

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/20/2006**

Received By: **rchampag**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Kathie**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Tribal impact statements

**Instructions:**

Redraft 2005 AB 135

**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>
/?	rchampag 09/21/2006	wjackson 09/27/2006		_____			State
/1			rschluet 09/27/2006	_____	sbasford 09/27/2006	lparisi 03/12/2007	

FE Sent For: */1 @ intro.  
3-16-2007*

<END>

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/?	rchampag	1 WJ 9/26					

FE Sent For:

<END>



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0528/1  
RAC/JK/PJD:wlj:rs

10/3

LRB-0297/1  
RAC:WJ

**2005 ASSEMBLY BILL 135**

2007

February 24, 2005 - Introduced by Representative MUSSER. Referred to Committee on State Affairs.

Re-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.

***Analysis by the Legislative Reference Bureau***

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

The bill requires the Legislative Reference Bureau to identify bills needing a tribal impact statement and authorizes either house of the legislature to request such a statement. In addition, any cochairperson of the Special Committee on State-Tribal Relations may request a tribal impact statement. If a Wisconsin Tribal-State Council is created, as may be proposed in separate legislation, the bill permits a cochairperson or the executive director of the council to request a tribal impact statement. The bill directs the Department of Administration to assign the preparation of a tribal impact statement to the appropriate agency or agencies. The bill establishes a deadline for the preparation of the statement and requirements for its distribution. Finally, the bill provides that a standing committee may not hold a public hearing or take executive action on or report a bill for which a tribal impact

**ASSEMBLY BILL 135**

statement is required before receipt of the statement or until the deadline for the preparation of the tribal impact statement has expired, whichever is earlier.

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:*

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  
7 including an authority.

8           (b) "Authority" means a body created under ch. 231, 232, 233, 234, 235, or 237.

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 <sup>than</sup> ~~from~~ other governments or other  
13 entities.

14           3. Affect individual American Indians differently <sup>than</sup> ~~from~~ 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           **(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

**ASSEMBLY BILL 135**

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

3 (b) Either house of the legislature may, under rules of that house or joint rules  
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  
22 governments or American Indians that would result from enactment of the bill.

23 (4) Each agency or authority that is directed to prepare a tribal impact  
24 statement under sub. (3) shall provide the statement to the department of  
25 administration within 5 working days after the date on which it receives the

**ASSEMBLY BILL 135****SECTION 1**

1 direction, but the department of administration, on a limited basis ~~only~~ and upon an  
2 agency's request received before the end of the 5-day period and applicable to only  
3 one tribal impact statement, may extend the period for the specified tribal impact  
4 statement to not more than 10 working days if the statement necessitates extended  
5 research. Whenever the extension is granted, the department of administration  
6 shall immediately notify the legislative reference bureau.

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

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

18 (7) Whenever a tribal impact statement for a bill is required or requested under  
19 this section, a standing committee to which the bill is referred may not hold a public  
20 hearing or take executive action on the bill or report the bill until the statement is  
21 received by the chief clerk of the house in which the bill originated or until the  
22 deadline for preparation of the tribal impact statement under sub. (4), including any  
23 extension that is granted, expires, whichever is earlier.

24 **SECTION 2.** 13.0992 (2) (c) and (6) of the statutes, as created by 2005 Wisconsin  
25 Act .... (this act), are amended to read:

*under this section*

7

**ASSEMBLY BILL 135**

1           13.0992 (2) (c) The chairperson or either cochairperson of the special committee  
 2 on state-tribal relations or of the Wisconsin tribal-state council or the executive  
 3 director of the Wisconsin tribal-state council may request the department of  
 4 administration to order the preparation of a tribal impact statement with respect to  
 5 any bill that has an impact on tribal governments or American Indians and that has  
 6 not been transmitted to the department of administration under par. (a) or (b). In  
 7 making a request under this paragraph, the chairperson or cochairperson, or  
 8 executive director shall request the legislative reference bureau to transmit a copy  
 9 of the bill and any affected amendments to the department of administration and  
 10 shall notify the chief clerk of the house in which the bill is currently pending.

LPS:  
Please  
Proof  
w/  
bill.

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

under this  
section

**SECTION 3. Nonstatutory provisions.**

19           (1) RECONCILIATION PROVISION. The amendment of section 13.0992 (2) (c) and (6)  
 20 of the statutes, as created by this act, is void unless ~~2005~~ <sup>2007</sup> Wisconsin Act .... (Senate  
 21 Bill/Assembly Bill ....) (LRB-~~0527/1~~ <sup>0296/1</sup>) creates a Wisconsin tribal-state council and  
 22 authorizes the council to appoint an executive director and that act is enacted into  
 23 law before August 1, ~~2006~~ <sup>2008</sup>

**SECTION 4. Effective date.**

24



**ASSEMBLY BILL 135**

2009

1

(1) This act takes effect on January 1, 2007.

2

(END)

**Parisi, Lori**

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**From:** Musser, Terry  
**Sent:** Monday, March 12, 2007 11:00 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0297/1 Topic: Tribal impact statements

Please Jacket LRB 07-0297/1 for the ASSEMBLY.