

## 2001 ASSEMBLY BILL 771

February 5, 2002 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Government Operations.

1 **AN ACT to amend** 15.01 (4); and **to create** 15.107 (18), 16.025, 20.505 (4) (kt),  
 2 20.505 (8) (hm) 22., 20.923 (6) (ab) and 230.08 (2) (yz) of the statutes; **relating**  
 3 **to:** creation of the Wisconsin tribal–state council and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the PREFATORY NOTE provided by the joint legislative council in the bill.

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

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

PREFATORY NOTE: This bill was recommended by the joint legislative council's special committee on state–tribal relations. It creates a council composed of representatives of the American Indian tribes and bands in this state and representatives of state and local governments. It assigns a number of functions to the council that relate to facilitating communications and sharing information between the state and tribal governments. In addition, it directs the council to monitor those actions of the executive and legislative branches of state government that may affect tribal governments and American Indians and to make policy recommendations regarding those matters. The bill requires all state agencies to provide assistance to the council, upon request.

The bill appropriates \$214,300 in fiscal year 2002–03 for the operation of the council and authorizes 3.0 full–time equivalent (FTE) positions: an executive director,

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a policy analyst, and a support position. The appropriation is from gaming revenues paid by the tribes to the state. Of the amount appropriated, \$15,000 is for one-time start-up costs; the balance (\$199,300) would be the council's base funding for purposes of future budgeting. The council is attached to the department of administration (DOA) for administrative purposes.

1           **SECTION 1.** 15.01 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is  
2 amended to read:

3           15.01 (4) "Council" means a part-time body appointed to function on a  
4 continuing basis for the study, and recommendation of solutions and policy  
5 alternatives, of the problems arising in a specified functional area of state  
6 government, except the Wisconsin land council has the powers specified in s. 16.965  
7 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River  
8 revitalization council has the powers and duties specified in s. 23.18, the council on  
9 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the  
10 state council on alcohol and other drug abuse has the powers and duties specified in  
11 s. 14.24, the Wisconsin tribal-state council has the powers and duties specified in ss.  
12 15.107 (18) and 16.025, and, before January 1, 2001, the council on health care fraud  
13 and abuse has the powers and duties specified in s. 146.36.

14           **SECTION 2.** 15.107 (18) of the statutes is created to read:

15           15.107 (18) WISCONSIN TRIBAL-STATE COUNCIL. (a) There is created a Wisconsin  
16 tribal-state council which is attached to the department of administration under s.  
17 15.03.

18           (b) The council shall consist of the following:

19           1. Eleven members, one each of whom shall be appointed by the elected  
20 governing body of each of the 11 federally recognized American Indian tribes and  
21 bands in this state.

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1           2. Three members, appointed by the governor, representing state departments  
2 and agencies that have extensive interactions with tribal governments.

3           3. The attorney general or his or her designee.

4           4. The state superintendent of public instruction or his or her designee.

5           5. One member of the senate, appointed by the senate majority leader.

6           6. One member of the senate, appointed by the senate minority leader.

7           7. One member of the assembly, appointed by the speaker of the assembly.

8           8. One member of the assembly, appointed by the assembly minority leader.

9           9. One member, appointed by the governor, representing a county government.

10          10. One member, appointed by the governor, representing a municipal  
11 government.

12          (c) The members shall serve at the pleasure of the appointing authorities.

13          (d) At its first meeting in each year, the council shall elect one cochairperson  
14 from among the members appointed under par. (b) 1. and one cochairperson from  
15 among the members appointed under par. (b) 2. to 10. and may elect a secretary from  
16 among its members. The council may not elect a chairperson or vice chairperson.

17          (e) The council shall meet at least quarterly at a location determined by the  
18 council or either cochairperson and shall meet at the call of either cochairperson or  
19 a majority of its members. The secretary of administration may not require the  
20 council to meet and may not determine the council's meeting place. Either or both  
21 cochairpersons may preside at a meeting of the council.

22          (f) The council shall appoint an executive director outside the classified service  
23 to serve at its pleasure.

24          (g) The council shall perform the functions specified under ss. 15.09 (5) and  
25 16.025.

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1           **SECTION 3.** 16.025 of the statutes is created to read:

2           **16.025 Wisconsin tribal–state council. (1)** In this section:

3           (a) “Agency” means any office, department, agency, institution of higher  
4 education, association, society, or other body in state government created or  
5 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, or 235.

9           **(2)** The Wisconsin tribal–state council shall do all of the following:

10          (a) Facilitate the resolution of disputes, disagreements, and  
11 misunderstandings between state government and tribal governments by  
12 coordinating communication between the appropriate representatives of the state  
13 and tribal governments.

14          (b) Serve as an information clearinghouse regarding state–tribal relations and  
15 state programs that affect tribal governments and American Indians.

16          (c) Serve as a resource to agencies, authorities, and the legislature on matters  
17 involving state–tribal relations, including providing staff support to task forces or  
18 committees.

19          (d) Monitor state executive branch policies and practices that affect tribal  
20 governments and American Indians.

21          (e) Develop recommendations for state executive branch policies.

22          (f) Monitor agreements between state government and tribal governments.

23          (g) Support and coordinate communication between agency and authority  
24 liaisons who work with tribes, to promote smooth delivery of state services to tribal  
25 governments and American Indians and to avoid duplication of effort. The council

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1 shall review the adequacy of existing state liaison positions and recommend any  
2 changes in the number of liaison positions as it considers necessary.

3 (h) Monitor state legislation that potentially may affect tribal governments or  
4 American Indians.

5 (i) Develop recommendations for state legislation.

6 (j) Provide training to state officials and employees concerning the legal status  
7 of American Indian tribes and bands, legal and practical aspects of relations between  
8 tribal governments and the state and federal governments, and issues affecting  
9 state-tribal relations. The council shall provide training to state executive branch  
10 officials and employees at least once annually. The council shall provide training to  
11 state legislators and legislative employees at least once at the start of each legislative  
12 session.

13 (k) In lieu of the report under s. 15.09 (7), submit a biennial report on the  
14 council's activities to the governor, to the special committee on state-tribal relations,  
15 and to the chief clerk of each house of the legislature for distribution to the  
16 appropriate standing committees under s. 13.172 (3).

17 **(3)** All agencies and authorities shall fully cooperate with and assist the  
18 Wisconsin tribal-state council. To that end, a representative of an agency or  
19 authority shall, upon request of the council or its executive director, do all of the  
20 following:

21 (a) Provide information on program policies, procedures, practices, and  
22 services affecting American Indians or tribal governments.

23 (b) Present recommendations to the council.

24 (c) Attend meetings and provide staff assistance needed by the council.

25 (d) Inform the agency or authority of issues concerning the council.

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1           **SECTION 4.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

	<b>2001–02</b>	<b>2002–03</b>
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4           **20.505 Administration, department of**

5           (4) ATTACHED DIVISIONS AND OTHER BODIES

(kt) Wisconsin tribal–state council	PR–S    A	–0–    214,300
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7           **SECTION 5.** 20.505 (4) (kt) of the statutes is created to read:

8           20.505 **(4)** (kt) *Wisconsin tribal–state council.* The amounts in the schedule for  
9 the general program operations of the Wisconsin tribal–state council. All moneys  
10 transferred from the appropriation account under sub. (8) (hm) 22. shall be credited  
11 to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered  
12 balance on June 30 of each year shall revert to the appropriation account under sub.  
13 (8) (hm).

14           **SECTION 6.** 20.505 (8) (hm) 22. of the statutes is created to read:

15           20.505 **(8)** (hm) 22. The amount transferred to sub. (4) (kt) shall be the amount  
16 in the schedule under sub. (4) (kt).

17           **SECTION 7.** 20.923 (6) (ab) of the statutes is created to read:

18           20.923 **(6)** (ab) Administration, department of: executive director of the  
19 Wisconsin tribal–state council.

20           **SECTION 8.** 230.08 (2) (yz) of the statutes is created to read:

21           230.08 **(2)** (yz) The executive director of the Wisconsin tribal–state council.

22           **SECTION 9. Nonstatutory provisions; administration.**

23           (1) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting  
24 information under section 16.42 of the statutes for purposes of the 2003–05 biennial

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1 budget bill, the department of administration shall submit a dollar amount for the  
2 appropriation under section 20.505 (4) (kt) of the statutes, as created by this act, that  
3 is \$15,000 less than the total amount appropriated under section 20.505 (4) (kt) of  
4 the statutes for the 2002–03 fiscal year, before submitting any information relating  
5 to any increase or decrease in the dollar amount for that appropriation for the  
6 2003–05 fiscal biennium.

7 **SECTION 10. Nonstatutory provisions; Wisconsin tribal-state council.**

8 (1) POSITION AUTHORIZATIONS. There is authorized for the Wisconsin tribal-state  
9 council 1.0 FTE PR executive director position and 2.0 FTE PR other positions, to be  
10 funded from the appropriation under section 20.505 (4) (kt) of the statutes, as created  
11 by this act.

12

(END)