



2005 ASSEMBLY BILL 135

February 24, 2005 – Introduced by Representative MUSSER. 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

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

The bill requires the Legislative Reference Bureau to identify bills needing a tribal impact statement and authorizes either house of the legislature to request such a statement. In addition, any cochairperson of the Special Committee on State-Tribal Relations may request a tribal impact statement. If a Wisconsin Tribal-State Council is created, as may be proposed in separate legislation, the bill permits a cochairperson or the executive director of the council to request a tribal impact statement. The bill directs the Department of Administration to assign the preparation of a tribal impact statement to the appropriate agency or agencies. The bill establishes a deadline for the preparation of the statement and requirements for its distribution. Finally, the bill provides that a standing committee may not hold a public hearing or take executive action on or report a bill for which a tribal impact

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statement is required before receipt of the statement or until the deadline for the preparation of the tribal impact statement has expired, whichever is earlier.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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 from other governments or other
13 entities.

14 3. Affect individual American Indians differently from 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

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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

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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 or take executive action on the bill or report the bill until the statement is
21 received by the chief clerk of the house in which the bill originated or until the
22 deadline for preparation of the tribal impact statement under sub. (4), including any
23 extension that is granted, expires, whichever is earlier.

24 **SECTION 2.** 13.0992 (2) (c) and (6) of the statutes, as created by 2005 Wisconsin
25 Act (this act), are amended to read:

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1 13.0992 (2) (c) The chairperson or either cochairperson of the special committee
2 on state-tribal relations or of the Wisconsin tribal-state council or the executive
3 director of the Wisconsin tribal-state council may request the department of
4 administration to order the preparation of a tribal impact statement with respect to
5 any bill that has an impact on tribal governments or American Indians and that has
6 not been transmitted to the department of administration under par. (a) or (b). In
7 making a request under this paragraph, the chairperson ~~or~~, cochairperson, or
8 executive director shall request the legislative reference bureau to transmit a copy
9 of the bill and any affected amendments to the department of administration and
10 shall notify the chief clerk of the house in which the bill is currently pending.

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

SECTION 3. Nonstatutory provisions.

18 (1) RECONCILIATION PROVISION. The amendment of section 13.0992 (2) (c) and (6)
19 of the statutes, as created by this act, is void unless 2005 Wisconsin Act (Senate
20 Bill/Assembly Bill) (LRB-0527/1) creates a Wisconsin tribal-state council and
21 authorizes the council to appoint an executive director and that act is enacted into
22 law before August 1, 2006.

SECTION 4. Effective date.

