

## 2001 ASSEMBLY JOINT RESOLUTION 90

February 5, 2002 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Government Operations.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This joint resolution was prepared for the joint legislative council's special committee on state-tribal relations.

This joint resolution encourages the governor to develop and implement a consultation policy under which state executive branch agencies: (1) ensure meaningful and timely input by tribal officials in developing state policies and programs that have a substantial and direct effect on: (a) one or more American Indian tribes or bands in the state; (b) American Indians in the state; or (c) the relationship between state government and the American Indian tribes and bands in the state; and (2) identify key personnel in the agency who are responsible for coordination with tribal governments and have them meet on a regular basis with tribal officials regarding issues of mutual interest. The joint resolution also encourages the governor to promote positive government-to-government relations between the state and the American Indian tribes and bands in the state.

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

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

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

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

9           Whereas, actions of state government can, and often do, affect the functioning  
10 of tribal governmental programs, and these effects may be unintended and  
11 unanticipated by the state; and

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

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

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

21           Whereas, Congress has enacted measures that promote tribal self-government  
22 and self-determination; and

23           Whereas, President Clinton issued an executive order to establish regular and  
24 meaningful consultation and collaboration with tribal officials in the development  
25 of federal policies that have tribal implications and the federal Department of

1 Interior’s Bureau of Indian Affairs has developed a government-to-government  
2 consultation policy; and

3 Whereas, the states of Oregon and Washington have recognized the importance  
4 of promoting government-to-government relations between state government and  
5 tribal governments and have developed consultation processes to seek consultation  
6 with representatives of tribal governments in developing policies and program  
7 activities that affect American Indian tribes in those states; and

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

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

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

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

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

22 (b) American Indians in this state; or

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

