

1999 DRAFTING REQUEST

Assembly Resolution

Received: 08/27/1999

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Scott Southworth

This file may be shown to any legislator: NO

Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject: Memorials - Congress to

Extra Copies: MGG

Pre Topic:

No specific pre topic given


Topic:

Tribal Land Acquisition Areas

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>		<u>Required</u>
/1	dykmapj 08/27/1999	jgeller 08/30/1999 gilfokm 09/22/1999	hhagen 08/30/1999	_____	lrb_docadmin 08/30/1999		
/2			hhagen 09/22/1999	_____	lrb_docadmin 09/22/1999	lrb_docadmin	lrb_docadmin 09/22/1999

FE Sent For:

<END>

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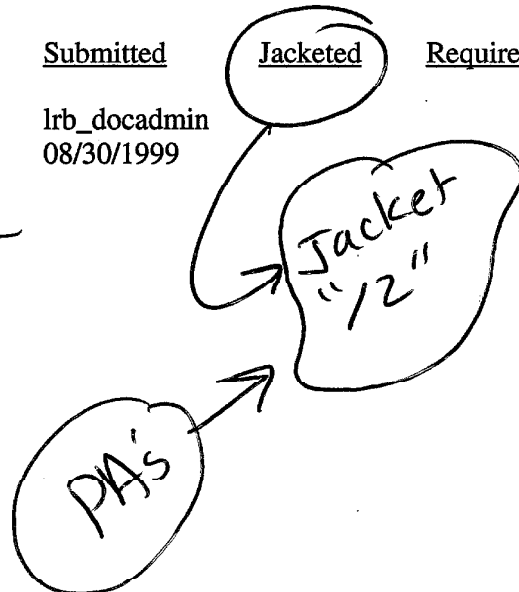
**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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kong*

*9/20 @ 1/29/20  
<END>*



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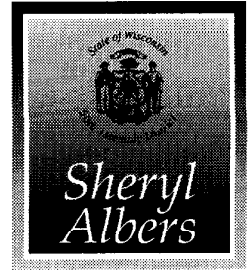
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/?	dykmapj	11/8/30 jlg	11/8/30 dl	dl / KM 8/30			

FE Sent For:

<END>



To: Legislative Reference Bureau  
From: Representative Sheryl K. Albers

Date: August 27, 1999  
Subject: Tribal Land Acquisition Areas Resolution  
Reference: Attached Resolution Language

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Please prepare an Assembly Resolution with the attached language. If you have any questions, please give my Research Assistant, Attorney Scott Harold Southworth, a call at 266-8531.

Thank you.

Office: P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • (608) 266-8531  
Home: S6896 Seeley Creek Road • Loganville, WI 53943 • (608) 727-5084

## Tribal Land Acquisition Areas Resolution

Whereas, the U.S. Department of the Interior has proposed revisions to 25 C.F.R. Section 151 that would allow tribes without reservations to designate "Tribal Land Acquisition Areas" (TLAA) – de facto reservation boundaries in areas that have never included reservations and where tribes could purchase land for placement in trust; and,

Whereas, the establishment of a TLAA would facilitate the removal of property from the tax rolls of local municipalities, thereby leading to higher property taxes for Wisconsin's non-tribal residents who must support a larger share of municipal infrastructure and services costs; and,

Whereas, trust lands within a TLAA used for commercial purposes serve as unfair competition to local, non-tribal enterprises, since non-tribal enterprises pay taxes to support the intensive infrastructure and municipal services utilized by the commercial entities of the tribes; and,

Whereas, the proposed revisions to 25 C.F.R. Section 151 ignore the interests of state and local units of government by failing to provide an adequate mechanism to address local government concerns during the decision-making process, or an unbiased and reasonable appeal mechanism; and

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

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

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

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



TODAY, if possible

JG

# 1999 ASSEMBLY RESOLUTION

1 **Relating to:** urging the <sup>✓</sup>Congress of the United States and the <sup>✓</sup>U.S. Department of  
2 the Interior ~~(to not)~~ 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  
5 ~~C.F.R.~~ Section 151 that would allow tribes without reservations to designate "Tribal  
6 Land Acquisition Areas" (TLAA) <sup>midash</sup> - 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 <sup>✓</sup>would facilitate the removal of property  
10 from the tax rolls of local municipalities, thereby leading to higher property taxes for  
11 Wisconsin's non <sup>g</sup>tribal 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, non <sup>g</sup>tribal enterprises, since non <sup>g</sup>tribal 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  
4 of state and local units of government by failing to provide an adequate mechanism  
5 to 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 ~~S~~ecretary 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) ✓



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 08/30/1999

To: Representative Albers

Relating to LRB drafting number: LRB-3518

Topic

Tribal Land Acquisition Areas

Subject(s)

Memorials - Congress to

1. **JACKET** the draft for introduction SA  
in the **Senate** \_\_\_\_\_ or the **Assembly** ✓ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with \_\_\_\_\_ changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to 22 Sep 99 \_\_\_\_\_.

If the analysis indicates that a fiscal \_\_\_\_\_ proposal makes an appropriation or increases or decreases \_\_\_\_\_ government fiscal liability or

revenues, you have the \_\_\_\_\_ introduction. If you choose to

introduce the proposal with \_\_\_\_\_ be requested automatically upon

introduction. It takes about \_\_\_\_\_ the fiscal estimate prior to

introduction retains your flexibility \_\_\_\_\_

If you have any questions regarding \_\_\_\_\_ call 266-3561. If you have any questions

relating to the attached draft, please fax \_\_\_\_\_

*NOTE: "States" is misspelled on page 2, line 19 (it says "sates") - this was a mistake in the draft e-mailed to LRB; the language was dropped in, and was not caught until we reviewed. Thanks. [Signature]*

Attorney Peter J. Dykman, General Counsel  
Telephone: (608) 266-7098



## 1999 ASSEMBLY RESOLUTION

Today

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 *States*

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)