

2003 DRAFTING REQUEST

Assembly Joint Resolution

Received: 01/09/2003

Received By: pdykman

Wanted: Soon

Identical to LRB:

For: Legislative Council - JLC

By/Representing: Lovell, David

This file may be shown to any legislator: NO

Drafter: pdykman

May Contact:

Addl. Drafters:

Subject: State Govt - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

State recognition of the sovereign status of federally recognized American Indian tribes

Instructions:

See Attached WLC: 0083/1

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>
/?							
/P1	pdykman 01/10/2003	kgilfoy 01/10/2003		_____			
/1			chaskett 01/13/2003	_____	sbasford 01/13/2003	lemery 06/03/2003	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Joint Resolution

Received: 01/09/2003

Received By: **pdykman**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **Lovell, David**

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

Drafter: **pdykman**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

State recognition of the sovereign status of federally recognized American Indian tribes

Instructions:

See Attached WLC: 0083/1

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>
/?							
/P1	pdykman 01/10/2003	kgilfoy 01/10/2003		_____			
/1			chaskett 01/13/2003	_____	sbasford 01/13/2003		

For Assembly per Joyce Kiel @ LC

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Joint Resolution

Received: 01/09/2003

Received By: pdykman

Wanted: Soon

Identical to LRB:

For: Legislative Council - JLC

By/Representing: Lovell, David

This file may be shown to any legislator: NO

Drafter: pdykman

May Contact:

Addl. Drafters:

Subject: State Govt - miscellaneous

Extra Copies: KMG

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

State recognition of the sovereign status of federally recognized American Indian tribes

Instructions:

See Attached WLC: 0083/1

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>
1?	pdykman	1-1/10 KMG	LC completion 1-10 U	self 2/10			
			1-10 CPH				

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **01/09/2003**

Wanted: **Soon**

For: **Legislative Council - JLC**

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

May Contact:

Subject: **State Govt - miscellaneous**

Submit via email: **NO**

Received By: **pdykman**

Identical to LRB:

By/Representing: **Lovell, David**

Drafter: **pdykman**

Addl. Drafters:

Extra Copies:

*Cancelled
New # 1417*

Pre Topic:

No specific pre topic given

Topic:

State recognition of the sovereign status of federally recognized American Indian tribes

Instructions:

See Attached WLC: 0083/1

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>
/?	pdykman			_____			

FE Sent For:

<END>

2003 ASSEMBLY 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 joint resolution was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly Joint Resolution 91, which was introduced by the council on the 2000-02 committee's recommendations.

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.

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 Indian
5 Tribes," thus recognizing American Indian tribes and bands as separate and independent
6 political communities within the territorial boundaries of the United States; and

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

1 Whereas, previous U.S. presidents have affirmed tribal sovereignty and, thus, the rights
2 of American Indian tribes and bands in the following ways: President Lyndon B. Johnson
3 recognized “the right of the first Americans ... to freedom of choice and self determination”;
4 President Nixon strongly encouraged “self-determination” among American Indian people;
5 President Reagan pledged “to pursue the policy of self-government” for American Indian
6 tribes and reaffirmed “the government-to-government basis” for dealing with American
7 Indian tribes; President George Bush stated that a government-to-government relationship
8 between the American Indian tribes and the federal government was “the cornerstone of [his]
9 Administration’s policy of fostering tribal self-government and self-determination”;
10 President Clinton issued an executive order to strengthen the United States’
11 government-to-government relationships with American Indian tribes and to establish
12 regular and meaningful consultation and collaboration with tribal officials in the development
13 of federal policies that have tribal implications; and President George W. Bush issued a
14 proclamation indicating that his administration will “continue to honor tribal sovereignty by
15 working on a government-to-government basis with American Indians”; and

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

18 Whereas, the Wisconsin legislature supports and is committed to the enforcement of the
19 Indian Civil Rights of Act of 1968 (25 USC 1301 and following), which safeguards tribal
20 sovereignty while simultaneously ensuring that the civil rights of American Indians are
21 protected; and

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

1 Whereas, the Wisconsin legislature recognizes and respects tribal customs and
2 traditions and considers it important that state government work to preserve tribal cultures;
3 and

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

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

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

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

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

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

20

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1417/1

PJD: jch

kmg

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2003 ASSEMBLY JOINT RESOLUTION

Due 1/15

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.

3 **Resolved by the assembly, the senate concurring, That:**

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This joint resolution was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly Joint Resolution 91, which was introduced by the council on the 2000-02 committee's recommendations.

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.

4 Whereas, article I, section 8, of the U.S. Constitution gives Congress the power
5 "to regulate Commerce with foreign Nations, and among the several States, and with
6 the Indian Tribes," thus recognizing American Indian tribes and bands as separate

1 and independent political communities within the territorial boundaries of the
2 United States; and

3 Whereas, the U.S. Supreme Court has interpreted the U.S. Constitution as
4 recognizing the sovereignty of American Indian tribes and bands by classifying
5 treaties between the United States and American Indian tribes as part of the
6 “supreme law of the land,” and by establishing Indian affairs as a unique area of
7 federal concern; and

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

10 Whereas, previous U.S. presidents have affirmed tribal sovereignty and, thus,
11 the rights of American Indian tribes and bands in the following ways: President
12 Lyndon B. Johnson recognized “the right of the first Americans ... to freedom of choice
13 and self determination”; President Nixon strongly encouraged “self-determination”
14 among American Indian people; President Reagan pledged “to pursue the policy of
15 self-government” for American Indian tribes and reaffirmed “the
16 government-to-government basis” for dealing with American Indian tribes;
17 President George Bush stated that a government-to-government relationship
18 between the American Indian tribes and the federal government was “the
19 cornerstone of [his] Administration’s policy of fostering tribal self-government and
20 self-determination”; President Clinton issued an executive order to strengthen the
21 United States’ government-to-government relationships with American Indian
22 tribes and to establish regular and meaningful consultation and collaboration with
23 tribal officials in the development of federal policies that have tribal implications;
24 and President George W. Bush issued a proclamation indicating that his

1 administration will “continue to honor tribal sovereignty by working on a
2 government-to-government basis with American Indians”; and

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

6 Whereas, the Wisconsin legislature supports and is committed to the
7 enforcement of the Indian Civil Rights of Act of 1968 (25 USC 1301 and following),
8 which safeguards tribal sovereignty while simultaneously ensuring that the civil
9 rights of American Indians are protected; and

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

13 Whereas, the Wisconsin legislature recognizes and respects tribal customs and
14 traditions and considers it important that state government work to preserve tribal
15 cultures; and

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

19 ***Resolved by the assembly, the senate concurring, That*** the Wisconsin
20 legislature:

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



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

2003 ASSEMBLY JOINT RESOLUTION 37

Prepared by the Legislative Reference Bureau
(June 27, 2003)

1. Page 3, line 2: delete "of Act" and substitute "Act".

ATR 37

#. Page 3, line 2: delete
"of Act" and
substitute "Act".

AMG: