



## 2003 ASSEMBLY JOINT RESOLUTION 40

June 27, 2003 - Introduced by Representatives MUSSER, PETTIS, SHERMAN, AINSWORTH, BLACK, ALBERS, BIES, J. LEHMAN, LOTHIAN, MILLER, GUNDERSON, KRAWCZYK, MCCORMICK, OTT, WEBER, VAN ROY and TURNER, cosponsored by Senator SCHULTZ. Referred to Committee on Government Operations and Spending Limitations.

1     **Relating to:** policy of executive branch consultation with tribal governments.

2             Whereas, there are 11 federally recognized American Indian tribes and bands  
3     in this state, each with a unique history and unique concerns; and

4             Whereas, each of these tribes and bands is a separate and independent political  
5     community with its own government and is distinct and separate from the state; and

6             Whereas, tribal governments in this state administer many programs,  
7     including state programs, that provide benefits to tribal members and nontribal  
8     members, such as child welfare services, health care services, social services,  
9     environmental protection, education, and law enforcement; and

10            Whereas, there is a need for governments to discuss matters of mutual concern  
11    in a government-to-government relationship; and

12            Whereas, the American Indian tribes and bands in this state and the state of  
13    Wisconsin should have a mutual respect for each other and strive to improve  
14    communications on issues of mutual concern; and

1           Whereas, decisions by state agencies that affect tribal governments or  
2 American Indians would be better informed if they were based on a consideration of  
3 views of tribal government before the decisions were made; and

4           Whereas, actions of state government can, and often do, affect the functioning  
5 of tribal government programs, and these effects may be unintended and  
6 unanticipated by the state; and

7           Whereas, these unintended and unanticipated effects may be detrimental to  
8 tribal government and, thus, to residents of this state inasmuch as a  
9 well-functioning tribal government is beneficial not only to tribal members but also  
10 to all residents of this state; and

11           Whereas, these unintended and unanticipated effects may be avoided by  
12 consultation between state and tribal officials; and

13           Whereas, several previous U.S. presidents have affirmed the importance of  
14 government-to-government relations between American Indian tribes and the  
15 federal government; and

16           Whereas, Congress has enacted measures that promote tribal self-government  
17 and self-determination; and

18           Whereas, President Clinton issued an executive order to establish regular and  
19 meaningful consultation and collaboration with tribal officials in the development  
20 of federal policies that have tribal implications and the federal Department of  
21 Interior's Bureau of Indian Affairs has developed a government-to-government  
22 consultation policy; and

23           Whereas, the states of Oregon and Washington have recognized the importance  
24 of promoting government-to-government relations between state government and  
25 tribal governments and have developed consultation processes to seek consultation

1 with representatives of tribal governments in developing policies and program  
2 activities that affect American Indian tribes in those states; and

3 Whereas, a consultation process can assist in resolving potential conflicts,  
4 maximize key intergovernmental relations, and enhance an exchange of ideas and  
5 resources for the greater good of all Wisconsin residents, whether tribal members or  
6 not; and

7 Whereas, the Wisconsin legislature wishes to promote positive  
8 government-to-government relations between the state of Wisconsin and the  
9 American Indian tribes and bands in this state; now, therefore, be it

10 ***Resolved by the assembly, the senate concurring, That*** the Wisconsin  
11 legislature encourages the governor to develop and implement a consultation policy  
12 under which state executive branch agencies:

13 (1) Ensure meaningful and timely input by representatives of tribal  
14 government in developing state policies and programs that have a substantial and  
15 direct effect on:

16 (a) One or more American Indian tribes or bands in this state;

17 (b) American Indians in this state; or

18 (c) The relationship between state government and the American Indian tribes  
19 and bands in this state; and

20 (2) Identify key personnel in the agency who are responsible for coordination  
21 with tribal governments and have them meet on a regular basis with tribal officials  
22 regarding issues of mutual interest; and, be it further

23 ***Resolved, That*** the Wisconsin legislature encourages the governor to promote  
24 positive government-to-government relations between the state and the American  
25 Indian tribes and bands in this state; and, be it further

