

1999 ASSEMBLY RESOLUTION 18

October 12, 1999 – Introduced by Representatives ALBERS, KREUSER, SERATTI, SUDER, DUFF, GOETSCH, HAHN, OWENS, KESTELL and KEDZIE. Referred to Committee on Rules.

1 **Relating to:** urging the Congress of the United States and the U.S. Department of
2 the Interior not to allow tribes without reservations to designate Tribal Land
3 Acquisition Areas.

4 Whereas, the U.S. Department of the Interior has proposed revisions to 25 CFR
5 section 151 that would allow tribes without reservations to designate “Tribal Land
6 Acquisition Areas” (TLAA) — de facto reservation boundaries in areas that have
7 never included reservations and where tribes could purchase land for placement in
8 trust; and

9 Whereas, the establishment of a TLAA would facilitate the removal of property
10 from the tax rolls of local municipalities, thereby leading to higher property taxes for
11 Wisconsin’s nontribal residents who must support a larger share of municipal
12 infrastructure and services costs; and

13 Whereas, trust lands within a TLAA used for commercial purposes serve as
14 unfair competition to local, nontribal enterprises, since nontribal enterprises pay

1 taxes to support the intensive infrastructure and municipal services utilized by the
2 commercial entities of the tribes; and

3 Whereas, the proposed revisions to 25 CFR section 151 ignore the interests of
4 state and local units of government by failing to provide an adequate mechanism to
5 address local government concerns during the decision-making process, or an
6 unbiased and reasonable appeal mechanism; and

7 Whereas, the TLAA proposal includes vague and insufficient standards for
8 approving a tribe's request for TLAA designation; and

9 Whereas, the TLAA proposal provides the secretary of the Interior with broad
10 power to approve these de facto reservations for Wisconsin's sovereign tribes,
11 creating an unconstitutional grant of power to the federal government without state
12 approval, and forcing the state of Wisconsin to effectively divest sovereignty over
13 potentially large portions of state land; now, therefore, be it

14 ***Resolved by the assembly, That*** the assembly hereby urges the Congress of
15 the United States and the U.S. Department of the Interior to delete the TLAA
16 provisions proposed in 25 CFR section 151, and to work with local units of
17 government and tribes to develop modifications to federal rules to encourage and
18 foster cooperation between municipalities and the tribes; and, be it further

19 ***Resolved, That*** the assembly urges the Congress of the United States and the
20 U.S. Department of the Interior to provide safeguards to the TLAA provision if not
21 deleted, which include, at a minimum: state legislative and gubernatorial approval
22 similar to the Indian Gaming Regulatory Act; public hearings in the affected land
23 area; preparation of an environmental impact statement in accordance with the
24 National Environmental Policy Act; payments to local municipalities in lieu of taxes
25 for all tribal commercial enterprises located on trust lands established in the TLAA;

1 and specific limitations on the size of the TLAA, based upon the number of members
2 of an Indian tribe; and, be it further

3 ***Resolved, That*** the assembly chief clerk shall provide a copy of this resolution
4 to the secretary of the U.S. Department of the Interior, to the president and secretary
5 of the U.S. senate, to the speaker and clerk of the U.S. house of representatives and
6 to each member of the congressional delegation from this state attesting the adoption
7 of this resolution by the 1999 assembly of the state of Wisconsin.

8 (END)