



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 7

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

FROM: David L. Lovell, Senior Analyst

RE: History of Legislation Recommended by the Special Committee Regarding State-Tribal Relations

DATE: January 5, 2007

This Memo summarizes the history of legislation recommended by the Special Committee on the subject of state-tribal relations. The four proposals described in this Memo are the product of nearly three years of study and discussion by the Special Committee and by its predecessor, the American Indian Study Committee (AISC).

From May 1999 through March 2000, the AISC discussed the idea of tribal delegates to the Legislature, although it did not make any recommendation on this topic. When the Special Committee on State-Tribal Relations commenced its work in October 2000, it engaged in a broader discussion of improving communications between the state government and tribal governments.

Under the sponsorship of the four legislative caucus leaders and the 11 tribal chairs, and with technical and financial assistance from the National Conference of State Legislatures and the National Congress of American Indians, Chair Musser and committee staff organized a Leadership Conference on State-Tribal Relations, which was held in Madison in February 2001. The conference identified many mechanisms that the state could pursue to improve communications between the state government and tribal governments. It also provided state and tribal leaders an opportunity to discuss issues and concerns regarding communications between their respective governments.

Following the Leadership Conference, the Special Committee studied the ideas identified or generated by the conference and developed the following legislative recommendations based on those ideas.

### **Executive Branch Consultation With Tribal Governments**

This joint resolution provides that the Legislature encourages the Governor to develop a consultation policy under which state executive branch agencies solicit input from tribal officials in developing state policies and programs that affect American Indians or American Indian tribes or that affect the relationship between state government and tribal governments. Under the policy, executive branch agencies also would identify personnel to meet regularly with tribal officials. The Governor is encouraged to promote positive government-to-government relations between the state and the tribes.

#### ***2001-02 Legislative Session***

The Joint Legislative Council (JLC) introduced this proposal as 2001 Assembly Joint Resolution (AJR) 90 by a vote of Ayes, 14; Noes, 0; and Absent, 8.

The Assembly Committee on Government Operations held a hearing on AJR 90. No further action was taken on the joint resolution.

#### ***2003-04 Legislative Session***

The JLC declined to reintroduce this proposal.

Representative Musser, Chair of the Special Committee, and 18 other legislators reintroduced the proposal as 2003 AJR 40. The joint resolution was referred to the Assembly Committee on Government Operations and Spending Limitations, which took no action on it.

In February of 2004, Governor James Doyle issued Executive Order 39, which recognized tribal sovereignty and the government-to-government relationship between the state government and tribal governments; and directed state cabinet agencies to develop consultation processes to strengthen their relationships with tribal governments.

### **State Recognition of the Sovereign Status of Federally Recognized American Indian Tribes and Bands**

This joint resolution provides that the Legislature: (1) affirms state recognition of the sovereign status of federally recognized American Indian tribes and bands; (2) encourages all state agencies to respect tribal sovereignty; and (3) encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect American Indian tribal rights.

#### ***2001-02 Legislative Session***

The JLC introduced this proposal as 2001 AJR 91 by a vote of Ayes, 14; Noes, 0; and Absent, 8.

The Assembly Committee on Government Operations held a hearing on AJR 91. No further action was taken on the joint resolution.

### ***2003-04 Legislative Session***

The JLC reintroduced the proposal as companion legislation (identical proposals in each house of the Legislature), 2003 AJR 37 and 2003 Senate Joint Resolution (SJR) 36 by a vote of Ayes, 15; Noes, 2; and Absent, 5.

**2003 AJR 37.** The Assembly Committee on State Affairs held a hearing on AJR 37. No further action was taken on the joint resolution.

**2003 SJR 36.** The Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform held a hearing on SJR 36 and recommended that the Senate adopt the joint resolution by a vote of Ayes, 5; and Noes, 0. The Senate adopted the resolution on a vote of Ayes, 33; Noes, 0.

In the Assembly, SJR 36 was referred to the Assembly Committee on Rules. No further action was taken on the joint resolution.

### ***2005-06 Legislative Session***

Representative Musser reintroduced the proposal as 2005 AJR 17.

The Assembly Committee on State Affairs held a hearing on AJR 17 and recommended that the Assembly adopt the resolution by a vote of Ayes, 9; Noes, 0. No further action was taken on the joint resolution.

### ***Wisconsin Tribal-State Council***

This bill creates a Wisconsin tribal-state council, consisting of equal numbers of tribal and state representatives, to facilitate communications between the state government and tribal governments. The bill provides funding from tribal gaming revenues paid to the state for council operations and for three staff positions.

### ***2001-02 Legislative Session***

The JLC introduced this proposal as 2001 Assembly Bill (AB) 771 by a vote of Ayes, 14; Noes, 0; and Absent, 8.

The Assembly Committee on Government Operations held a hearing on AB 771. No further action was taken on the bill.

### ***2003-04 Legislative Session***

The JLC reintroduced the proposal as companion bills, 2003 AB 398 and Senate Bill (SB) 189 by a vote of Ayes, 15; Noes, 2; and Absent, 5.

**2003 AB 398.** The Assembly Committee on State Affairs held a hearing on AB 398. No further action was taken on the bill.

**2003 SB 189.** The Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform held a hearing on SB 189 and recommended that the Senate pass the bill by a vote of Ayes, 5; Noes, 0. The bill was referred to the Joint Committee on Finance. No further action was taken on the bill.

***2005-06 Legislative Session***

Representative Musser reintroduced the proposal as 2005 AB 134.

The Assembly Committee on State Affairs held a hearing on AB 134 and recommended that the Assembly pass the bill by a vote of Ayes, 9; Noes, 0. The bill was referred to the Joint Committee on Finance. No further action was taken on the bill.

***Tribal Impact Statements for Bills That Would Have an Impact on Tribal Governments or American Indians***

This bill requires that statements be prepared regarding legislation that has an impact on American Indians or tribal governments that is different from the impact on other individuals or other governments or entities. The bill establishes procedures for such tribal impact statements that are substantially similar to the procedures that exist for the preparation of legislative fiscal estimates.

***2001-02 Legislative Session***

The JLC introduced this proposal as 2001 AB 772 by a vote of Ayes, 14; Noes, 0; and Absent, 8.

The Assembly Committee on Government Operations held a hearing on the bill. No further action was taken on the bill.

***2003-04 Legislative Session***

The JLC reintroduced the proposal as companion bills, 2003 AB 399 and SB 190 by a vote of Ayes, 15; Noes, 2; and Absent, 5.

**2003 AB 399.** No action was taken on AB 399.

**2003 SB 190.** The Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform held a hearing on SB 190 and recommended that the Senate pass the bill by a vote of Ayes, 5; Noes, 0. No further action was taken on the bill.

***2005-06 Legislative Session***

Representative Musser reintroduced the proposal as 2005 AB 135.

The Assembly Committee on State Affairs held a hearing on AB 135 and recommended that the Assembly pass the bill by a vote of Ayes, 9; Noes, 0. No further action was taken on the bill.