
AN ACT to amend 15.01 (4) and 20.505 (8) (hm) (intro.); and to create 15.107 (18), 16.025, 20.505 (4) (kt), 20.505 (8) (hm) 22., 20.923 (6) (ab) and 230.08 (2) (yv) of the statutes; relating to: creation of the Wisconsin Tribal–State Council and making an appropriation.

Analysis by the Legislative Reference Bureau

The bill creates the Wisconsin Tribal–State Council, which is attached to the Department of Administration. The council is composed of representatives of the American Indian tribes and bands in this state and representatives of state and local governments. The bill assigns a number of duties to the council that relate to facilitating communications and sharing information between state government and tribal governments. In addition, the bill 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. Finally, the bill requires all state agencies to provide assistance to the council, upon request.

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:
SECTION 1. 15.01 (4) of the statutes is amended to read:

15.01 (4) “Council” means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee River revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24, the Wisconsin tribal-state council has the powers and duties specified in ss. 15.107 (18) and 16.025, and the electronic recording council has the powers and duties specified in s. 706.25 (4).

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

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

(b) The council shall consist of the following:

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

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

3. The attorney general or his or her designee.

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

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

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

7. One member of the assembly, appointed by the speaker of the assembly.
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8. One member of the assembly, appointed by the assembly minority leader.
9. One member, appointed by the governor, representing a county government.
10. One member, appointed by the governor, representing a municipal government.

(c) The members shall serve at the pleasure of the appointing authorities.
(d) At its first meeting in each year, the council shall elect one cochairperson from among the members appointed under par. (b) 1. and one cochairperson from among the members appointed under par. (b) 2. to 10. and may elect a secretary from among its members. The council may not elect a chairperson or vice chairperson.

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

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

(g) The council shall perform the duties specified under s. 16.025.

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

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

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

(b) “Authority” means a body created under ch. 231, 232, 233, 234, 235, or 237.
(2) The Wisconsin tribal-state council shall do all of the following:

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

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

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

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

(e) Develop recommendations for state executive branch policies.

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

(g) Support and coordinate communication between agency and authority 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 shall review the adequacy of existing state liaison positions and recommend any changes in the number of liaison positions that it considers necessary.

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

(i) Develop recommendations for state legislation.

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

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

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

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

(b) Present recommendations to the council.

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

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

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

<table>
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<tr>
<th></th>
<th>2007−08</th>
<th>2008−09</th>
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<tbody>
<tr>
<td>20.505 Administration, department of</td>
<td></td>
<td></td>
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<tr>
<td>(4) ATTACHED DIVISIONS AND OTHER BODIES</td>
<td></td>
<td></td>
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<tr>
<td>(kt) Wisconsin tribal–state council PR−S A</td>
<td>215,000</td>
<td>200,000</td>
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SECTION 5. 20.505 (4) (kt) of the statutes is created to read:
20.505 (4) (kt) Wisconsin tribal-state council. The amounts in the schedule for the general program operations of the Wisconsin tribal-state council. All moneys transferred from the appropriation account under sub. (8) (hm) 22. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

SECTION 6. 20.505 (8) (hm) (intro.) of the statutes is amended to read:

20.505 (8) (hm) Indian gaming receipts. (intro.) All moneys required to be credited to this appropriation under s. 569.06, all moneys transferred under 2001 Wisconsin Act 16, sections 9201 (5mk), 9205 (1mk), 9210 (3mk), 9223 (5mk), 9224 (1mk), 9225 (1mk), 9231 (1mk), 9237 (4mk), 9240 (1mk), 9251 (1mk), 9256 (1mk), 9257 (2mk), and 9258 (2mk), and all moneys that revert to this appropriation account from the appropriation accounts specified in subds. 1c. to 19. 22., less the amounts appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of annually transferring the following amounts:

SECTION 7. 20.505 (8) (hm) 22. of the statutes is created to read:

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

SECTION 8. 20.923 (6) (ab) of the statutes is created to read:

20.923 (6) (ab) Administration, department of: executive director of the Wisconsin tribal-state council.

SECTION 9. 230.08 (2) (yv) of the statutes is created to read:

230.08 (2) (yv) The executive director of the Wisconsin tribal-state council.

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

**SECTION 11. Effective date.**

(1) This act takes effect on the day after publication, or on the 2nd day after publication of the 2007–09 biennial budget act, whichever is later.

(END)