

1999 ASSEMBLY RESOLUTION 35

March 28, 2000 – Introduced by Representative ALBERS. Referred to Committee on Rules.

1 **Relating to:** urging the Congress of the United States and the U.S. Department of
2 the Interior to include a requirement in the revisions to CFR section 151
3 relating to Tribal Land Acquisition Areas that states and affected local
4 governments be able to review tribal submissions and evidence, just as tribes
5 are able to review state submissions.

6 Whereas, the assembly recognizes and respects the sovereignty of tribal
7 governments and supports economic advancement and independence for tribes; and

8 Whereas, the U.S. Department of the Interior has proposed revisions to 25 CFR
9 section 151 that would allow tribes without reservations to designate “Tribal Land
10 Acquisition Areas” (TLAA) — geographic boundaries designated by a reservationless
11 tribe within which the tribe plans to acquire land within a specific period of time
12 under the less restrictive on-reservation provisions of the proposed rule; and

13 Whereas, the establishment of a TLAA would facilitate the removal of property
14 from the tax rolls of local municipalities, thereby leading to higher property taxes for

1 Wisconsin’s nontribal residents who must support a larger share of municipal
2 infrastructure and services costs; and

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

7 Whereas, state, local and tribal governments must work cooperatively to
8 provide for and address local issues; and

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

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

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

21 ***Resolved, That*** the assembly urges the Congress of the United States and the
22 U.S. Department of the Interior to provide safeguards to the TLAA provision if not
23 deleted, which include allowing the states and affected local governments to be able
24 to review tribal submissions and evidence, just as tribes are able to review state
25 submissions; and, be it further

1 **Resolved, That** the assembly urges the Congress of the United States and the
2 U.S. Department of the Interior to appropriate funds to the Bureau of Indian Affairs
3 for the specific purpose of compensating units of government for lost tax revenues
4 when lands fall to ownership of any sovereign nation; and, be it further

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

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(END)