



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-0445/P2  
ZDW:eev&jld:rs

DOA:.....Ley, BB0159 – Transfer the Kickapoo Reserve Management Board  
to DNR

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**TOURISM**

Under current law, the Kickapoo Reserve Management Board (KRMB) manages the Kickapoo Valley reserve on behalf of the Ho-Chunk Nation and the State of Wisconsin. Currently, the KRMB is attached to the Department of Tourism for administrative purposes. This bill attaches the KRMB to DNR for administrative purposes.

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

**SECTION 1.** 15.07 (1) (b) 20. of the statutes is amended to read:

15.07 (1) (b) 20. The 3 members of the Kickapoo reserve management board appointed under s. ~~15.445 (2)~~ 15.345 (7) (b) 3.

**SECTION 2.** 15.445 (2) of the statutes is renumbered 15.345 (7), and 15.345 (7) (a), as renumbered, is amended to read:

15.345 (7) (a) *Creation*. There is created a Kickapoo reserve management board which is attached to the department of ~~tourism~~ natural resources under s. 15.03.

**SECTION 3.** 16.848 (2) (gr) of the statutes is amended to read:

16.848 (2) (gr) Subsection (1) does not apply to land that is sold or traded by the Kickapoo reserve management board under s. ~~41.41~~ 23.0927 (7).

**SECTION 4.** 20.380 (2) (title) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 5.** 20.380 (2) (ip) of the statutes is renumbered 20.370 (1) (dg) and amended to read:

20.370 (1) (dg) *Kickapoo reserve management board; program services*. ~~All~~ From the general fund, all moneys received by the Kickapoo reserve management board from admissions, fees, leases, concessions, memberships, sales, and other similar receipts authorized under s. ~~41.41~~ 23.0927 to be used for the general program operations of the board under s. ~~41.41~~ 23.0927.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 6.** 20.380 (2) (ir) of the statutes is renumbered 20.370 (1) (dh) and amended to read:

20.370 (1) (dh) *Kickapoo reserve management board; gifts and grants*. ~~All~~ From the general fund, all moneys received by the Kickapoo reserve management board from gifts, grants, or bequests, to carry out the purpose for which received.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 7.** 20.380 (2) (kc) of the statutes is renumbered 20.370 (1) (dk) and amended to read:

20.370 (1) (dk) *Kickapoo valley reserve; law enforcement services.* ~~The~~ From the general fund, the amounts in the schedule to provide law enforcement services in the Kickapoo valley reserve under s. ~~41.41~~ 23.0927 (2). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6c. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 8.** 20.380 (2) (ms) of the statutes is renumbered 20.370 (1) (dm) and amended to read:

20.370 (1) (dm) *Kickapoo reserve management board; federal aid.* ~~All~~ From the general fund, all moneys received by the Kickapoo reserve management board from the federal government, as authorized by the governor under s. 16.54, to be used for the purposes for which made and received.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 9.** 20.380 (2) (q) of the statutes is renumbered 20.370 (1) (dq) and amended to read:

20.370 (1) (dq) *Kickapoo reserve management board; general program operations.* ~~From the conservation fund, the~~ The amounts in the schedule for the general program operations of the Kickapoo reserve management board under s. ~~41.41~~ 23.0927.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 10.** 20.380 (2) (r) of the statutes is renumbered 20.370 (1) (dr) and amended to read:

20.370 (1) (dr) *Kickapoo valley reserve; aids in lieu of taxes.* ~~From the conservation fund, a A sum sufficient to pay aids to taxing jurisdictions for the Kickapoo valley reserve under s. 41.41 23.0927 (10).~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 11.** 20.505 (8) (hm) 6c. of the statutes is amended to read:

20.505 (8) (hm) 6c. The amount transferred to s. ~~20.380 (2) (ke)~~ 20.370 (1) (dk) shall be the amount in the schedule under s. ~~20.380 (2) (ke)~~ 20.370 (1) (dk).

**SECTION 12.** 23.095 (2m) of the statutes is amended 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 23.0927~~ (2).

**SECTION 13.** 23.50 (1) of the statutes is amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 280.98 (2) or 285.86, violations of s. 281.36 if the department chooses to proceed under s. 281.36 (14) (f), violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. ~~41.41 23.0927~~ (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

**SECTION 14.** 23.53 (1) of the statutes is amended to read:

23.53 (1) The citation created under this section shall, in all actions to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and any rule of the Kickapoo reserve management board under s. 41.41 23.0927 (7) (k) be used by any law enforcement officer with authority to enforce those laws, except that the uniform traffic citation created under s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement agency of a municipality or county or a traffic officer employed under s. 110.07 in enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway use. The citation may be used for violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

**SECTION 15.** 23.56 (1) of the statutes is amended to read:

23.56 (1) A person may be arrested for a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the Kickapoo reserve management board under s. 41.41 23.0927 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, after a warrant that substantially complies with s. 968.04 has been issued. Except as provided in sub. (2), the person arrested shall be brought without unreasonable delay before a court having jurisdiction to try the action.

**SECTION 16.** 23.57 (1) (intro.) of the statutes is amended to read:

23.57 (1) (intro.) A person may be arrested without a warrant when the arresting officer has probable cause to believe that the person is committing or has committed a violation of those statutes enumerated in s. 23.50 (1), any

administrative rules promulgated thereunder, any rule of the Kickapoo reserve management board under s. ~~41.41~~ 23.0927 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77; and:

**SECTION 17.** 23.58 of the statutes is amended to read:

**23.58 Temporary questioning without arrest.** After having identified himself or herself as an enforcing officer, an enforcing officer may stop a person in a public place for a reasonable period of time when the officer reasonably suspects that such person is committing, is about to commit or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the Kickapoo reserve management board under s. ~~41.41~~ 23.0927 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77. Such a stop may be made only where the enforcing officer has proper authority to make an arrest for such a violation. The officer may demand the name and address of the person and an explanation of the person's conduct. Such detention and temporary questioning shall be conducted in the vicinity where the person was stopped.

**SECTION 18.** 23.62 (1) (intro.) of the statutes is amended to read:

23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe that a person subject to his or her authority is committing or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the Kickapoo reserve management board under s. ~~41.41~~ 23.0927 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, the officer may proceed in the following manner:

**SECTION 19.** 29.921 (5) of the statutes is amended to read:

29.921 (5) **ADDITIONAL ARREST POWERS.** In addition to the arrest powers under sub. (1), a warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (a) 1. and has complied with any applicable requirements under s. 165.85 (4) (a) 7. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.85 (2) (bv) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the warden makes an arrest without the presence of another law enforcement agency, the warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The warden shall be available as a witness for the state. A warden may not conduct investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924 (1) and ~~41.41~~ 23.0927 (12). A warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

**SECTION 20.** 41.40 of the statutes is renumbered 23.0925, and 23.0925 (1), as renumbered, is amended to read:

23.0925 (1) The department may acquire land from the federal government adjacent to the Kickapoo River, and may determine the boundaries of the Kickapoo valley reserve under s. ~~41.41~~ 23.0927 (2).

**SECTION 21.** 41.41 of the statutes is renumbered 23.0927, and 23.0927 (1) (a), as renumbered, is amended to read:

23.0927 (1) (a) “Board” Notwithstanding s. 24.01 (2), “board” means the Kickapoo reserve management board.

**SECTION 22.** 227.01 (13) (zq) of the statutes is amended to read:

227.01 (13) (zq) Designates the Kickapoo valley reserve under s. ~~41.41~~ 23.0927 (2).

**SECTION 23.** 293.49 (1) (a) of the statutes is amended to read:

293.49 (1) (a) Except as provided in sub. (2) and s. 293.50 and except with respect to property specified in s. ~~41.41~~ 23.0927 (11), within 90 days of the completion of the public hearing record, the department shall issue the mining permit if it finds:

**SECTION 24.** 295.58 (1) (a) of the statutes is amended to read:

295.58 (1) (a) Except as provided in sub. (2) and except with respect to property specified in s. ~~41.41~~ 23.0927 (11), the department shall issue a mining permit if it finds all of the following:

**SECTION 9144. Nonstatutory provisions; Tourism.**

(1) TRANSFER OF KICKAPOO RESERVE MANAGEMENT BOARD TO DEPARTMENT OF NATURAL RESOURCES.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of tourism primarily related to the functions of the Kickapoo reserve management board, as determined by the secretary of administration, become the assets and liabilities of the department of natural resources.

(b) *Employee transfers.* All incumbent employees holding positions in the department of tourism performing duties primarily related to the functions of the



Kickapoo reserve management board, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of natural resources.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of natural resources as they enjoyed in the department of tourism immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of tourism that is primarily related to the functions of the Kickapoo reserve management board, as determined by the secretary of administration, is transferred to the department of natural resources.

(e) *Contracts.* All contracts entered into by the department of tourism in effect on the effective date of this paragraph that are primarily related to the functions of the Kickapoo reserve management board, as determined by the secretary of administration, remain in effect and are transferred to the department of natural resources. The department of natural resources shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of natural resources to the extent allowed under the contract.

(END)