



2003 ASSEMBLY BILL 399

June 12, 2003 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on State Affairs.

1 **AN ACT** *to amend* 13.0992 (2) (c) and (6); and *to create* 13.0992 of the statutes;
2 **relating to:** preparation of tribal impact statements for bills that would have
3 an impact on tribal governments or American Indians.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly Bill 772, which was introduced by the council on the committee's recommendation.

The bill requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. It applies to bills that apply specifically to tribal governments or American Indians or that affect tribal governments or American Indians differently than other governments or entities or other individuals. The requirements of the bill are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

The bill directs the legislative reference bureau to identify bills for which tribal impact statements are required and authorizes either house of the legislature to request one. In addition, the chairperson or either cochairperson of the special committee on

ASSEMBLY BILL 399

state-tribal relations may request a tribal impact statement. If the Wisconsin tribal-state council is created, as is proposed in separate legislation recommended by the special committee on state-tribal relations, the bill permits either cochairperson or the executive director of the council to request a tribal impact statement. It directs the department of administration to assign the task of preparing a statement to the appropriate agency or agencies. It establishes a deadline for the preparation of a statement and requirements for its distribution. The bill states that a standing committee may not hold a public hearing on, or report a bill for which a tribal impact statement is required, before receipt of the statement.

1 **SECTION 1.** 13.0992 of the statutes is created to read:

2 **13.0992 Tribal impact statements. (1)** In this section:

3 (a) “Agency”, except in par. (d), means an office, department, agency, institution
4 of higher education, association, society, or other body in state government, created
5 or authorized to be created by the constitution or any law, which is entitled to expend
6 moneys appropriated by law, including the legislature and the courts, but not
7 including an authority.

8 (b) “Authority” means a body created under ch. 231, 232, 233, 234, 235, or 237.

9 (c) “Have an impact on tribal governments or American Indians,” when
10 referring to a bill, means to do any of the following:

11 1. Apply directly and specifically to tribal governments or American Indians.

12 2. Affect a tribal government differently than other governments or other
13 entities.

14 3. Affect individual American Indians differently than other individuals.

15 (d) “Tribal government” means the government of a federally recognized
16 American Indian tribe or band in this state or any unit, agency, subdivision, or
17 corporation of that government.

18 **(2)** (a) Whenever a bill is introduced in either house of the legislature that
19 would have an impact on tribal governments or American Indians, the legislative

ASSEMBLY BILL 399

1 reference bureau shall promptly transmit a copy of the bill to the department of
2 administration.

3 (b) Either house of the legislature may, under rules of that house or joint rules
4 of the legislature, request the department of administration to order the preparation
5 of a tribal impact statement with respect to any bill before that house, either in its
6 original form or as affected by one or more amendments. If a house so requests, the
7 chief clerk of that house shall thereupon request the legislative reference bureau to
8 transmit a copy of that bill and any affected amendments to the department of
9 administration.

10 (c) The chairperson or either cochairperson of the special committee on
11 state-tribal relations may request the department of administration to order the
12 preparation of a tribal impact statement with respect to any bill that has an impact
13 on tribal governments or American Indians and that has not been transmitted to the
14 department of administration under par. (a) or (b). In making a request under this
15 paragraph, the chairperson or cochairperson shall request the legislative reference
16 bureau to transmit a copy of the bill and any affected amendments to the department
17 of administration and shall notify the chief clerk of the house in which the bill is
18 currently pending.

19 (3) Upon receipt of a bill under sub. (2), the department of administration shall
20 direct one or more agencies or authorities to prepare a tribal impact statement with
21 respect to the bill. Each tribal impact statement shall describe the impact on tribal
22 governments or American Indians that would result from enactment of the bill.

23 (4) Each agency or authority that is directed to prepare a tribal impact
24 statement under sub. (3) shall provide the statement to the department of
25 administration within 5 working days after the date on which it receives the

ASSEMBLY BILL 399

1 direction, but the department of administration, on a limited basis only and upon an
2 agency's request received before the end of the 5-day period and applicable to only
3 one tribal impact statement, may extend the period for the specified tribal impact
4 statement to not more than 10 working days if the statement necessitates extended
5 research. Whenever the extension is granted, the department of administration
6 shall immediately notify the legislative reference bureau.

7 (5) Upon receiving a tribal impact statement under sub. (4), the department
8 of administration shall transmit it to the legislative reference bureau, which shall
9 transmit one copy to the principal author of the bill and one copy to the chief clerk
10 of the house of the legislature in which the bill originated. The tribal impact
11 statement shall be reproduced and distributed as are amendments.

12 (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill,
13 the legislative reference bureau shall include a notation to that effect on the jacket
14 of the bill when the jacket is prepared. If the preparation of a tribal impact statement
15 is requested by a house of the legislature or the chairperson or cochairperson of the
16 special committee on state-tribal relations, the chief clerk of that house shall include
17 a notation to that effect on the jacket of the bill.

18 (7) Whenever a tribal impact statement for a bill is required or requested under
19 this section, a standing committee to which the bill is referred may not hold a public
20 hearing on the bill or report the bill until the statement is received by the chief clerk
21 of the house in which the bill originated.

22 **SECTION 2.** 13.0992 (2) (c) and (6) of the statutes, as created by 2003 Wisconsin
23 Act (this act), are amended to read:

24 13.0992 (2) (c) The chairperson or either cochairperson of the special committee
25 on state-tribal relations or of the Wisconsin tribal-state council or the executive

ASSEMBLY BILL 399

1 director of the Wisconsin tribal-state council may request the department of
2 administration to order the preparation of a tribal impact statement with respect to
3 any bill that has an impact on tribal governments or American Indians and that has
4 not been transmitted to the department of administration under par. (a) or (b). In
5 making a request under this paragraph, the chairperson ~~or~~, cochairperson, or
6 executive director shall request the legislative reference bureau to transmit a copy
7 of the bill and any affected amendments to the department of administration and
8 shall notify the chief clerk of the house in which the bill is currently pending.

9 (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill,
10 the legislative reference bureau shall include a notation to that effect on the jacket
11 of the bill when the jacket is prepared. If the preparation of a tribal impact statement
12 is requested by a house of the legislature or the chairperson or cochairperson of the
13 special committee on state-tribal relations or of the Wisconsin tribal-state council
14 or the executive director of the Wisconsin tribal-state council, the chief clerk of that
15 house shall include a notation to that effect on the jacket of the bill.

SECTION 3. Nonstatutory provisions.

16 (1) RECONCILIATION PROVISION. The amendment of section 13.0992 (2) (c) and (6)
17 of the statutes, as created by this act, is void unless 2003 Wisconsin Act (Senate
18 Bill/Assembly Bill) (LRB-1397/1) creates a Wisconsin tribal-state council and
19 authorizes the council to appoint an executive director and that act is enacted into
20 law before August 1, 2004.

SECTION 4. Effective date.

21 (1) This act takes effect on January 1, 2005.

24

(END)