



2003 ASSEMBLY BILL 398

June 12, 2003 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on State Affairs.

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

Analysis by the Legislative Reference Bureau

This bill is explained in the PREFATORY NOTES 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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly Bill 771, which was introduced by the council on the 2000-02 committee's recommendation.

The bill 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.

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The bill appropriates \$215,000 in fiscal year 2003–04 and \$200,000 in fiscal year 2004–05 for the operation of the council and authorizes 3.0 full-time equivalent (FTE) positions: an executive director, a policy analyst, and a support position. The appropriation is from gaming revenues paid by the tribes to the state. Of the amount appropriated in fiscal year 2003–04, \$15,000 is for one-time start-up costs. The council is attached to the department of administration (DOA) for administrative purposes.

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

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

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

13 15.107 (18) WISCONSIN TRIBAL-STATE COUNCIL. (a) There is created a Wisconsin
14 tribal-state council, which is attached to the department of administration under s.
15 15.03.

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

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

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

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

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- 1 4. The state superintendent of public instruction or his or her designee.
- 2 5. One member of the senate, appointed by the senate majority leader.
- 3 6. One member of the senate, appointed by the senate minority leader.
- 4 7. One member of the assembly, appointed by the speaker of the assembly.
- 5 8. One member of the assembly, appointed by the assembly minority leader.
- 6 9. One member, appointed by the governor, representing a county government.
- 7 10. One member, appointed by the governor, representing a municipal
- 8 government.

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

10 (d) At its first meeting in each year, the council shall elect one cochairperson

11 from among the members appointed under par. (b) 1. and one cochairperson from

12 among the members appointed under par. (b) 2. to 10. and may elect a secretary from

13 among its members. The council may not elect a chairperson or vice chairperson.

14 (e) The council shall meet at least quarterly at a location determined by the

15 council or either cochairperson and shall meet on the call of either cochairperson or

16 a majority of its members. The secretary of administration may not require the

17 council to meet and may not determine the council's meeting place. Either or both

18 cochairpersons may preside at a meeting of the council.

19 (f) The council shall appoint an executive director, outside the classified service,

20 to serve at its pleasure.

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

22 16.025.

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

24 **16.025 Wisconsin tribal-state council. (1)** In this section:

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

6 (b) “Authority” means a body created under ch. 231, 232, 233, 234, 235, or 237.

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

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

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

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

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

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

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

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

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

3 (i) Develop recommendations for state legislation.

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

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

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

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

21 (b) Present recommendations to the council.

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

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

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

ASSEMBLY BILL 398**SECTION 4**

	2003-04	2004-05
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2 **20.505 Administration, department of**

3 (4) ATTACHED DIVISIONS AND OTHER BODIES

4 (kt) Wisconsin tribal-state council PR-S A 215,000 200,000

5 **SECTION 5.** 20.505 (4) (kt) of the statutes is created to read:

6 20.505 (4) (kt) *Wisconsin tribal-state council*. The amounts in the schedule for
7 the general program operations of the Wisconsin tribal-state council. All moneys
8 transferred from the appropriation account under sub. (8) (hm) 22. shall be credited
9 to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
10 balance on June 30 of each year shall revert to the appropriation account under sub.
11 (8) (hm).

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

13 20.505 (8) (hm) *Indian gaming receipts*. (intro.) All moneys received as Indian
14 gaming receipts, as defined in s. 569.01 (1m), all moneys transferred under 2001
15 Wisconsin Act 16, sections 9201 (5mk), 9205 (1mk), 9210 (3mk), 9223 (5mk), 9224
16 (1mk), 9225 (1mk), 9231 (1mk), 9237 (4mk), 9240 (1mk), 9251 (1mk), 9256 (1mk),
17 9257 (2mk), and 9258 (2mk), and all moneys that revert to this appropriation account
18 from the appropriation accounts specified in subds. 1c. to ~~19. 22.~~, less the amounts
19 appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of annually
20 transferring the following amounts:

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

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

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

