

2001 DRAFTING REQUEST

Assembly Joint Resolution

Received: 11/14/2001

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **David Lovell**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Addl. Drafters:

Subject: **Memorials - miscellaneous
Legislature - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **david.lovell@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Policy of executive branch consultation with tribal governments

Instructions:

See Attached WLC 0213/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dykmapj 11/14/2001			_____			
/P1	dykmapj 11/15/2001	gilfokm 11/27/2001	haugeca 11/15/2001	_____	lrb_docadmin 11/29/2001		
			jfrantze 11/29/2001	_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 11/30/2001	gilfokm 11/30/2001	pgreensl 12/03/2001	_____	lrb_docadmin 12/03/2001	lrb_docadmin 01/30/2002	

FE Sent For:

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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1/?	dykmapj	1/11-11/27 Kmg	11-15 ew	11/29			
FE Sent For:				11/29			

<END>

4263/P1

2001 JOINT RESOLUTION

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

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

This draft 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 draft also encourages the governor to promote positive government-tribal relations between the state and the American Indian tribes and bands in the state.

Editor JCP
Identical to Database version
Caroline

2 Whereas, there are 11 federally recognized American Indian tribes and bands in the
3 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 the state administer many programs, including state
7 programs, that provide benefits to tribal members and nontribal members, such as child
8 welfare services, health care services, social services, environmental protection, education,
9 and law enforcement; and

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

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

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

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

10 Whereas, these unintended and unanticipated effects may be detrimental to tribal
11 government and, thus, to citizens of the state inasmuch as a well-functioning tribal
12 government is beneficial not only to tribal members but also to all citizens of the state; and

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

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

18 Whereas, Congress has enacted measures that promote tribal self-government and
19 self-determination; and

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

o

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

6 Whereas, a consultation process can assist in resolving potential conflicts, maximize
7 key inter-governmental relations, and enhance an exchange of ideas and resources for the
8 greater good of all Wisconsin citizens, whether tribal members or not; and

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

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

15 (1) Ensure meaningful and timely input by representatives of tribal government in
16 developing state policies and programs that have a substantial and direct effect on: (a) one or
17 more American Indian tribes or bands in the state; (b) American Indians in the state; or (c) the
18 relationship between state government and the American Indian tribes and bands in the state;
19 and

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

1 **Resolved, That** the Wisconsin legislature encourages the governor to promote positive
2 government-to-government relations between the state and the American Indian tribes and
3 bands in the state; and be it further

4 **Resolved, That** the chief clerk of the _____ transmit copies of this
5 resolution to the governor, the departments of the executive branch, and the chairs of all of the
6 federally recognized American Indian tribes and bands in the state.

7

(END)



kmg

Good

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2001 ASSEMBLY JOINT RESOLUTION

JOINT LEGISLATIVE COUNCIL

joint resolution

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

This draft 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 draft also encourages the governor to promote positive government-to-government relations between the state and the American Indian tribes and bands in the state.

Th

2 Whereas, there are 11 federally recognized American Indian tribes and bands
3 in the 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

two

1 Whereas, tribal governments in ~~the~~ state administer many programs,
2 including state programs, that provide benefits to tribal members and nontribal
3 members, such as child welfare services, health care services, social services,
4 environmental protection, education, and law enforcement; and

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

two

7 Whereas, the American Indian tribes and bands in ~~the~~ state and the ~~State~~ of
8 Wisconsin should have a mutual respect for each other and strive to improve
9 communications on issues of mutual concern; and

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

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

res. residents

16 Whereas, these unintended and unanticipated effects may be detrimental to
17 tribal government and, thus, to ~~citizens~~ *residents* of the state inasmuch as a well-functioning
18 tribal government is beneficial not only to tribal members but also to all ~~citizens~~ *residents* of
19 ~~the~~ *the* state; and

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

22 Whereas, several previous U.S. Presidents have affirmed the importance of
23 government-to-government relations between American Indian tribes, and the
24 federal government; and

and bands

federal

1 Whereas, Congress has enacted measures that promote tribal self-government
2 and self-determination; and

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

and bands

8 Whereas, the states of Oregon and Washington have recognized the importance
9 of promoting government-to-government relations between state government and
10 tribal governments and have developed consultation processes to seek consultation
11 with representatives of tribal governments in developing policies and program
12 activities that affect American Indian tribes in those states; and

residents

13 Whereas, a consultation process can assist in resolving potential conflicts,
14 maximize key intergovernmental relations, and enhance an exchange of ideas and
15 resources for the greater good of all Wisconsin citizens, whether tribal members or
16 not; and

17 Whereas, the Wisconsin legislature wishes to promote positive
18 government-to-government relations between the State of Wisconsin and the
19 American Indian tribes and bands in ^{this} the state; now, therefore, be it

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

23 (1) Ensure meaningful and timely input by representatives of tribal
24 government in developing state policies and programs that have a substantial and
25 direct effect on: (a) one or more American Indian tribes or bands in the state; (b)

[Handwritten signature]

[Handwritten signature]

this *of* *this*

1 American Indians in ~~the~~ state; or (c) the relationship between state government and
2 the American Indian tribes and bands in ~~the~~ state; and

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

6 **Resolved, That** the Wisconsin legislature encourages the governor to promote
7 positive government-to-government relations between the state and the American
8 Indian tribes and bands in ~~the~~ state; and, be it further

9 **Resolved, That** the assembly chief clerk shall provide copies of this joint
10 resolution to the governor, the departments of the executive branch, and the chairs
11 of all of the federally recognized American Indian tribes and bands in ~~the~~ state.

(END)

this
and agencies in

redraft
mu

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2001 ASSEMBLY JOINT RESOLUTION

ch p 2-3

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 bands
20 and the 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 and bands 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

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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

Emery, Lynn

From: Kiel, Joyce
Sent: Wednesday, January 30, 2002 11:27 AM
To: LRB.Legal
Cc: Lovell, David; Ulrich, Wendy; Uselman, Tracey
Subject: Jacketing Requests

Please jacket the following five drafts--for the Assembly--introduced by the Joint Legislative Council:

LRB-4263/1
LRB-4264/1
LRB-4265/2
LRB-4266/2
LRB-4441/1

Please send the jackets to Wendy Ulrich at the Legislative Council Staff Offices.

If you have any questions, please call me or David Lovell. Thanks!!!!!!!!!!!!!!!!!!!!

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us