

2009 DRAFTING REQUEST

Bill

Received: **06/04/2009**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Radcliffe (608) 266-7461**

By/Representing: **Steve Boe**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Radcliffe@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer jurisdiction of highway to Indian tribe or United States agency.

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>
/?							
/P1	emueller 07/14/2009	bkraft 07/24/2009	jfrantze 07/24/2009	_____	mbarman 07/24/2009		
/1	emueller 08/13/2009	bkraft 08/13/2009	rschluet 08/14/2009	_____	mbarman 08/14/2009	mbarman 08/14/2009	

FE Sent For:

<END>

↳ Not Needed

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for Assembly
Per EVM

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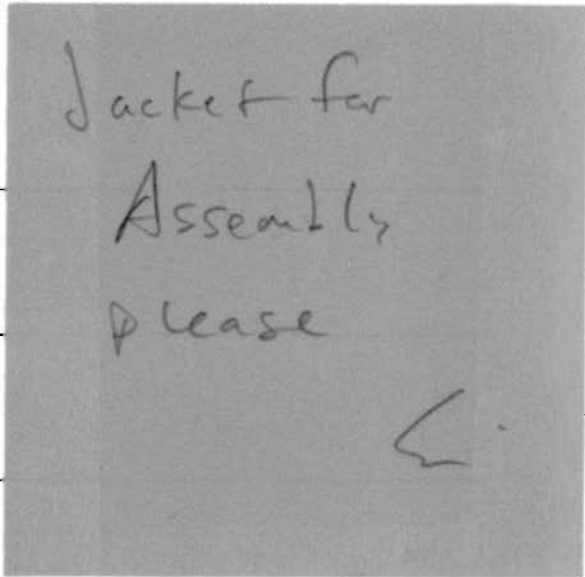
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/?							
/P1	emueller 07/14/2009	bkraft 07/24/2009	jfrantze 07/24/2009	_____	mbarman 07/24/2009		

/1
FE Sent For: 8/13/09 1bjk 8/B

[Handwritten signature]
8/13/09

<END>

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1?	emueller	/P1 ljk 7/24	<i>[Signature]</i>	7/24			
/P1	EMM						
	7/14/09						

FE Sent For:

<END>

Mueller, Eric

From: Shovers, Marc
Sent: Thursday, June 04, 2009 10:38 AM
To: Boe, Steve
Cc: Gary, Aaron; Mueller, Eric
Subject: RE: Wis. Stat. 66.0301

Hi Steve:

Section 66.0301 of the statutes deals with intergovernmental cooperation agreements. Generally, it authorizes various units of government to receive or provide services, or jointly exercise a power, to the extent of the authority of each of the participating units of government. It doesn't really have anything to do with transferring ownership of a highway and I don't think it belongs in s. 66.0301.

I think that this request could best be handled by attorneys who draft in the area of transportation, so I'm forwarding it to Aaron Gary and Eric Mueller. One of them will contact you with any questions about the request.

Marc

Marc E. Shovers

Managing Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-6948
e-mail: marc.shovers@legis.wisconsin.gov

From: Boe, Steve
Sent: Thursday, June 04, 2009 10:06 AM
To: Shovers, Marc
Subject: Wis. Stat. 66.0301

Morning Marc,

I think you might be the LRB individual I need to help me out. Mark would like to draft a bill that relates to the following PDF. Please let me know if you are the one that can draft this or if you can help me figure out who this should go to.

Thanks.

<< File: Road Transfer.pdf >>

Steve Boe

Office of Rep. Mark Radcliffe
State Capitol, Room 321 - West
P.O. Box 8953
Madison, WI 53708-8953
608-266-7461 (office)
888-534-0092 (toll free)
steve.boe@legis.wisconsin.gov

Radeliffe

The following language should be added to Wis. Stat. 66.0301 as subsection (7):

(7) Notwithstanding the foregoing provisions, any municipality may transfer jurisdiction and ownership of a highway to a federally recognized Indian tribe or an agency of the United States government upon agreement between the municipality and the tribe and/or agency to which the transfer is being made.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2978/P1

EVM:.....

bjk

D Note

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1a 7/14/09

SA
x-ref

Gen

1 AN ACT ...; relating to: transferring ownership and jurisdiction of a
2 municipality's highways to an American Indian tribe or agency of the United
3 States government.

Analysis by the Legislative Reference Bureau

Under this bill, a city, village, or town (municipality) may transfer jurisdiction and ownership of a highway that is owned by the municipality and is under the jurisdiction of the municipality to a federally recognized American Indian tribe or band in this state or an agency of the United States government by entering into a jurisdictional transfer agreement with the tribe or agency.

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

4 SECTION 1. 86.257 of the statutes is created to read:
5 **86.257 Transfer of municipality's highways.** A municipality, as defined in
6 s. 82.01 (6), may transfer jurisdiction and ownership of a highway that is owned by
7 the municipality and is under the jurisdiction of the municipality to a federally
8 recognized American Indian tribe or band in this state or an agency of the United

1 States government by entering into a jurisdictional transfer agreement with the
2 tribe or agency.

3 (END)

→ (INote)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2978/P1dn

EVM:.....

Lbjk

Date

ATTN: Steve Boe

There are a couple of issues that you may wish to consider in regards to this draft. First, I have applied the definition of municipality from s. 82.01 (6), stats. That subsection defines a municipality as a city, village, or town. Please let me know if this is not what you intend. Second, I have retained your usage of "an agency of the United States government" in this draft. Without more particularized instructions, I do not know if this description meets your intent. As currently written this ~~bill~~ would allow the transfer of a municipal highway to any agency of the United States government, not just the Bureau of Indian Affairs or other agencies specifically related to American Indian governance. Please let me know if you would like any changes.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2978/P1dn
EVM:bjk:jf

July 24, 2009

ATTN: Steve Boe

There are a couple of issues that you may wish to consider in regards to this draft. First, I have applied the definition of municipality from s. 82.01 (6), stats. That subsection defines a municipality as a city, village, or town. Please let me know if this is not what you intend. Second, I have retained your usage of "an agency of the United States government" in this draft. Without more particularized instructions, I do not know if this description meets your intent. As currently written this draft would allow the transfer of a municipal highway to any agency of the United States government, not just the Bureau of Indian Affairs or other agencies specifically related to American Indian governance. Please let me know if you would like any changes.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Radcliffe, Mark
Sent: Thursday, August 13, 2009 11:25 AM
To: Mueller, Eric
Subject: RE: LRB-2978

Yes. Thanks

From: Mueller, Eric
Sent: Thursday, August 13, 2009 10:55 AM
To: Radcliffe, Mark
Subject: RE: LRB-2978

Rep. Radcliffe,

Just to clarify, you would like this draft jacketed?

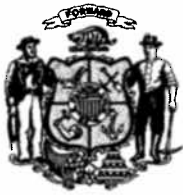
Eric

From: Radcliffe, Mark
Sent: Thursday, August 13, 2009 10:50 AM
To: Mueller, Eric
Cc: Boe, Steve
Subject: LRB-2978

Eric:

I am ready to introduce LRB-2978; can you please send it to me for introduction. Thanks.

Mark A. Radcliffe
Wisconsin State Assembly - 92nd District



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2978/P1

EVM:bjk:jf

RMR

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 8/13/09

No changes

SA

re-gen.

1 AN ACT *to create* 86.257 of the statutes; **relating to:** transferring ownership and
2 jurisdiction of a municipality's highways to an American Indian tribe or agency
3 of the United States government.

Analysis by the Legislative Reference Bureau

Under this bill, a city, village, or town (municipality) may transfer jurisdiction and ownership of a highway that is owned by the municipality and is under the jurisdiction of the municipality to a federally recognized American Indian tribe or band in this state or an agency of the United States government by entering into a jurisdictional transfer agreement with the tribe or agency.

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