

JLK:jal

12/28/2006

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

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This joint resolution was prepared for the Joint Legislative Council’s Special Committee on State–Tribal Relations.

The 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 to the full extent provided by federal law. 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. It encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights. Lastly, it encourages future governors to reaffirm and continue the policies specified in Governor Doyle’s Executive Order #39 which includes a recognition of the government–to–government relationship between the state and tribes and a direction to cabinet agencies to consult with tribal governments, when feasible and appropriate, regarding state actions anticipated to directly affect a tribe or its members.

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

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

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

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

1 regarding state actions anticipated to directly affect an American Indian tribe or its members;  
2 and

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

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

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

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

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

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

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

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

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

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

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

**(END)**