

2001 DRAFTING REQUEST

Assembly Joint Resolution

Received: 11/14/2001

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing:

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

Drafter: **dykmapj**

May Contact:

Addl. Drafters:

Subject: **Memorials - Congress to
Memorials - miscellaneous
Legislature - miscellaneous res.
Lobbying**

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:

State recognition of Indian tribes

Instructions:

See Attached WLC 0196/2

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 11/28/2001		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			pgreensl	_____			
			11/28/2001	_____			
/1	dykmapj	gilfokm	haugeca	_____	lrb_docadmin	lrb_docadmin	
	11/30/2001	11/30/2001	12/03/2001	_____	12/03/2001	01/30/2002	

FE Sent For:

<END>

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11/30
FMA

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12-3

OK 12-3
DWH

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

pgreensl _____
11/28/2001 _____

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/?	dykmapj	/P1-11/27 kmg	LE Loner 11-15 EM 11/28 PB	11/28 P8/KS			
FE Sent For:							
<END>							

-4264/P1

2001 JOINT RESOLUTION

1 **Relating to:** state recognition of the sovereign status of federally recognized American
2 Indian tribes and bands.

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

This draft affirms state recognition of the sovereign status of federally recognized American Indian tribes and bands as separate and independent political communities within the United States. It also encourages all state agencies, when engaging in activities or developing policies affecting American Indian tribal rights or trust resources, to do so in a knowledgeable manner that is respectful of tribal sovereignty. In addition, it encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights.

3 Whereas, Article I, Section 8, of the U.S. Constitution gives Congress the power to
4 regulate Commerce with foreign Nations, and among the several States, and with the
5 Indian Tribes", thus recognizing American Indian tribes and bands as separate and independent
6 political communities within the territorial boundaries of the United States; and

Editor/CP's
Identical To
Database Version
CR

7 Whereas, the U.S. Supreme Court has interpreted the U.S. Constitution as recognizing
8 the sovereignty of American Indian tribes and bands by classifying treaties between the United
9 States and American Indian tribes as part of the "supreme law of the land", and by establishing
10 Indian affairs as a unique area of federal concern; and

11 Whereas, Congress has enacted measures that promote tribal economic development
12 and tribal self-government and self-determination; and

13 Whereas, previous U.S. Presidents have affirmed tribal sovereignty and, thus, the rights
14 of American Indian tribes and bands in the following ways: President Lyndon B. Johnson

1 recognized “the right of the first Americans . . . to freedom of choice and self determination”;
2 President Nixon strongly encouraged “self-determination” among American Indian people;
3 President Reagan pledged “to pursue the policy of self-government” for American Indian
4 tribes and reaffirmed “the government-to-government basis” for dealing with American
5 Indian tribes; President George Bush stated that a government-to-government relationship
6 between the American Indian tribes and the federal government was “the cornerstone of [his]
7 Administration’s policy of fostering tribal self-government and self-determination”; and
8 President Clinton issued an executive order to strengthen the United States
9 government-to-government relationships with American Indian tribes and to establish
10 regular and meaningful consultation and collaboration with tribal officials in the development
11 of federal policies that have tribal implications; and

12 Whereas, the Wisconsin legislature is committed to strengthening and assisting tribal
13 governments in their development and to promoting tribal self-governance; and

14 Whereas, the Wisconsin legislature supports and is committed to the enforcement of the
15 Indian Civil Rights of Act of 1968 (25 USC s. 1301 and following), which safeguards tribal
16 sovereignty while simultaneously ensuring that the civil rights of American Indians are
17 protected; and

18 Whereas, the Wisconsin legislature wishes to promote positive
19 government-to-government relations between the State of Wisconsin and each of the
20 federally recognized American Indian tribes and bands in the state; and

21 Whereas, the Wisconsin legislature recognizes and respects tribal customs and
22 traditions and deems it important that the state government work to preserve tribal cultures;
23 and



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2001 ASSEMBLY JOINT RESOLUTION

Some

*JOINT
LEGISLATIVE
COUNCIL*

*joint
resolution*

1 **Relating to:** state recognition of the sovereign status of federally recognized
2 American Indian tribes and bands.

Analysis by the Legislative Reference Bureau

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

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

This ~~draft~~ affirms state recognition of the sovereign status of federally recognized American Indian tribes and bands as separate and independent political communities within the United States. It also encourages all state agencies, when engaging in activities or developing policies affecting American Indian tribal rights or trust resources, to do so in a knowledgeable manner that is respectful of tribal sovereignty. In addition, it encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights.

3 Whereas, ~~Article I, Section 8~~, of the U.S. Constitution gives Congress the power
4 "to regulate Commerce with foreign Nations, and among the several States, and with
5 the Indian Tribes", thus recognizing American Indian tribes and bands as separate
6 and independent political communities within the territorial boundaries of the
7 United States; and

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 2 recognizing the sovereignty of American Indian tribes and bands by classifying
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 13 pursue the policy of self-government" for American Indian tribes and reaffirmed
 14 "the government-to-government basis" for dealing with American Indian tribes;
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 18 self-determination"; and President Clinton issued an executive order to strengthen
 19 the United States government-to-government relationships with American Indian
 20 tribes and to establish regular and meaningful consultation and collaboration with
 21 tribal officials in the development of federal policies that have tribal implications;
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23 Whereas, the Wisconsin legislature is committed to strengthening and
 24 assisting tribal governments in their development and to promoting tribal
 25 self-governance; and

1 Whereas, the Wisconsin legislature supports and is committed to the
 2 enforcement of the Indian Civil Rights of Act of 1968 (25 USC ~~§~~ 1301 and following),
 3 which safeguards tribal sovereignty while simultaneously ensuring that the civil
 4 rights of American Indians are protected; and

5 Whereas, the Wisconsin legislature wishes to promote positive
 6 government-to-government relations between the State of Wisconsin and each of
 7 the federally recognized American Indian tribes and bands in the state; and

8 Whereas, the Wisconsin legislature recognizes and respects tribal customs and
 9 traditions and ~~deems~~ it important that the state government work to preserve tribal
 10 cultures; and

11 Whereas, tribal governments now are able to provide tribal members with
 12 better health care services, education, job training, employment opportunities, and
 13 other basic essentials; now, therefore, be it

14 **Resolved by the assembly, the senate concurring, That** the Wisconsin
 15 legislature:

16 (1) Affirms state recognition of the sovereign status of federally recognized
 17 American Indian tribes and bands as separate and independent political
 18 communities within the territorial boundaries of the United States; and

19 (2) Encourages all state agencies, when engaging in activities or developing
 20 policies affecting American Indian tribal rights or trust resources, to do so in a
 21 knowledgeable manner that is respectful of tribal sovereignty; and

22 (3) Encourages all state agencies to continue to reevaluate and improve the
 23 implementation of laws that affect American Indian tribal rights; and, be it further

24 **Resolved, That** the assembly chief clerk shall provide copies of this resolution
 25 to all federally recognized American Indian tribes and bands in Wisconsin, the

this

considers

departments and

Joint

and agencies
~~of~~ ✓

1 governor, the departments ~~of~~ the executive branch, members of Congress
2 representing Wisconsin, and the President of the United States.

3 (END)

redraft

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2001 ASSEMBLY JOINT RESOLUTION

Soon *dy* *p1, 2*

1 **Relating to:** state recognition of the sovereign status of federally recognized
2 American Indian tribes and bands.

*delete
as marked
on /PI*

Analysis by the Legislative Reference Bureau

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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 affirms state recognition of the sovereign status of federally recognized American Indian tribes and bands as separate and independent political communities within the United States. It also encourages all state agencies, when engaging in activities or developing policies affecting American Indian tribal rights or trust resources, to do so in a knowledgeable manner that is respectful of tribal sovereignty. In addition, it encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights.

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4 "to regulate Commerce with foreign Nations, and among the several States, and with
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5 of federal concern; and

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7 development and tribal self-government and self-determination; and

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18 self-determination”; and President Clinton issued an executive order to strengthen
19 the United States’ government-to-government relationships with American Indian
20 tribes and to establish regular and meaningful consultation and collaboration with
21 tribal officials in the development of federal policies that have tribal implications;
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23 Whereas, the Wisconsin legislature is committed to strengthening and
24 assisting tribal governments in their development and to promoting tribal
25 self-governance; and

MM

X

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2 enforcement of the Indian Civil Rights Act of 1968 (25 USC 1301 and following),
3 which safeguards tribal sovereignty while simultaneously ensuring that the civil
4 rights of American Indians are protected; and

5 Whereas, the Wisconsin legislature wishes to promote positive
6 government-to-government relations between the state of Wisconsin and each of the
7 federally recognized American Indian tribes and bands in this state; and

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19 (2) Encourages all state departments and agencies, when engaging in activities
20 or developing policies affecting American Indian tribal rights or trust resources, to
21 do so in a knowledgeable manner that is respectful of tribal sovereignty; and

22 (3) Encourages all state departments and agencies to continue to reevaluate
23 and improve the implementation of laws that affect American Indian tribal rights;
24 and, be it further

1 **Resolved, That** the assembly chief clerk shall provide copies of this joint
2 resolution to all federally recognized American Indian tribes and bands in
3 Wisconsin, the governor, the departments and agencies in the executive branch,
4 members of Congress representing Wisconsin, and the President of the United
5 States.

6 **(END)**

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