



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0927/1
RAC:cjs:jm

2015 ASSEMBLY BILL 130

March 27, 2015 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT** *to create* 995.70 of the statutes; **relating to:** tribal identification cards.

Analysis by the Legislative Reference Bureau

This bill is explained in the 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. The bill provides that identification cards issued by an American Indian tribe or band must be accepted as sufficient proof of identity for the purpose of any law that requires a person to present identification. Examples of laws to which this provision applies include the following:

1. Proof of residency for the purpose of voting. [s. 6.34 (3) (a), stats.]
2. Proof of age for purchase of alcohol beverages. [s. 125.085 (1), stats.]
3. Proof of identity for sales to scrap dealers, pawn brokers, and antique dealers. [ss. 134.405 (3) and 134.71, stats.]
4. Proof of identity for a license to carry a concealed weapon. [s. 175.60, stats.]
5. Proof of identity for purchase of schedule II and III controlled substances. [s. 450.11, stats.]

The bill specifies that a tribal identification card is sufficient identification for purposes of a law only if it includes the full name, address, and birth date of the card

ASSEMBLY BILL 130

holder, a photograph of the card holder, and any other information required by the law. For example, the election law cited above requires that the identification used have the complete and current name and address of the person; a tribal identification card would be sufficient identification for this purpose only if it included the holder's complete and current name and address. Similarly, the law cited above relating to sales to a scrap dealer requires that identification presented include a photograph of the card holder, the card holder's name, address, and date of birth, and a "recognized identification number"; a tribal identification card would be sufficient identification for this purpose only if it met those requirements.

The bill includes provisions relating to enforcement that are modeled on provisions of the state open records law. It provides that, if a person refuses to accept a tribal identification card that meets the requirements established by the bill, the card holder or the tribe that issued the card may commence an action in court to compel acceptance of the tribal identification card. It requires the court to award reasonable attorney fees and other expenses incurred, if the plaintiff prevails in the action.

1 **SECTION 1.** 995.70 of the statutes is created to read:

2 **995.70 Tribal identification cards. (1) DEFINITION.** In this section, "tribal
3 identification card" means an identification card issued by a federally recognized
4 American Indian tribe or band in this state.

5 **(2) TRIBAL IDENTIFICATION CARD SUFFICIENT FOR PURPOSES OF STATE LAW.** A tribal
6 identification card may be used as personal identification under any law that
7 requires an individual to present personal identification if the tribal identification
8 card contains all of the following:

9 (a) The full name, address, and birth date of the card holder.

10 (b) A photograph of the card holder.

11 (c) All other information required for personal identification under that law.

12 **(3) ENFORCEMENT.** (a) If a person refuses to accept a tribal identification card
13 as personal identification under sub. (2), the card holder or the American Indian tribe
14 or band that issued the tribal identification card may bring an action for mandamus
15 asking a court to order the person to accept the tribal identification card as personal
16 identification.

ASSEMBLY BILL 130

1 (b) The court shall award reasonable attorney fees and other actual costs to the
2 plaintiff if the plaintiff prevails in whole or in substantial part in any action filed
3 under par. (a). If the person who refused to accept the tribal identification card is an
4 employee of the state or a subdivision of the state and the refusal was in the course
5 of official business, costs and fees shall be paid by the unit of government that
6 employs the person and may not become a personal liability of the person.

7

(END)