

2001 DRAFTING REQUEST

Bill

Received: **11/14/2001**

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **David Lovell**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous
State Government - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **david.lovell@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Tribal impact statements

Instructions:

See Attached WLC 0197/2

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>
/?	dykmapj 11/14/2001			_____			
/P1			haugeca 11/15/2001	_____			
/P2	dykmapj	gilfokm	pgreensl	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/20/2001	12/13/2001	12/17/2001	_____	12/17/2001		
/1	dykmapj 12/21/2001	gilfokm 12/26/2001	haueca 12/27/2001	_____	lrb_docadmin 12/27/2001		State
/2	dykmapj 01/02/2002	gilfokm 01/02/2002	rschluet 01/03/2002	_____	lrb_docadmin 01/03/2002	lrb_docadmin	01/30/2002

FE Sent For:

LAZ intro.

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Pre Topic:

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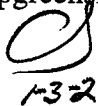
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/P1			haugeca 11/15/2001				
/P2	dykmapj	gilfokm	pgreensl		lrb_docadmin		
		12-1/2-02 kmg	 1-3-02				

<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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/P1			haugeca 11/15/2001	_____			
/P2	dykmapj	gilfokm 1-12/26 KMG	pgreensl CH 12-26 144-122^		lrb_docadmin		

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/?	dykmapj	1/11-12/13 KMG	2 e copy 11-15 eth 12/17	12/17 pg 1/5			
FE Sent For:		<u>*** NOTES</u>	pg 8	<END>			

- 4266/P1

1 **AN ACT** to amend 13.0992 (2) (c) and (6); and to create 13.0992 of the statutes;
2 **relating to:** preparation of tribal impact statements for bills that would have an
3 impact on tribal governments or American Indians.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on state-tribal relations. It requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. The requirements of the draft are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

The draft directs the legislative reference bureau to identify bills for which tribal impact statements are required and authorizes either house of the legislature to request one. In addition, the chair or either co-chair of the special committee on state-tribal relations may request a tribal impact statement. If the Wisconsin tribal-state relations council is created, the draft permits either co-chair or the executive director of the council to request a tribal impact statement. It directs the department of administration to assign the task of preparing a statement to the appropriate agency or agencies. It establishes a deadline for the preparation of a statement and requirements for its distribution. The draft prohibits a standing committee from holding a public hearing on, or reporting a bill for which a tribal impact statement is required prior to receipt of the statement.

4 **SECTION 1.** 13.0992 of the statutes is created to read:

5 **13.0992 Tribal impact statements. (1)** In this section:

6 (a) "Agency" means an office, department, agency, institution of higher education,
7 association, society, or other body in state government created or authorized to be created by

1 the constitution or any law, which is entitled to expend moneys appropriated by law, including
2 the legislature and the courts, but not including an authority.

3 (b) "Authority" means a body created under ch. 231, 232, 233, 234, or 235.

4 (c) "Have an impact on tribal governments or American Indians", when referring to a
5 bill, means to do any of the following:

- 6 1. Apply directly and specifically to tribal governments or American Indians.
- 7 2. Affect a tribal government differently than other governments or other entities.
- 8 3. Affect individual American Indians differently than other individuals.

9 (d) "Tribal government" means the government of a federally recognized American
10 Indian tribe or band in this state or any unit, agency, subdivision, or corporation of that
11 government.

12 (2) (a) Whenever a bill is introduced in either house of the legislature that would have
13 an impact on tribal governments or American Indians, the legislative reference bureau shall
14 promptly transmit a copy of the bill to the department of administration.

15 (b) Either house of the legislature may, under rules of that house or joint rules of the
16 legislature, request the department of administration to order the preparation of a tribal impact
17 statement with respect to any bill before that house, either in its original form or as affected
18 by one or more amendments. If a house so requests, the chief clerk of that house shall
19 thereupon transmit a copy of that bill and any affected amendments to the department of
20 administration.

21 (c) The chair or either co-chair of the special committee on state-tribal relations may
22 request the department of administration to order the preparation of a tribal impact statement
23 with respect to any bill that has an impact on tribal governments or American Indians and that
24 has not been transmitted to the department of administration under par. (a) or (b). In making

1 a request under this paragraph, the chair or co-chair shall transmit a copy of the bill and any
2 affected amendments to the department of administration and shall notify the chief clerk of
3 the house in which the bill is currently pending.

4 (3) Upon receipt of a bill under sub. (2), the department of administration shall direct
5 one or more agencies or authorities to prepare a tribal impact statement with respect to that
6 bill. Each tribal impact statement shall describe the impact on tribal governments or American
7 Indians that would result from enactment of the bill.

8 (4) Each agency or authority receiving a bill under sub. (3) shall provide the statement
9 required under sub. (3) to the department of administration within 5 working days from the
10 date on which it receives the bill, but the department of administration, on a limited basis only
11 and upon an agency's request received before the end of the 5-day period and applicable to
12 only one tribal impact statement, may extend the period for the specified tribal impact
13 statement to not more than 10 working days if the bill necessitates extended research.
14 Whenever the extension is granted, the department of administration shall immediately notify
15 the legislative reference bureau.

16 (5) Upon receiving a tribal impact statement under sub. (4), the department of
17 administration shall provide one copy to the legislative reference bureau, one copy to the
18 principal author of the bill, and one copy to the chief clerk of the house of the legislature in
19 which the bill originated. The chief clerk shall thereupon distribute the statement in the same
20 manner as amendments to the bill are distributed.

21 (6) Whenever a bill requires preparation of a tribal impact statement under this section,
22 the legislative reference bureau shall include a notation to that effect on the jacket of the bill
23 when the jacket is prepared. If the preparation of a tribal impact statement is requested by a
24 house of the legislature or the chair or co-chair of the special committee on state-tribal

1 relations, the chief clerk of that house shall include a notation to that effect on the jacket of
2 the bill.

3 (7) Whenever a tribal impact statement is required or requested for any bill under this
4 section, a standing committee to which the bill is referred may not hold a public hearing on
5 the bill or report the bill until the statement is received by the chief clerk of the house in which
6 the bill originated.

7 **SECTION 2.** 13.0992 (2) (c) and (6) of the statutes, as created by 2001 Wisconsin
8 Act . . . (this act), are amended to read:

9 13.0992 (2) (c) The chair or either co-chair of the special committee on state-tribal
10 relations or of the Wisconsin tribal-state council or the executive director of the Wisconsin
11 tribal-state council may request the department of administration to order the preparation of
12 a tribal impact statement with respect to any bill that has an impact on tribal governments or
13 American Indians and that has not been transmitted to the department of administration under
14 par. (a) or (b). In making a request under this paragraph, the chair or, co-chair, or executive
15 director shall transmit a copy of the bill and any affected amendments to the department of
16 administration and shall notify the chief clerk of the house in which the bill is currently
17 pending.

18 (6) Whenever a bill requires preparation of a tribal impact statement under this section,
19 the legislative reference bureau shall include a notation to that effect on the jacket of the bill
20 when the jacket is prepared. If the preparation of a tribal impact statement is requested by a
21 house of the legislature or the chair or co-chair of the special committee on state-tribal
22 relations or of the Wisconsin tribal-state council or the executive director of the Wisconsin
23 tribal-state council, the chief clerk of that house shall include a notation to that effect on the
24 jacket of the bill.

1 **SECTION 3. Effective date.** (1) Except as provided in sub. (2), this act takes effect on
2 the first day of the first regular session of the legislature following publication.

3 (2) The amendment by SECTION 2 of this act of sections 13.0992 (2) (c) and (6) of the
4 statutes, as created by this act, takes effect on the effective date of 2001 Wisconsin Act __
5 (WLC: 0195/2).

NOTE: Makes the ability of the co-chair or executive director of the
Wisconsin tribal-state council to request a tribal impact statement
contingent on the passage of the proposal to create that council.

6

(END)



In 11/20

SOON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

This bill is explained in the Prefatory Note provided by the Joint Legislative Council on the bill.

1 AN ACT to amend 13.0992 (2) (c) and (6); and to create 13.0992 of the statutes;
2 relating to: preparation of tribal impact statements for bills that would have
3 an impact on tribal governments or American Indians.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version

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

Joint legislative council

PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on state-tribal relations. It requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. The requirements of the draft are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

The draft directs the legislative reference bureau to identify bills for which tribal impact statements are required and authorizes either house of the legislature to request one. In addition, the chair or either co-chair of the special committee on state-tribal relations may request a tribal impact statement. If the Wisconsin tribal-state relations council is created, the draft permits either co-chair or the executive director of the council to request a tribal impact statement. It directs the department of administration to assign the task of preparing a statement to the appropriate agency or agencies. It establishes a deadline for the preparation of a statement and requirements for its distribution. The draft prohibits a standing committee from holding a public hearing on,

chairperson bill (bill) states that (may not hold)

①
b
before

or reporting a bill for which a tribal impact statement is required prior to receipt of the statement.

1 SECTION 1. 13.0992 of the statutes is created to read:

2 13.0992 Tribal impact statements. (1) In this section:

3 (a) "Agency" means an 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 (c) "Have an impact on tribal governments or American Indians" when
10 referring to a bill, means to do any of the following:

11 1. Apply directly and specifically to tribal governments or American Indians.

12 2. Affect a tribal government differently than other governments or other
13 entities.

14 3. Affect individual American Indians differently than other individuals.

15 (d) "Tribal government" means the government of a federally recognized
16 American Indian tribe or band in this state or any unit, agency, subdivision, or
17 corporation of that government.

18 ~~XXXX~~ NOTE: In par. (d), "agency" is used; see the
19 (2) (a) Whenever a bill is introduced in either house of the legislature that
20 would have an impact on tribal governments or American Indians, the legislative
21 reference bureau shall promptly transmit a copy of the bill to the department of
22 administration.

23 (b) Either house of the legislature may, under rules of that house or joint rules
of the legislature, request the department of administration to order the preparation

✓
conflicting
definition
in par.
(a).

legislative reference bureau
for

1 of a tribal impact statement with respect to any bill before that house, either in its
2 original form or as affected by one or more amendments. If a house so requests, the
3 chief clerk of that house shall thereupon transmit a copy of that bill and any affected
4 amendments to the department of administration.

request the

CO chairperson

5 (c) The ~~chair~~ or either ~~co-chair~~ of the special committee on state-tribal
6 relations may request the department of administration to order the preparation of
7 a tribal impact statement with respect to any bill that has an impact on tribal
8 governments or American Indians and that has not been transmitted to the
9 department of administration under par. (a) or (b). In making a request under this
10 paragraph, the ~~chair~~ or ~~co-chair~~ shall transmit a copy of the bill and any affected
11 amendments to the department of administration and shall notify the chief clerk of
12 the house in which the bill is currently pending.

chairperson

chairperson

request the

13 (3) Upon receipt of a bill under sub. (2), the department of administration shall
14 direct one or more agencies or authorities to prepare a tribal impact statement with
15 respect to ~~that~~ bill. Each tribal impact statement shall describe the impact on tribal
16 governments or American Indians that would result from enactment of the bill.

the

that is directed to prepare a tribal impact statement

17 (4) Each agency or authority receiving a bill under sub. (3) shall provide the
18 statement required under sub. (3) to the department of administration within 5
19 working days ~~from~~ the date on which it receives the ~~bill~~, but the department of
20 administration, on a limited basis only and upon an agency's request received before
21 the end of the 5-day period and applicable to only one tribal impact statement, may
22 extend the period for the specified tribal impact statement to not more than 10
23 working days if the ~~bill~~ necessitates extended research. Whenever the extension is
24 granted, the department of administration shall immediately notify the legislative
25 reference bureau.

direction

after

statement

transmit it

which shall transmit

1 (5) Upon receiving a tribal impact statement under sub. (4), the department
 2 of administration shall provide one copy to the legislative reference bureau, one copy
 3 to the principal author of the bill and one copy to the chief clerk of the house of the
 4 legislature in which the bill originated. The chief clerk shall thereupon distribute
 5 the statement in the same manner as amendments to the bill are distributed.

tribal impact statement shall be reproduced as are amendments

6 (6) Whenever a bill requires preparation of a tribal impact statement under
 7 ~~this section~~ the legislative reference bureau shall include a notation to that effect
 8 on the jacket of the bill when the jacket is prepared. If the preparation of a tribal
 9 impact statement is requested by a house of the legislature or the chair or co-chair
 10 of the special committee on state-tribal relations, the chief clerk of that house shall
 11 include a notation to that effect on the jacket of the bill.

sub. (2)(a) is required for a bill, chairperson cochairperson

12 (7) Whenever a tribal impact statement is required or requested for any bill
 13 under this section, a standing committee to which the bill is referred may not hold
 14 a public hearing on the bill or report the bill until the statement is received by the
 15 chief clerk of the house in which the bill originated.

for a bill

SECTION 2. 13.0992 (2) (c) and (6) of the statutes, as created by 2001 Wisconsin

Act (this act), are amended to read:

.... NO spaces

18 13.0992 (2) (c) The chair or either co-chair of the special committee on
 19 state-tribal relations or of the Wisconsin tribal-state council or the executive
 20 director of the Wisconsin tribal-state council may request the department of
 21 administration to order the preparation of a tribal impact statement with respect to
 22 any bill that has an impact on tribal governments or American Indians and that has
 23 not been transmitted to the department of administration under par. (a) or (b). In
 24 making a request under this paragraph, the chair or co-chair or executive director
 25 shall transmit a copy of the bill and any affected amendments to the department of

chairperson cochairperson

chairperson

request the legislative reference bureau to

sub. (2)(a) for a bill

1 administration and shall notify the chief clerk of the house in which the bill is
2 currently pending.

3 (6) Whenever a bill requires preparation of a tribal impact statement under
4 ~~this section~~, the legislative reference bureau shall include a notation to that effect
5 on the jacket of the bill when the jacket is prepared. If the preparation of a tribal
6 impact statement is requested by a house of the legislature or the chair ^{person} or co-chair ^{person}
7 of the special committee on state-tribal relations or of the Wisconsin tribal-state
8 council or the executive director of the Wisconsin tribal-state council, the chief clerk
9 of that house shall include a notation to that effect on the jacket of the bill.

10 SECTION 3. Effective date.

11 ~~(1) Except as provided in sub. (2), this act takes effect on the first day of the first~~
12 ~~regular session of the legislature following publication.~~ January 1, 2003.

13 ~~(2) The amendment by Section 2 of this act of sections 13.0992 (2)(c) and (e)~~
14 ~~of the statutes, as created by this act, takes effect on the effective date of 2001~~
15 ~~Wisconsin Act (WLC 0195/2).~~ 01-4 265

16 ~~***NOTE: Makes the ability of the co-chair or executive director of the Wisconsin tribal-state council to request a tribal impact statement contingent on the passage of the proposal to create that council.~~

(END)

The creation of s. 13.0992 on

***NOTE: The general effective date is January 1, 2003. There is no reason to have the amendments to s. 13.0992 (2)(c) and (e) take effect before that date. Therefore, the contingency ^{agency} provision is placed in the nonstatutory provision. Also, the amendment of s. 13.0992 (2)(c) and (e) is not needed.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4266/P2ins
PJD:.....

NOVEMBER 20, 2001

INSERT 5-9 ✓

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1
2
3
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5

SECTION 1. Nonstatutory provisions. The amendment of section 13.0992 (2) (c) and (6) of the statutes, as created by this act, is void unless 2001 Wisconsin Act ... (Senate Bill/Assembly Bill ...) (LRB-4265) creates a Wisconsin tribal-state council and authorizes the council to appoint an executive director and the act is enacted into law before August 1, 2002.

Handwritten note in a large oval: (CS) Reconciliation provision.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4266/P2dn

PJD:.....
king

November 20, 2001

✓ (I)
The language of proposed s. 13.0992 (7), to the effect that a bill for which a tribal impact statement is required or requested may not be heard or reported by a standing committee to which the bill is referred until the statement is received, creates a rule of procedure under article IV, section 8, of the constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See State ex rel. La Follette v. Stitt, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Atty. Peter J. Dykman
General Counsel
Phone: (608) 266-7098
E-mail: peter.dykman@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4266/P2dn
PJD:lmg:pg

December 17, 2001

The language of proposed s. 13.0992 (7), to the effect that a bill for which a tribal impact statement is required or requested may not be heard or reported by a standing committee to which the bill is referred until the statement is received, creates a rule of procedure under article IV, section 8, of the constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Atty. Peter J. Dykman
General Counsel
Phone: (608) 266-7098
E-mail: peter.dykman@legis.state.wi.us

Handwritten notes and initials at the top right, including "PJD" and a signature.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IA (circled)

IA (circled)

Gen. Cat.

1 AN ACT to amend 13.0992 (2) (c) and (6); and to create 13.0992 of the statutes;
2 relating to: preparation of tribal impact statements for bills that would have
3 an impact on tribal governments or American Indians.

recommended by

Analysis by the Legislative Reference Bureau

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

relations

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JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on state-tribal relations. It requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. The requirements of the bill are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

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see attached new in 4266

18 (circled)

selective folder 4266

bill states that a standing committee may not hold a public hearing on, or report a bill for which a tribal impact statement is required, before receipt of the statement.

1 SECTION 1. 13.0992 of the statutes is created to read:

2 **13.0992 Tribal impact statements. (1)** In this section:

3 (a) "Agency" means an 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 (c) "Have an impact on tribal governments or American Indians," when
10 referring to a bill, means to do any of the following:

- 11 1. Apply directly and specifically to tribal governments or American Indians.
- 12 2. Affect a tribal government differently than other governments or other
13 entities.
- 14 3. Affect individual American Indians differently than other individuals.

15 (d) "Tribal government" means the government of a federally recognized
16 American Indian tribe or band in this state or any unit, agency, subdivision, or
17 corporation of that government.

~~***NOTE. In par. (d), "agency" is used; see the conflicting definition in par. (a).~~

18 (2) (a) Whenever a bill is introduced in either house of the legislature that
19 would have an impact on tribal governments or American Indians, the legislative
20 reference bureau shall promptly transmit a copy of the bill to the department of
21 administration.

22 (b) Either house of the legislature may, under rules of that house or joint rules
23 of the legislature, request the department of administration to order the preparation

1 of a tribal impact statement with respect to any bill before that house, either in its
2 original form or as affected by one or more amendments. If a house so requests, the
3 chief clerk of that house shall thereupon request the legislative reference bureau to
4 transmit a copy of that bill and any affected amendments to the department of
5 administration.

6 (c) The chairperson or either cochairperson of the special committee on
7 state-tribal relations may request the department of administration to order the
8 preparation of a tribal impact statement with respect to any bill that has an impact
9 on tribal governments or American Indians and that has not been transmitted to the
10 department of administration under par. (a) or (b). In making a request under this
11 paragraph, the chairperson or cochairperson shall request the legislative reference
12 bureau to transmit a copy of the bill and any affected amendments to the department
13 of administration and shall notify the chief clerk of the house in which the bill is
14 currently pending.

15 (3) Upon receipt of a bill under sub. (2), the department of administration shall
16 direct one or more agencies or authorities to prepare a tribal impact statement with
17 respect to the bill. Each tribal impact statement shall describe the impact on tribal
18 governments or American Indians that would result from enactment of the bill.

19 (4) Each agency or authority that is directed to prepare a tribal impact
20 statement under sub. (3) shall provide the statement to the department of
21 administration within 5 working days after the date on which it receives the
22 direction, but the department of administration, on a limited basis only and upon an
23 agency's request received before the end of the 5-day period and applicable to only
24 one tribal impact statement, may extend the period for the specified tribal impact
25 statement to not more than 10 working days if the statement necessitates extended

1 research. Whenever the extension is granted, the department of administration
2 shall immediately notify the legislative reference bureau.

3 (5) Upon receiving a tribal impact statement under sub. (4), the department
4 of administration shall transmit it to the legislative reference bureau, which shall
5 transmit one copy to the principal author of the bill and one copy to the chief clerk
6 of the house of the legislature in which the bill originated. The tribal impact
7 statement shall be reproduced *and distributed* as are amendments.

8 (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill,
9 the legislative reference bureau shall include a notation to that effect on the jacket
10 of the bill when the jacket is prepared. If the preparation of a tribal impact statement
11 is requested by a house of the legislature or the chairperson or cochairperson of the
12 special committee on state-tribal relations, the chief clerk of that house shall include
13 a notation to that effect on the jacket of the bill.

14 (7) Whenever a tribal impact statement for a bill is required or requested under
15 this section, a standing committee to which the bill is referred may not hold a public
16 hearing on the bill or report the bill until the statement is received by the chief clerk
17 of the house in which the bill originated.

18 **SECTION 2.** 13.0992 (2) (c) and (6) of the statutes, as created by 2001 Wisconsin
19 Act (this act), are amended to read:

20 13.0992 (2) (c) The chairperson or either cochairperson of the special committee
21 on state-tribal relations or of the Wisconsin tribal-state council or the executive
22 director of the Wisconsin tribal-state council may request the department of
23 administration to order the preparation of a tribal impact statement with respect to
24 any bill that has an impact on tribal governments or American Indians and that has
25 not been transmitted to the department of administration under par. (a) or (b). In

1 making a request under this paragraph, the chairperson or, cochairperson, or
2 executive director shall request the legislative reference bureau to transmit a copy
3 of the bill and any affected amendments to the department of administration and
4 shall notify the chief clerk of the house in which the bill is currently pending.

5 (6) Whenever a tribal impact statement is required under sub. (2) (a) for a bill,
6 the legislative reference bureau shall include a notation to that effect on the jacket
7 of the bill when the jacket is prepared. If the preparation of a tribal impact statement
8 is requested by a house of the legislature or the chairperson or cochairperson of the
9 special committee on state-tribal relations or of the Wisconsin tribal-state council
10 or the executive director of the Wisconsin tribal-state council, the chief clerk of that
11 house shall include a notation to that effect on the jacket of the bill.

12 SECTION 3. Nonstatutory provisions.

13 (1) RECONCILIATION PROVISION. The amendment of section 13.0992 (2) (c) and (6)
14 of the statutes, as created by this act, is void unless 2001 Wisconsin Act (Senate
15 Bill/Assembly Bill) (LRB-4265) creates a Wisconsin tribal-state council and
16 authorizes the council to appoint an executive director and the act is enacted into law
17 before August 1, 2002.

18 SECTION 4. Effective date.

19 (1) This act takes effect on January 1, 2003. ✓

20 ~~****NOTE: The general effective date is January 1, 2003. There is no reason to have
the amendments to s. 13.0992 (2) (c) and (6) take effect before the creation of s. 13.0992
on that date. Therefore, the contingency is placed in the nonstatutory provision.~~

(END)

1A (don't underline)

Joint legislative council prefatory note: This draft was prepared for recommended by the joint legislative council's special committee on state-tribal relations. It requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. It applies to bills that apply specifically to tribal governments or American Indians or that affect tribal governments or American Indians differently than other governments or entities or other individuals. The requirements of the draft are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

plain text
plain text

The draft directs the legislative reference bureau to identify bills for which tribal impact statements are required and authorizes either house of the legislature to request one. In addition, the chair or either co-chair of the special committee on state-tribal relations may request a tribal impact statement. If the Wisconsin tribal-state relations council is created, as is proposed in separate legislation recommended by the special committee on state-tribal relations, the draft permits either co-chair or the executive director of the council to request a tribal impact statement. It directs the department of administration to assign the task of preparing a statement to the appropriate agency or agencies. It establishes a deadline for the preparation of a statement and requirements for its distribution. The draft prohibits a standing committee from holding a public hearing on, or reporting a bill for which a tribal impact statement is required prior to receipt of the statement.

1B

(don't underline)

Due 4/3/02

*revised
pub*

2001 BILL

FES

*only ch
page 1*

1 **AN ACT to amend 13.0992 (2) (c) and (6); and to create 13.0992 of the statutes;**
 2 **relating to: preparation of tribal impact statements for bills that would have**
 3 **an impact on tribal governments or American Indians.**

Analysis by the Legislative Reference Bureau

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

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 requires the preparation of statements describing the impact of legislation on tribal governments and American Indians. It applies to bills that apply specifically to tribal governments or American Indians or that affect tribal governments or American Indians differently than other governments or entities or other individuals. ~~The requirements of the draft are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.~~ The requirements of the bill are designed to parallel the current requirements contained in the statutes and the joint rules of the legislature for the preparation of statements describing the fiscal impact of legislation.

The bill directs the legislative reference bureau to identify bills for which tribal impact statements are required and authorizes either house of the legislature to request one. In addition, the chairperson or either cochairperson of the special committee on

BILL

state-tribal relations may request a tribal impact statement. If the Wisconsin tribal-state council is created, as is proposed in separate legislation recommended by the special committee on state-tribal relations, the bill permits either cochairperson or the executive director of the council to request a tribal impact statement. It directs the department of administration to assign the task of preparing a statement to the appropriate agency or agencies. It establishes a deadline for the preparation of a statement and requirements for its distribution. The bill states that a standing committee may not hold a public hearing on, or report a bill for which a tribal impact statement is required, before receipt of the statement.

1 **SECTION 1.** 13.0992 of the statutes is created to read:

2 **13.0992 Tribal impact statements.** (1) In this section:

3 (a) “Agency”, except in par. (d), means an office, department, agency, institution
4 of higher education, association, society, or other body in state government created
5 or 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
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10 referring to a bill, means to do any of the following:

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13 entities.

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15 (d) “Tribal government” means the government of a federally recognized
16 American Indian tribe or band in this state or any unit, agency, subdivision, or
17 corporation of that government.

18 (2) (a) Whenever a bill is introduced in either house of the legislature that
19 would have an impact on tribal governments or American Indians, the legislative

BILL

1 reference bureau shall promptly transmit a copy of the bill to the department of
2 administration.

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4 of the legislature, request the department of administration to order the preparation
5 of a tribal impact statement with respect to any bill before that house, either in its
6 original form or as affected by one or more amendments. If a house so requests, the
7 chief clerk of that house shall thereupon request the legislative reference bureau to
8 transmit a copy of that bill and any affected amendments to the department of
9 administration.

10 (c) The chairperson or either cochairperson of the special committee on
11 state-tribal relations may request the department of administration to order the
12 preparation of a tribal impact statement with respect to any bill that has an impact
13 on tribal governments or American Indians and that has not been transmitted to the
14 department of administration under par. (a) or (b). In making a request under this
15 paragraph, the chairperson or cochairperson shall request the legislative reference
16 bureau to transmit a copy of the bill and any affected amendments to the department
17 of administration and shall notify the chief clerk of the house in which the bill is
18 currently pending.

19 (3) Upon receipt of a bill under sub. (2), the department of administration shall
20 direct one or more agencies or authorities to prepare a tribal impact statement with
21 respect to the bill. Each tribal impact statement shall describe the impact on tribal
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23 Act (this act), are amended to read:

24 13.0992 (2) (c) The chairperson or either cochairperson of the special committee
25 on state-tribal relations or of the Wisconsin tribal-state council or the executive

BILL

1 director of the Wisconsin tribal-state council may request the department of
2 administration to order the preparation of a tribal impact statement with respect to
3 any bill that has an impact on tribal governments or American Indians and that has
4 not been transmitted to the department of administration under par. (a) or (b). In
5 making a request under this paragraph, the chairperson ~~or~~, cochairperson, or
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7 of the bill and any affected amendments to the department of administration and
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20 authorizes the council to appoint an executive director and the act is enacted into law
21 before August 1, 2002.

SECTION 4. Effective date.

22
23 (1) This act takes effect on January 1, 2003.

24 (END)

Emery, Lynn

From: Kiel, Joyce
Sent: Wednesday, January 30, 2002 11:27 AM
To: LRB.Legal
Cc: Lovell, David; Ulrich, Wendy; Uselman, Tracey
Subject: Jacketing Requests

Please jacket the following five drafts--for the Assembly--introduced by the Joint Legislative Council:

LRB-4263/1
LRB-4264/1
LRB-4265/2
LRB-4266/2
LRB-4441/1

Please send the jackets to Wendy Ulrich at the Legislative Council Staff Offices.

If you have any questions, please call me or David Lovell. Thanks!!!!!!!!!!!!!!!

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608-266-3830 (fax)
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