

Oneida Tribe of Indians of Wisconsin BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

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Testimony on State/Tribal Relations Study Committee bills before the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

Submitted by:
Councilman Vince DelaRosa,
Oneida Nation

Good morning Chairman Brown and members of the committee. My name is Vince Dela Rosa. I am a Councilman for the great Oneida Nation. My comments today will address Oneida Nation's support of Senate Joint Resolution 36, relating to state recognition of the sovereign status of the eleven Indian tribes; Senate Bill 189, relating to the creation of a tribal-state council; and, Senate Bill 190, relating to preparation of tribal impact statements.

Each of these State-Tribal Relations Study Committee proposals was thoroughly researched and deliberated. All but one was adopted by the Study Committee on a unanimous vote, SB 190 was the lone exception with 15-1 approval margin. The full Joint Legislative Council, on a 15-2 vote, supported the proposals for introduction in the Senate and Assembly.

When these bills were introduced at the end of last year's legislative session, there were concerns raised by a few tribes that these measures, especially SB 189 (creation of tribal-state council), would interfere with a tribes ability to have direct government-to-government relations with the state. I want to reassure all concerned, that these proposals do not interfere with the sovereign ability of any of the 11 Indian Nations in Wisconsin. The proposal will not affect the ability of tribal governments to meet independently with either the state's executive or legislative branches on a government-to-government basis. Likewise, we support SB 189.

It's worth noting, the Oneida Nation would not support any measure that would diminish our ability to meet directly with state officials.

The intent of these proposals, especially SB 189, is to provide a mechanism to foster greater understanding and education between the State of Wisconsin and the sovereign Nations within the state. I believe the Tribal-State Council created in SB 189, an effective mechanism to address many misunderstandings regarding tribal self-governance. For instance, authors of two recent proposals would have had a forum to present their ideas for relevant feedback from tribes prior to circulating them for co-sponsorship.

Information would have been provided to legislators noting that legislation mandating tribes provide workers' compensation and unemployment insurance to its employees is unnecessary because these benefits are already provided.

Legislators would have also been informed that AB 122, relating to banning campaign contributions from funds derived from gaming proceeds, would prohibit any tribal citizen that receives a per capita payment from making campaign contributions. Thereby eliminating their right to freely express themselves in Wisconsin politics. These two examples alone highlight an absolute need for the Tribal-State Council.

It was recently reported in a St. Paul Pioneer Press article on June 22, that the Tribal-State Council would settle disputes between the state and tribes. It is unfortunate that the Pioneer Press does not understand Wisconsin's legislative language. If you look at chapter 16.025(2)(a) on page 4 of SB 189, it states the council shall "Facilitate the resolution of disputes, disagreements and misunderstandings between state government and tribal governments by coordinating communication between the appropriate representatives of the state and tribal governments."

Nowhere in this section does it state that the council shall settle disputes or disagreements. There is a significant difference between - facilitation and coordination - and settlement of disputes. Again, the Oneida Nation would not support any legislation which limits its ability to negotiate directly with the state.

In fact, I do not believe the council's directive to facilitate disputes would be used often. Tribes negotiate directly with the state to resolve any disputes, and in most cases, would not need the assistance of the council to help facilitate discussions. However, paragraphs (b) through (k) of this section are essential functions for the council. These paragraphs highlight the education and communication components of the council. Through these functions misunderstandings can be addressed and hopefully clarified.

Some have questioned the council's involvement in future gaming compact negotiations. This legislation is not intended to involve the council in Indian gaming compacts. However, under 16.025(2)(f) (page 4), the council will "monitor agreements between state government and tribal governments."

Senate Bill 190 relates to the creation of a tribal impact statement for legislation that may impact Native Americans and tribal governments differently than other individuals or governments. This legislation is straight forward and mirrors similar statutory requirements which require small business impact statements.

Under this legislation, the Legislative Reference Bureau is directed to identify bills that require a tribal impact statement. Should the Reference Bureau fail to identify a bill as needing an impact statement, the legislation also allows for the chairperson or co-chairpersons of the State-Tribal Relations Study Committee the ability to request the impact statement. There is also a provision should SB 189 become law, that allows the Tribal-State Council executive director or either co-chair to request the impact statement.

A tribal impact statement will provide legislators with valuable input on proposed legislation. If the impact statement is done properly, it will highlight impacts that the legislative author may not have considered. It seems only logical the state would want to know the impact of proposed legislation on sovereign governments within its borders.

Finally, I would like to express the Oneida Nation's support for Senate Joint Resolution 36, relating to state recognition of the sovereign status of federally recognized Indian tribes. It is difficult to understand that in its 155 years of statehood the state of Wisconsin, with its 11 Indian tribes, has not yet followed the Federal government's recognition of tribal sovereignty.

We recognize that resolutions are not much more than symbolic votes with no legislative authority. However, with the ever increasing tensions and anti-Indian sentiment coming from Republican leaders, the symbolism of not passing this resolution speaks volumes and will amplify this tension in the eyes of a public that wants us to work together.

Chairman Brown and members of the committee, I would like to thank you for scheduling this public hearing today. As stated previously, there is an ever increasing tension between the majority party and Native Americans in Wisconsin over the Republican attacks on the gaming compacts; the Republican party's "scalping" cartoon; the direct assault on Native American programs in the budget and introduction of legislation that is specifically directed to hinder Native Americans.

It is my hope that today's hearing is not simply a symbolic gesture or an attempt to apply window dressing to disguise a problem. These bills should receive full legislative action.

The Oneida Nation strongly encourages you to support all three of the State-Tribal Relations proposals before you today.

Again, thank you for your time and I will be happy to address any questions or concerns you may have.