



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 4

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

FROM: Joyce L. Kiel, Senior Staff Attorney

RE: Legislative History of Previous Resolutions Similar to WLC: 0034/1, Relating to State Recognition of Tribal Sovereignty

DATE: December 28, 2006

This Memo was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations to provide background information about the history of resolutions introduced in earlier legislative sessions relating to the state recognition of tribal sovereignty. This information is provided as background for the committee about WLC: 0034/1, which has been drafted for review by the 2006-08 Special Committee.

2001 Assembly Joint Resolution 91 was introduced by the Joint Legislative Council on the recommendation of the 2000-02 Special Committee on State-Tribal Relations. That committee based its recommendation on a similar resolution adopted in California which was updated and modified to include language specific to Wisconsin. The resolution was referred to the Assembly Committee on Government Operations which took no action, and the resolution failed to be adopted.

2003 Senate Joint Resolution 36 was introduced by the Joint Legislative Council on the recommendation of the 2002-04 Special Committee. It was adopted by the Senate on a vote of Ayes, 33; Noes, 0. It was not scheduled for a vote in the Assembly and, thus, failed to be adopted. Its companion resolution, **2003 Assembly Joint Resolution 37**, was introduced in the Assembly. Assembly Amendment 1 to Assembly Joint Resolution 37 was offered to specify that state recognition of tribal sovereignty was recognized "to the full extent provided by federal law." Assembly Joint Resolution 37 was not scheduled for a vote in the Assembly Committee on State Affairs to which it had been referred. It also failed to be adopted.

2005 Assembly Joint Resolution 17 was introduced by Representative Terry Musser. It was based on 2003 Assembly Joint Resolution 37 with two changes. First, it was introduced as it would have been amended by Assembly Amendment 1 to that resolution (that is, adding the language "to the full extent provided by federal law"). Second, reference was added to Governor Doyle's Executive Order #39, relating to recognition of a government-to-government relationship between the state and

tribes and providing a consultation process. Assembly Joint Resolution 17 was recommended for adoption by the Assembly Committee on State Affairs to which it had been referred. It was not scheduled for a further vote and, thus, failed to be adopted.

At the November 14, 2006 meeting of the 2006-08 Special Committee, Representative Musser requested that staff draft a joint resolution for consideration by the committee. This was drafted as WLC: 0034/1. With the exception of minor editorial changes, it is identical to 2005 Assembly Joint Resolution 17.

JLK:jal