



1997 ASSEMBLY BILL 788

February 11, 1998 - Introduced by Representatives SERATTI, GARD, GOETSCH, F. LASEE, ALBERS, GROTHMAN and JESKEWITZ. Referred to Committee on State Affairs.

1 **AN ACT to create** 14.11 (2) (am) of the statutes; **relating to:** the retention of
2 special counsel to prosecute certain actions with respect to the boundaries of the
3 Indian reservations located in this state and the rights of non-Indians owning
4 property within those reservations.

Analysis by the Legislative Reference Bureau

This bill directs the governor to employ special counsel for the following purposes: 1) prosecuting a lawsuit to obtain a judgment declaring the legal boundaries of any Indian reservation located within this state, whenever a substantial question exists concerning the location of such boundaries and the public interest requires resolution of that question; and 2) whenever the public interest so requires, prosecuting a lawsuit to ensure that the civil and property rights of non-Indians who own property within the exterior boundaries of any Indian reservation located within this state are respected. Under the bill, counsel is to be employed by contract which must specify the maximum amount of the compensation to be paid to the counsel.

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:

5 **SECTION 1.** 14.11 (2) (am) of the statutes is created to read:
6 14.11 (2) (am) The governor shall employ special counsel for the following
7 purposes:

1 1. To prosecute an action seeking a judgment, in a court of competent
2 jurisdiction, declaring the legal boundaries of any Indian reservation located within
3 this state, whenever a substantial question exists concerning the location of such
4 boundaries and the public interest requires resolution of that question.

5 2. To seek a declaratory judgment in a court of competent jurisdiction,
6 whenever the public interest so requires, to ensure that the civil and property rights,
7 under the constitution and laws of the United States and of this state, of non-Indians
8 who own property within the exterior boundaries of any Indian reservation located
9 within this state are respected.

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(END)