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## **AB 130 – Tribal Identification Cards Assembly Committee on State Affairs and Government Operations May 27, 2015**

Chairmen Swearingen and Committee Members:

Thank you for scheduling a hearing on Assembly Bill 130, relating to Tribal Identification Cards. I'm here today to offer testimony in support of this legislation.

Assembly Bill 130 was drafted as a result of meetings of the Joint Legislative Council's Study Committee on State-Tribal Relations. I am the chair of this committee.

There are many state laws that require a person to present identification for various purposes, including:

- Proof of residency for the purpose of voting
- Proof of age for purchase of alcohol beverages
- Proof of identity for a license to carry a concealed weapon
- Proof of identity for purchase of schedule II and III controlled substances

This bill provides that an identification card issued by a federally recognized American Indian Tribe or band in this state may be used as personal identification under any law that requires an individual to present personal identification as long as the card contains all of the following:

- The full name, address, and birth date of the card holder
- A photograph of the card holder
- All other information required for personal identification under the specific law

Assembly Bill 130 also provides an enforcement provision. Under this bill, if a person refuses to accept a tribal ID card as personal identification, the card holder or the American Indian Tribe or band that issued the card may bring an action in court to compel acceptance of the tribal ID. If the plaintiff is successful in their action, in whole or in substantial part, the court shall award reasonable attorney fees and other actual costs.

Assembly Bill 130 passed 9-0 by the members in attendance of the Study Committee on State-Tribal Relations. It was further recommended for introduction by the Joint Legislative Council Committee on a vote of 14-0.

While preparing for today's hearing and reviewing the draft, it came to my attention that the bill as drafted may contain some ambiguities about when a tribal ID may be used as an acceptable form of personal identification. I have also been contacted by the Department of Justice with some concerns as it relates to enforcement. While I stand behind the intent of this legislation, I will work with Legislative Council, the LRB, and DOJ to tighten up the language and introduce a substitute amendment.

I appreciate your consideration of this legislation and I'm happy to answer any questions.

MENOMINEE INDIAN TRIBE OF WISCONSIN

TRIBAL IDENTIFICATION CARD  
SALES TAX EXEMPT



**Name**

Mailing Address

Mailing Address

Mailing City State Zip

Physical Address

Physical Address

Physical City State Zip

magdata

Enrollment

Enrollment #

Gender

Gender

Date of Birth

DOB



This card is non-transferrable and may be used only by the person named on the card.

## AB 130 – Tribal ID

This law would ensure the uniform recognition of eligible identification cards issued by federally recognized American Indian tribes.

The Ho-Chunk Nation is a federally recognized American Indian tribe. We offer enrollment to eligible citizens through a Constitutional process, which verifies the tribal member's vital records but also through lineage proven by Deoxyribonucleic acid (DNA) tests.

The Ho-Chunk Nation issues Enrollment Identification cards to verified members who use those cards to obtain essential government services and verify identity when voting.

The Department of Homeland Security honors the Native American Tribal Photo ID at all Transportation Security Administration checkpoints and Customs and Border Protection checkpoints. The U.S. Citizenship and Immigration Services recognizes Native American Tribal identification and documents from all federally recognized tribes to both establish identity and establish employment authorization.

The Wisconsin Department of Natural Resources recognizes the tribal membership card in State Statute 29.047 Interstate transportation of game. [29.047(1)(d)1m.]

Current Tribal identification card recognition is inconsistent across venues in the State of Wisconsin. This bill will promote universal and consistent compliance with identification requirements. Tribal members will use tribal identification cards to confirm identity when obtaining prescriptions, purchase of alcohol and tobacco products, obtaining services from financial institutions, purchasing age-restricted goods, viewing of age-restricted movies, delivery of products and services, and obtaining government services.