

2007 DRAFTING REQUEST

Senate Joint Resolution

Received: 02/26/2008

Received By: **smiller**

Wanted: **Today**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing: **lois rundell**

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

Drafter: **smiller**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous res.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Jauch@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

state recognition of the sovereign status of federally recognized American Indian tribes and bands.

Instructions:

See Attached LRB# 05-0610/2

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>
/?	smiller 02/26/2008	csicilia 02/26/2008		_____			
/1			pgreensl 02/26/2008	_____	lparisi 02/26/2008	lparisi 02/28/2008	

FE Sent For:

NO

<END>

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2007 SENATE

~~2005 ASSEMBLY~~ JOINT RESOLUTION ~~17~~

February 24, 2005 – Introduced by Representative MUSSER. Referred to Committee on State Affairs.

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

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

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

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

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

18 Whereas, Governor Jim Doyle issued Executive Order #39 on February 27,
19 2004, recognizing the unique status of American Indian tribes and their right to
20 existence, self-government, and self-determination and directing cabinet agencies
21 to recognize the unique legal, government-to-government relationship between the
22 state of Wisconsin and American Indian tribes, to take tribal interests into account
23 when administering formerly federal programs and, when feasible and appropriate,
24 to consult with tribal governments regarding state actions anticipated to directly
25 affect an American Indian tribe or its members; and

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

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

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

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

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

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

19 (1) Affirms state recognition of the sovereign status of federally recognized
20 American Indian tribes and bands as separate and independent political
21 communities within the territorial boundaries of the United States to the fullest
22 extent provided by federal law;

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

LPS:
reverse
positions
of
"the
assembly"
and
"the
senate"

1 (3) Encourages all state departments and agencies to continue to reevaluate
2 and improve the implementation of laws that affect American Indian tribal rights;
3 and

4 (4) Encourages future governors to reaffirm and continue the policies specified
5 in Executive Order #39; and, be it further

6 **Resolved, That** the ~~assembly~~ ^{Senate} chief clerk shall provide copies of this joint
7 resolution to all federally recognized American Indian tribes and bands in
8 Wisconsin, the governor, the departments and agencies in the executive branch,
9 members of Congress representing Wisconsin, and the President of the United
10 States.

11

(END)

RUSTH

Parisi, Lori

From: Rundell, Lois
Sent: Thursday, February 28, 2008 9:32 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-4197/1 Topic: state recognition of the sovereign status of federally recognized American Indian tribes and bands.

Please Jacket LRB 07-4197/1 for the SENATE.