.
3. One member from Grant County.
4. One member from Iowa County.
5. One member from Richland County.
6. One member from Sauk County.

7. Three other members who represent recreational user groups and who are not residents of any of the counties listed in subds. 1. to 6.

(c) The governor shall appoint each member under par. (b) 1. to 6. from a list, of at least 2 nominees, submitted by each respective county board.

(d) Each member under par. (b) 1. to 6. shall be either of the following:

1. An elected official at the time of appointment of a city or village that abuts the lower Wisconsin state riverway, as defined in s. 30.40 (15), or of a town or a county that is located at least in part in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

Loomans, Scott

From: West, Marcy
Sent: Friday, March 04, 2005 11:08 AM
To: Smyrski, Rose; Loomans, Scott
Cc: Patronsky, Mark
Subject: Ho-Chunk Nation Representative

Hello

Writing with hopes that Senator Kapanke and Representative Nerison can help me with some minor changes to the Kickapoo Reserve Management Board (KRMB) State Stats.

We've had difficulty getting representatives of the Ho-Chunk Nation to fill the seats they're allowed (See 15.445(2)(b)4). They've asked us to consider lifting the specification that one of their representatives live within the Watershed. They currently have very few - if any - members living in the watershed. In my opinion, if it helps their attendance and participation, it would be a good thing.

Please let me know the procedure you would like me to follow; formal letter of request, endorsements by the board and Ho-Chunk Nation etc. Mark Patronsky is the most familiar with our original language so I have copied him on this email. (*Thanks Mark!*)

Also, I will be in Madison on March 7-8 for the Governor's Conference on Tourism. Is there any time available on your bosses schedules where I could update them on activities of the Kickapoo Valley Reserve?

Thank you,
Marcy

Loomans, Scott

From: West, Marcy
Sent: Tuesday, August 16, 2005 9:39 AM
To: Loomans, Scott; Smyrski, Rose
Subject: RE: Ho-Chunk seat

Sounds good to me. Thanks!

-----Original Message-----

From: Loomans, Scott [mailto:Scott.Loomans@legis.state.wi.us]
Sent: Monday, August 15, 2005 4:24 PM
To: West, Marcy; Smyrski, Rose
Subject: RE: Ho-Chunk seat

I'd say let the attorneys worry about the cross-references, just tell us what you want to do. Has the board voted on this change? As far as timing, we're basically in the second half of the legislative session so the goal would just be to get it passed before session ends in May, 2006.

From: West, Marcy
Sent: Monday, August 15, 2005 3:50 PM
To: Smyrski, Rose; Loomans, Scott
Subject: Ho-Chunk seat

Hello--

If we can take a breather from the Kickapoo Reserve user fee discussion....(LaX Tribune is apparently getting an earful from a few in the valley today about their "*only business*" comment! UGH! And, I royally screwed up my explanation of where the forestry tax comes from in my newsletter article. How long do Monday's last?)

Anyway, I need to follow through on the change in legislation regarding Ho-Chunk Nation appointments to the Kickapoo Reserve Management Board. You indicated I should write with suggested language but I'm a little confused on how to change the language. (Please see s.15.445(b)4) The representatives from the Ho-Chunk Nation want the watershed resident requirement out of there so they can appoint from anywhere in the state. So, given the cross-reference from 2m. does it make sense to change (b)4 to "State of Wisconsin" - or - eliminate the wording of (b)4 and have (b)5 read "Two members who have an interest in and knowledge of the cultural and natural resources of the Kickapoo River watershed."

Of course (b)5 then would become (b)4.

Both the Kickapoo Reserve Management Board and Ho-Chunk Nation legislature support eliminating the residency requirement for the Ho-Chunk Nation nominees.

Also, what would a guesstimate schedule be for getting this change to the proper committee then approved???

Thanks!
Marcy



State of Wisconsin
2005 - 2006 LEGISLATURE

In: 10/21/05

LRB-3639/2

CTS:...

1 RANR
jef

11/21

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2005 BILL

1 AN ACT ...; relating to: the membership of the Kickapoo reserve management
2 board.

Analysis by the Legislative Reference Bureau

The Kickapoo Reserve Management Board (board) is attached to the Department of Tourism, and currently consists of 11 members appointed by the governor, including the following: 1) one member who is a resident of a specified portion of the Kickapoo River watershed,* and 2) one member who has an interest in and knowledge of the cultural resources within the watershed. Under current law, the governor is required to appoint the above members from a list of individuals recommended by the Ho-Chunk Nation.

Under this bill, the governor is required to appoint to the board, from a list of individuals recommended by the Ho-Chunk Nation, two members with an interest in and knowledge of the cultural resources within the Kickapoo River watershed. The bill eliminates the second board position above.

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

3 SECTION 1. 15.445 (2) (b) 4. of the statutes is repealed.

4 SECTION 2. 15.445 (2) (b) 5. of the statutes is amended to read:

1 15.445 (2) (b) 5. ~~One member~~ [✓] Two members who ~~has~~ have an interest in and
 2 knowledge of the cultural resources within the Kickapoo River watershed.

3 [✓]
 History: 1995 a. 27 ss. 104, 114, 166m, 192, 193, 218e, 9116 (5); 1995 a. 216, 225; 1997 a. 36, 194; 1999 a. 197; 2003 a. 27.

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

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

6 [✓]
 History: 1995 a. 27 ss. 104, 114, 166m, 192, 193, 218e, 9116 (5); 1995 a. 216, 225; 1997 a. 36, 194; 1999 a. 197; 2003 a. 27.

6 **SECTION 4.** 15.445 (2) (d) 3. of the statutes is amended to read:

7 15.445 (2) (d) 3. Each municipality or school district specified in this paragraph
 8 may recommend no more than 3 members. The Ho-Chunk Nation may recommend
 9 ~~no more than 3 individuals for the membership position under par. (b) 4.~~ [✓] and no more
 10 than ~~3~~ 6 individuals for the membership ~~position~~ positions under par. (b) 5. At the
 11 request of the governor, a municipality, a school district, or the Ho-Chunk Nation
 12 shall recommend additional members if an individual who is recommended declines
 13 to serve.

14 History: 1995 a. 27 ss. 104, 114, 166m, 192, 193, 218e, 9116 (5); 1995 a. 216, 225; 1997 a. 36, 194; 1999 a. 197; 2003 a. 27.

(END)

Loomans, Scott

From: Northrop, Lori
Sent: Thursday, November 17, 2005 4:35 PM
To: Rep.Nerison
Subject: Draft review: LRB 05-3639/1 Topic: Allow appointment to Kickapoo Valley Reserve Board of individuals recommended by Ho-Chunk Nation who are not residents of the specified area
Attachments: LRB-3639_1

**State of Wisconsin
Legislative Reference Bureau**

**One East Main Street
Suite 200
P.O. Box 2037
Madison, WI 53701-2037**

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Christopher T. Sundberg, Legislative Attorney, at (608) 266-9739, at christopher.sundberg@legis.state.wi.us, or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button (to the left). If you have any questions about jacketing, please call our program assistants at (608) 266-3561. Please allow one day for jacketing.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the draft before it is introduced by contacting our program assistants at LRB.Legal@legis.state.wi.us or at (608) 266-3561. If you have previously requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on this version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

*Please jacket for introduction in Assembly.
(I think my e-mail is too full of junk - the
buttons don't work)*

*Thanks,
Scott
Rep. Nerison Office*