

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **03/27/2002**

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB: **01-4265/2**

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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:

Carbon copy (CC:) to:

Pre Topic:

SCC:.....Engel - CN7005,

Topic:

Council on State and Tribal Relations

Instructions:

See Attached

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>
/1	dykmapj 03/27/2002	gilfokm 03/27/2002	rschluet 03/27/2002	_____	lrb_docadmin 03/27/2002		

FE Sent For:

<END>

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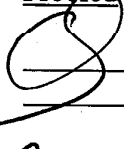
Council on State and Tribal Relations

Instructions:

See Attached

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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3-27-2

FE Sent For:

<END>

New Provision

MOTION: STATE AND TRIBAL RELATIONS (AB-771)

FUNDING: PR

Recommended by Legislative Council.

Creates a council on State and Tribal Relations and appropriates \$214,300 PR in fiscal 2002-03 and authorizes 3.0 FTE positions.

PJD

CN 7005

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.

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.

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,



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2793/1

PJD *kinney*

SCC:.....Engel – CN7005, Council on State and Tribal Relations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 8, line 21: after that line insert:

1-2 ✓

3 ✓ 2. Page 10, line 6: after that line insert:

1-3 ✓

4 ✓ 3. Page 10, line 13: after that line insert:

1-4 ✓

5 ✓ 4. Page 12, line 17: after that line insert:

1-5 ✓

6 ✓ 5. Page 19, line 3: after that line insert:

1-6 ✓

7 ✓ 6. Page 19, line 20: after that line insert:

1-7 ✓

8 ✓ 7. Page 24, line 3: after that line insert:

1-8 ✓

9 ✓ 8. Page 180, line 25: after that line insert:

1-9 ✓

1
2
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Nonstat: sub

✓ 9. Page 352, line 12: after that line insert:

(9d) WISCONSIN TRIBAL-STATE COUNCIL.

(a) 52-3 ✓

(b) 52-4

(END)

Nonstat: no

13M

ASSEMBLY BILL 771

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 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. 11

14b

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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ASSEMBLY BILL 771

SECTION 3

1 SECTION 16.025 of the statutes is created to read:

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

3
4 (a) "Agency" means any office, department, agency, institution of higher
5 education, association, society, or other body in state government created or
6 authorized to be created by the constitution or any law which is entitled to expend
7 moneys appropriated by law, including the legislature and the courts, but not
8 including an authority.

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

10 (2) The Wisconsin tribal-state council shall do all of the following:

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

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

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

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

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

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

24 (g) Support and coordinate communication between agency and authority
25 liaisons who work with tribes, to promote smooth delivery of state services to tribal
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. "

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

3
4 20.505 Administration, department of 47m. 2001-02 2002-03

5 ~~(4) ATTACHED DIVISIONS AND OTHER BODIES~~

6 ~~" (kt) Wisconsin tribal-state council PR-S A -0- 214,300 "~~

7 ~~" SECTION 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). "~~ 52j. 69t

14 ~~" SECTION 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 20.923 (6) (ab) of the statutes is created to read:~~ 365e

18 ~~20.923 (6) (ab) Administration, department of executive director of the~~
19 ~~Wisconsin tribal-state council. "~~

20 ~~" SECTION 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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✓ 1-6
✓ 1-7
✓ 1-8
✓ 1-9
✓ 1-10 2-2 2-3 ✓

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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. *STW*

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)

4/11
2-4



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2793/1
PJD:kmg:rs

SCC:.....Engel – CN7005, Council on State and Tribal Relations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 8, line 21: after that line insert:

3 "SECTION 13m. 15.01 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
4 is amended to read:

5 15.01 (4) "Council" means a part-time body appointed to function on a
6 continuing basis for the study, and recommendation of solutions and policy
7 alternatives, of the problems arising in a specified functional area of state
8 government, except the Wisconsin land council has the powers specified in s. 16.965
9 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River
10 revitalization council has the powers and duties specified in s. 23.18, the council on

1 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
2 state council on alcohol and other drug abuse has the powers and duties specified in
3 s. 14.24, the Wisconsin tribal–state council has the powers and duties specified in ss.
4 15.107 (18) and 16.025, and, before January 1, 2001, the council on health care fraud
5 and abuse has the powers and duties specified in s. 146.36.”

6 **2.** Page 10, line 6: after that line insert:

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

8 15.107 (18) WISCONSIN TRIBAL–STATE COUNCIL. (a) There is created a Wisconsin
9 tribal–state council which is attached to the department of administration under s.
10 15.03.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (g) The council shall perform the functions specified under ss. 15.09 (5) and
16 16.025.”.

17 **3.** Page 10, line 13: after that line insert:

18 “**SECTION 14p.** 16.025 of the statutes is created to read:

19 **16.025 Wisconsin tribal-state council.** (1) In this section:

20 (a) “Agency” means any office, department, agency, institution of higher
21 education, association, society, or other body in state government created or
22 authorized to be created by the constitution or any law which is entitled to expend
23 moneys appropriated by law, including the legislature and the courts, but not
24 including an authority.

1 (b) “Authority” means a body created under ch. 231, 232, 233, 234, or 235.

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

3 (a) Facilitate the resolution of disputes, disagreements, and
4 misunderstandings between state government and tribal governments by
5 coordinating communication between the appropriate representatives of the state
6 and tribal governments.

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

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

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

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

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

16 (g) Support and coordinate communication between agency and authority
17 liaisons who work with tribes, to promote smooth delivery of state services to tribal
18 governments and American Indians and to avoid duplication of effort. The council
19 shall review the adequacy of existing state liaison positions and recommend any
20 changes in the number of liaison positions as it considers necessary.

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

23 (i) Develop recommendations for state legislation.

24 (j) Provide training to state officials and employees concerning the legal status
25 of American Indian tribes and bands, legal and practical aspects of relations between

1 tribal governments and the state and federal governments, and issues affecting
2 state-tribal relations. The council shall provide training to state executive branch
3 officials and employees at least once annually. The council shall provide training to
4 state legislators and legislative employees at least once at the start of each legislative
5 session.

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

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

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

16 (b) Present recommendations to the council.

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

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

19 **4.** Page 12, line 17: after that line insert:

20 “(kt) Wisconsin tribal-state council PR-S A -0- 214,300”.

21 **5.** Page 19, line 3: after that line insert:

22 “SECTION 47m. 20.505 (4) (kt) of the statutes is created to read:

23 20.505 (4) (kt) *Wisconsin tribal-state council*. The amounts in the schedule for
24 the general program operations of the Wisconsin tribal-state council. All moneys

1 transferred from the appropriation account under sub. (8) (hm) 22. shall be credited
2 to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
3 balance on June 30 of each year shall revert to the appropriation account under sub.
4 (8) (hm).”.

5 **6.** Page 19, line 20: after that line insert:

6 **“SECTION 52j.** 20.505 (8) (hm) 22. of the statutes is created to read:

7 20.505 (8) (hm) 22. The amount transferred to sub. (4) (kt) shall be the amount
8 in the schedule under sub. (4) (kt).”.

9 **7.** Page 24, line 3: after that line insert:

10 **“SECTION 69t.** 20.923 (6) (ab) of the statutes is created to read:

11 20.923 (6) (ab) Administration, department of: executive director of the
12 Wisconsin tribal–state council.”.

13 **8.** Page 180, line 25: after that line insert:

14 **“SECTION 365c.** 230.08 (2) (yz) of the statutes is created to read:

15 230.08 (2) (yz) The executive director of the Wisconsin tribal–state council.”.

16 **9.** Page 352, line 12: after that line insert:

17 **“(9x) WISCONSIN TRIBAL–STATE COUNCIL.**

18 (a) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
19 information under section 16.42 of the statutes for purposes of the 2003–05 biennial
20 budget bill, the department of administration shall submit a dollar amount for the
21 appropriation under section 20.505 (4) (kt) of the statutes, as created by this act, that
22 is \$15,000 less than the total amount appropriated under section 20.505 (4) (kt) of
23 the statutes for the 2002–03 fiscal year, before submitting any information relating

1 to any increase or decrease in the dollar amount for that appropriation for the
2 2003–05 fiscal biennium.

3 (b) There is authorized for the Wisconsin tribal–state council 1.0 FTE PR
4 executive director position and 2.0 FTE PR other positions, to be funded from the
5 appropriation under section 20.505 (4) (kt) of the statutes, as created by this act.”.

6 (END)