



WISCONSIN LEGISLATIVE COUNCIL
PROPOSED REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON
STATE-TRIBAL RELATIONS

May 25, 2005

PRL 2005-14

Special Committee on State-Tribal Relations

Prepared by:
Joyce L. Kiel, Senior Staff Attorney, and David L. Lovell, Senior Analyst
May 25, 2005

CONTENTS

PART I - KEY PROVISIONS OF COMMITTEE RECOMMENDATIONS	3
LRB-3023/1, Relating to the Powers of Tribal Law Enforcement Officers Under State Law	3
LRB-3076/1, Relating to Cooperative County-Tribal Law Enforcement Programs	3
WLC: 0127/3, Relating to Conservation Wardens Employed by the Great Lakes Indian Fish and Wildlife Commission	3
WLC: 0176/1, Relating to Providing Benefits to Tribal Schools and Tribal School Pupils Similar to Those Provided to Private Schools and Private School Pupils	4
WLC: 0177/2, Relating to Providing State Aid to Tribal Schools for Certain Pupils	4
LRB-3014/3, Relating to the Creation of the Tribal Charter School Authorizing Board and the Establishment of Charter Schools by the Board	4
LRB-3007/1, Relating to an Exemption for Certain Tribal Officials Under the Lobbying Law	4
WLC: 0069/6, Relating to Creating a Property Tax Exemption For Real Property Owned by an American Indian Tribe or Band and Used Exclusively for a Governmental Purpose.....	4
PART II - COMMITTEE ACTIVITY.....	5
Assignment.....	5
Summary of Meetings.....	5
PART III - RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL	9
Law Enforcement	9
Education	12
Lobbying Law	16
Exemption from Property Taxes.....	17
Appendix 1 - Committee and Joint Legislative Council Votes.....	19
Appendix 2 - Lists of Joint Legislative Council Members	21

Appendix 3 - List of Committee Members	23
Appendix 4 - List of Technical Advisory Committee Members	25
Appendix 5 - Committee Materials List	27

PART I

KEY PROVISIONS OF COMMITTEE RECOMMENDATIONS

The Special Committee on State-Tribal Relations recommends the following proposals to the Joint Legislative Council (JLC) for introduction in the 2005-06 Session of the Legislature.

LRB-3023/1, Relating to the Powers of Tribal Law Enforcement Officers Under State Law

Current law authorizes a tribal law enforcement officer to enforce the laws of the state with respect to any person within the boundaries of the tribe's reservation or off-reservation trust lands if, among other conditions, the tribal government adopts a resolution waiving the tribe's sovereign immunity to the extent necessary to allow the enforcement, in state courts, of liability for its officers actions. LRB-3023/1 provides that, as an alternative to the waiver of sovereign immunity, the tribe may carry liability insurance that meets specified conditions.

LRB-3076/1, Relating to Cooperative County-Tribal Law Enforcement Programs

LRB-3076/1 makes four changes to the county-tribal cooperative law enforcement program: (1) it requires that aid under the program be disbursed to the tribe, unless the joint program plan specifies otherwise; (2) it requires that a tribe and county that receive aid under the program meet at least twice during the year to evaluate the joint program; (3) it requires that the sheriff of a county participating in the program maintain the level of law enforcement effort on the tribe's reservation at least at the level of the preceding year; and (4) it requires that the annual report to the Department of Justice (DOJ) include information about items (2) and (3) and that DOJ consider this information in determining whether to approve a program plan.

WLC: 0127/3, Relating to Conservation Wardens Employed by the Great Lakes Indian Fish and Wildlife Commission

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) employs conservation wardens to enforce the Chippewa Off-Reservation Conservation Code with regard to Chippewa Indians hunting, fishing, or gathering resources in the ceded territory but outside the boundaries of their reservations. WLC: 0127/3 amends a wide range of statutes relating to peace officers to: (1) give GLIFWC wardens the same law enforcement tools and the same powers and privileges that current law gives to wardens of the Department of Natural Resources (DNR); and (2) give GLIFWC wardens the same protections of personal safety that current law gives to DNR wardens. The draft also authorizes a GLIFWC warden to aid or assist a peace officer and to make arrests for felony violations of state law, in much the same way as current law gives these authorizations to a peace officer outside of his or her territorial jurisdiction.

WLC: 0176/1, Relating to Providing Benefits to Tribal Schools and Tribal School Pupils Similar to Those Provided to Private Schools and Private School Pupils

For the most part, current statutes make no mention of tribal schools, although four operate in Wisconsin. WLC: 0176/1 defines a “tribal school” and amends a wide range of statutes to extend to tribal schools and tribal school pupils and staff many benefits provided to private schools and private school pupils and staff. The draft does not impose on tribal schools the requirements that apply to private schools but does provide certain benefits only if certain conditions are met.

WLC: 0177/2, Relating to Providing State Aid to Tribal Schools for Certain Pupils

Three tribal schools in Wisconsin receive funding from the federal Bureau of Indian Affairs (BIA) for some, but not all, of their enrolled pupils; a fourth tribal school receives no BIA funding. WLC: 0177/2 provides funding to tribal schools, from Indian gaming revenues paid to the state, for each pupil for whom the school does not receive BIA funding. The amount of funding is approximately equal to the base level of BIA per-pupil instructional program funding.

LRB-3014/3, Relating to the Creation of the Tribal Charter School Authorizing Board and the Establishment of Charter Schools by the Board

LRB-3014/3 creates a Tribal Charter School Authorizing Board, consisting of one representative of each tribe in this state, which may contract for the establishment of an independent charter school on an Indian reservation or on the off-reservation trust land of a tribe. The draft creates the board as an independent state agency.

LRB-3007/1, Relating to an Exemption for Certain Tribal Officials Under the Lobbying Law

LRB-3007/1 exempts tribal officials from the licensing, registration, and reporting requirements of the lobbying law in the same manner that current law exempts local officials. It creates a definition of “tribal official” that closely parallels the current definition of “local official.” It does *not* exempt tribal officials from current prohibitions on various lobbying practices.

WLC: 0069/6, Relating to Creating a Property Tax Exemption For Real Property Owned by an American Indian Tribe or Band and Used Exclusively for a Governmental Purpose

WLC: 0069/6 exempts from taxation real property that is owned by a federally recognized American Indian tribe or band and used exclusively for a governmental purpose. The draft identifies an extensive, but not exclusive, list of specific facilities to which this exemption applies.

PART II

COMMITTEE ACTIVITY

Assignment

The Special Committee on State-Tribal Relations is a permanent committee of the JLC established under s. 13.83 (3), Stats. The committee is directed by statute to:

. . . study issues related to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues.

The membership of the committee, appointed by the JLC, consists of not fewer than six nor more than 12 legislator members of the Senate and Assembly, including at least one member of the majority party and at least one member of the minority party from each house, and not fewer than six nor more than 11 members selected from names submitted by the federally recognized American Indian tribes and bands in this state (tribes) or the Great Lakes Inter-Tribal Council (GLITC), including not more than one member based on the recommendation of any tribe or GLITC. The committee is assisted by a Technical Advisory Committee (TAC) composed of a representative of each of the following state departments: Health and Family Services; Workforce Development; Justice; Natural Resources; Public Instruction; Revenue; and Transportation. A list of the JLC membership, the committee membership, and the TAC membership are included as *Appendices 2, 3, and 4*, respectively.

Summary of Meetings

The Special Committee held five meetings on the following dates:

October 19, 2004	April 15, 2005
December 17, 2004	May 9, 2005
February 25, 2005	

A working group of the Special Committee relating to tribal schools held one meeting on March 18, 2005.

The October 19, 2004 meeting of the Special Committee was held at the State Capitol in Madison. The committee heard informational presentations regarding the treatment of tribal schools in the statutes, the role of conservation wardens employed by GLIFWC, and protections against the spread of chronic wasting disease to northern Wisconsin. It also discussed topics that committee members wanted the committee to address. Representative Terry Musser, the committee chair, directed staff to research the topics of the treatment of tribal schools in the statutes and GLIFWC wardens. Also, in response to study topics suggested by members, he directed staff to arrange a briefing on law enforcement in Indian country for the committee's next meeting and to research issues related to exempting elected tribal officials from state lobbying law in the same manner as elected state and local officials and issues related to exempting certain tribal land used for governmental purposes from property tax.

The December 17, 2005 meeting of the Special Committee was held at the Lac Courte Oreilles Reservation, near Hayward. The greatest portion of the meeting was dedicated to law enforcement in Indian country. Staff briefed the committee regarding the respective authority of tribes, the state, and federal law enforcement over criminal conduct in Indian country; various state programs and statutes designed to improve law enforcement in Indian country; and the nature and capabilities of police departments and court systems created by the 11 tribes in Wisconsin. The committee also heard from a panel of one tribal judge and three chiefs of tribal police departments regarding their agencies and the challenges those agencies face. Following the presentations, the committee held a lengthy discussion of many aspects of law enforcement in Indian country.

The committee also received a briefing from Department of Administration officials regarding efforts by the administration and by individual state agencies to improve communications between state government and tribal governments. Staff also briefed the committee on the status of on-going projects related to tribal schools and to GLIFWC wardens.

In addition, the committee considered two bill drafts. It voted to recommend that the JLC introduce WLC: 0058/1, relating to an exemption for certain tribal officials under the lobbying law. It directed staff to revise a second draft, WLC: 0069/1, relating to creating a property tax exemption for real estate owned by an American Indian tribe or band and used exclusively for governmental purposes.

The February 25, 2005 meeting of the Special Committee was held at the offices of the Oneida Tribe of Indians of Wisconsin. The committee reviewed four drafts. It voted to recommend that the JLC introduce LRB-3023/1, relating to the conditions under which tribal law enforcement officers may enforce state law on their respective reservations. The committee directed staff to redraft three other proposals, relating to: (1) tax treatment of lands owned by a tribe and used for governmental purposes; (2) the county-tribal cooperative law enforcement program; and (3) treatment in the statutes of GLIFWC wardens.

The committee also heard presentations regarding a proposal to allow tribal police officers to participate in the Wisconsin Retirement System (WRS). The chiefs of police of the Oneida and Lac du Flambeau Police Departments explained to the committee that tribal police departments hire new recruits fresh out of training and give them further training and experience only to see these officers leave to take positions with county or municipal agencies. The principal reason cited for this is the inability of tribes to provide a retirement benefit comparable to the WRS. A representative of the Department of Employee Trust Funds provided information regarding technical and legal issues that the committee would need to address, if it were to advance this proposal. The committee directed staff to research the topic for the next meeting.

The April 15, 2005 meeting of the Special Committee was held at the Ho-Chunk Hotel, Casino, and Convention Center near Lake Delton. The committee took final action on the following three items, recommending each to the JLC for introduction.

- WLC: 0069/3, relating to creating a property tax exemption for real estate owned by an American Indian tribe or band and used exclusively for governmental purposes. The draft exempts these properties from the property tax. The committee requested an amendment to add tribal housing.

- WLC: 0111/2, relating to the county-tribal cooperative law enforcement program. The draft makes several small changes to this existing program. The committee requested one change to the draft.
- WLC: 0127/3, relating to the treatment in the Wisconsin statutes of conservation wardens employed by GLIFWC. This draft amends a wide range of statutes to give these wardens access to most of the same law enforcement tools and powers that DNR wardens have. It also extends to them the same protections for the physical safety of a peace officer that apply to DNR wardens.

The Special Committee also discussed several topics related to tribal schools. First, it discussed WLC: 0176/1, relating to the treatment in the Wisconsin statutes of tribal schools. Under current law, the statutes largely are silent regarding tribal schools. The draft defines “tribal school” and amends a wide range of statutes to extend to tribal schools and tribal school pupils many of the benefits that private schools and private school pupils receive under current law. The committee also discussed WLC: 0177/1, relating to state aid for tribal schools. It also discussed the idea of authorizing one or more entities to charter tribal schools. It did not take final action on any of these topics.

The Special Committee also further discussed the proposal to allow tribal law enforcement officers to participate in the WRS. The committee agreed to defer action on this subject for a later meeting, to allow the public members of the committee to study the idea further. The committee gave instructions for a draft on this subject, to be available if the committee wanted to take it up at its next meeting.

The May 9, 2005 meeting of the Special Committee was held at the State Capitol. At the previous meeting, the committee had recommended WLC: 0069/3, relating to creating a property tax exemption for real estate owned by an American Indian tribe or band and used exclusively for governmental purposes, with an amendment to include tribal housing as a governmental purpose. The committee agreed on a revised draft that defined tribal housing for purposes of this provision.

The Special Committee discussed three issues relating to education. The committee reviewed WLC: 0176/1, relating to providing benefits to tribal schools and tribal school pupils similar to those provided to private schools and private school pupils, and recommended this draft. The committee also reviewed WLC: 0177/1, relating to providing state aid to tribal schools for certain pupils. For the tribal school pupils for whom the BIA does not provide funding to the tribal school, the draft provides approximately the same amount of funding that the pupil would have generated under the basic instructional program component of the BIA funding formula and uses tribal gaming revenues paid to the state as the source of funding. After agreeing on a modification to the draft, the committee voted to recommend it. Representative McCormick then presented LRB-2840/P1, which she had previously had drafted. It would create a Tribal Charter School Authorizing Board as an independent state agency with members of the Board appointed by the tribes. The Board would be authorized to contract for the establishment of independent charter schools on reservations or off-reservation trust land. After making two modifications, the committee voted to recommend this draft, which was redrafted as LRB-3014/3.

The Special Committee then discussed WLC: 0203/P1, relating to participation of tribes and tribal agencies in the WRS. The committee generally agreed that participation should be limited to tribal police departments and agreed that other issues should be discussed at a later meeting.

PART III

RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the drafts as recommended by the Special Committee on State-Tribal Relations.

Law Enforcement

Liability of Tribal Officers When Acting Under State Authority

Background

Tribal law enforcement officers do not have the inherent power to enforce state laws but, in Wisconsin, may acquire this power in either of two ways. First, the state or a subdivision of the state may grant this power. Most commonly, this will be done by a county sheriff who makes qualified tribal law enforcement officers his or her deputies. Also, the DNR deputizes qualified wardens employed by a tribe or by the GLIFWC as state conservation wardens.

Second, s. 165.92, Stats., authorizes a tribal law enforcement officer to enforce the laws of this state with respect to any person within the boundaries of the tribe's reservation or off-reservation trust lands, if the officer and the tribe meet each of several conditions. In particular, a tribal law enforcement officer may not enforce the laws of this state unless the governing body of the tribe adopts a resolution waiving the tribe's sovereign immunity to the extent necessary to allow the enforcement of liability for its officers' actions in the courts of this state, or adopts another resolution that the Wisconsin DOJ determines has substantially the same result.

LRB-3023/1

LRB-3023/1 provides an alternative to the waiver of sovereign immunity by the tribe that is currently required for a tribal law enforcement officer to exercise the powers allowed by s. 165.92. It allows the tribe to instead maintain liability insurance with a limit of at least \$1,000,000 for any claim. It requires that the insurance policy provide that the insurer may not raise the defense of tribal sovereign immunity in defending a claim against the policy, up to the limits of the policy. This alternative applies only if the tribe has provided evidence of the required insurance to DOJ.

County-Tribal Cooperative Law Enforcement Program

Background

The County-Tribal Cooperative Law Enforcement Program, administered by DOJ, provides grants to improve law enforcement on Indian reservations by improving cooperation between county and tribal governments, including their law enforcement agencies. To be eligible for a grant, a county and a tribe located within that county must prepare a joint program plan that describes the proposed cooperative law enforcement program. In determining whether to approve a joint program plan and

the amount of funding to grant to a program, the DOJ is required to consider the following: (a) the population of the reservation area to be served by the program; (b) the complexity of the law enforcement problems that the program proposes to address; and (c) the range of services that the program proposes to provide. The county and tribe must report to the DOJ regarding the use of the grant at the end of the grant year.

The current program was established in the 1980s, although similar DOJ programs date as far back as 1955. In 2005, the DOJ provided funding for 18 cooperative law enforcement programs, averaging just under \$40,000 each.

LRB-3076/1

LRB-3076/1 makes the following changes to the cooperative county-tribal law enforcement program:

- Requires that DOJ disburse the aid directly to the tribe unless the joint program plan specifies otherwise.
- Requires that the county and tribe meet at least twice over the course of a year to evaluate the program and adjust the program as necessary to achieve its purpose.
- Requires that the sheriff of a county that participates in a program maintain or increase the level of law enforcement services provided to the tribe's reservation.
- Requires that the annual report made to DOJ specify how the recipients complied with the requirements regarding meetings between the county and tribe and maintenance of effort by the sheriff and that DOJ consider this information in determining whether to approve a subsequent program plan.

Treatment in the Statutes of Conservation Wardens Employed by the Great Lakes Indian Fish and Wildlife Commission

Background

In the 1970s and 1980s, litigation in federal court sought to determine the extent of rights for the harvest of natural resources retained by the Chippewa Indian bands in Wisconsin when the bands ceded territory to the United States in treaties in 1837 and 1842. In a series of orders, the court affirmed the bands' continuing rights to hunt, fish, and gather on off-reservation public lands and waters throughout the ceded territories in northern Wisconsin. Among other things, the court approved the Chippewa bands' proposal to adopt an off-reservation conservation code (off-reservation code) governing their members' exercise of those rights within the ceded territory but outside the boundaries of Chippewa reservations, and to form an inter-tribal agency to enforce that code. GLIFWC is the agency the Chippewa bands created for this purpose.

An incident in which a GLIFWC warden working off-reservation detained a non-Indian person for a state firearms violation and delivered the individual to the county sheriff called into question the authority of the warden to detain the individual, as well as the legality of other aspects of the warden's behavior, such as going armed in the uniform of a law enforcement officer in a vehicle with equipment, such as lights and siren, that are generally illegal.

This case brought to attention that much of what GLIFWC wardens do is not contemplated under the statutes and that, in fact, the statutes could be read as prohibiting GLIFWC wardens from doing many things that the federal court intended them to do. Similarly, many statutes that serve to protect the physical safety of law enforcement officers and others that serve to protect the interests of the public do not apply to GLIFWC wardens. These statutes *do* apply to DNR conservation wardens.

WLC: 0127/3

The draft is intended to accomplish two goals: first, to facilitate the work of GLIFWC and its wardens in enforcing the off-reservation code; and second, to enable GLIFWC wardens to assist state and local law enforcement agencies.

Facilitating the Work of GLIFWC Wardens

To facilitate the work of GLIFWC wardens, the draft applies many provisions of the criminal code and the conservation and motor vehicle statutes to them. In general, the draft does the following:

1. Applies statutes regarding the protection of officers or interference with law enforcement to *all GLIFWC wardens*. Examples of the statutes treated in this manner are s. 940.20 (2), Stats., battery to a law enforcement officer, s. 941.21, Stats., disarming a peace officer, and s. 946.41, Stats., resisting or obstructing an officer. The draft also applies a number of other, miscellaneous statutes to all GLIFWC wardens, such as the requirement that a peace officer provide first aid to a person in custody (s. 940.291, Stats.), communicable diseases (ch. 252, Stats.), and the exception for peace officers to the prohibition on shining animals (s. 29.314, Stats.). The draft also applies to all GLIFWC wardens the exceptions enjoyed by peace officers to various aspects of the motor vehicle code, including exceptions to various rules of the road and various restrictions on vehicle equipment.

2. Applies most statutes regarding the possession or use of firearms and other weapons by peace officers to *GLIFWC wardens who meet state certification standards*. Examples of statutes treated in this manner are exceptions for peace officers to prohibitions against carrying concealed weapons (s. 941.23, Stats.) and the use of pepper spray (s. 941.26, Stats.). The bill does *not* apply statutes authorizing the possession or use of explosives or particularly dangerous weapons to *any GLIFWC warden*. Examples of statutes in this category are exceptions for peace officers to prohibitions against the possession or use of machine guns, short-barreled shotguns and rifles, explosives, and certain other weapons (ss. 941.26 (3), 941.27 (2), and 941.28 (4), Stats.).

3. Authorizes GLIFWC and its wardens to use the transaction information for management of enforcement (TIME) system if GLIFWC agrees to contribute information in its possession to DOJ for addition to the TIME system. (The TIME system allows officers in the field to access information regarding criminal investigations, suspected criminals, outstanding warrants, etc., as well as drivers' license and vehicle registration information, using computers installed in their patrol vehicles.)

4. Applies the statutes administered by the Law Enforcement Standards Board (LESB) to GLIFWC wardens who agree to accept the duties of law enforcement officers under the laws of this state. This makes a GLIFWC warden who agrees to do so subject to the rules and certification procedures of the LESB. Also, it is a prerequisite for exercising the authority to make arrests for violations of state law and to render aid and assistance to state peace officers, as created by this draft.

5. Authorizes GLIFWC to receive from the Department of Transportation monthly compilations of vehicle registration information, drivers license and identification card photographs, and other identifying information in the same manner that sheriffs and chiefs of local police departments, among others, currently receive this information.

Authority to Arrest and Assist

The draft authorizes a GLIFWC warden to make an arrest for a violation of state law if the warden is responding to either: (a) an emergency situation that poses a significant threat to life or of bodily harm; or (b) acts that the warden believes, on reasonable grounds, constitute a felony. The draft also authorizes a GLIFWC warden to render aid or assistance to a Wisconsin peace officer in an emergency or at the request of the Wisconsin peace officer. A GLIFWC warden may take these actions only if all of the following conditions are met:

- (a) The warden is on duty and on official business.
- (b) The warden meets the training standards for state and local law enforcement officers and has agreed to accept the duties of law enforcement officers under the laws of this state.
- (c) GLIFWC has adopted and implemented written policies regarding making felony arrests under state law and rendering aid or assistance to state or local officers.
- (d) GLIFWC maintains liability insurance that does all of the following:
 - 1. Covers GLIFWC's liability up to a limit of not less than \$2 million for the acts of its wardens acting under this authority.
 - 2. Provides that the insurer, in defending a claim against the policy, may not raise the defense of sovereign immunity of the insured up to that limit.

The draft also authorizes GLIFWC wardens to engage in fresh pursuit in Wisconsin beyond the ceded territory under specified circumstances.

Education

Treatment in the Statutes of Tribal Schools

Background

Under current Wisconsin statutes, tribally-operated schools are dealt with only in subch. IV, ch. 115, Stats., relating to the American Indian language and culture education program. (Categorical aid for that program was eliminated by 2003 Wisconsin Act 33.) Currently, four schools in Wisconsin come under the tribally-operated schools component of that program. They are the: Menominee Tribal School; Oneida Nation of Wisconsin Schools; Lac Courte Oreilles Tribal School; and Mashkiisibii (Bad River) Tribal School.

Most state kindergarten to grade 12 (K-12) education laws likely would be considered by the courts to be civil regulatory laws. In general, state civil regulatory laws do not apply to a tribe or a member of that tribe on the tribe's reservation or off-reservation trust land unless an act of Congress, a

treaty, or case law (that is, decisions by the courts) provides that a state law is applicable. It appears that neither an act of Congress nor any treaty has authorized the state to apply its civil regulatory education laws to a tribal school that is located on a tribe's reservation or off-reservation trust land. As for whether case law does so, court decisions suggest that, if a matter were litigated, a court would apply a balancing of interests test and hold that a state civil regulatory education law applies to a tribal school only if the state interests outweigh the tribal and federal interests. That analysis depends on the facts surrounding each individual statute; thus, there is no universal answer as to whether a state civil regulatory law applies to a tribal school.

However, in general, it appears that, with respect to most state K-12 education laws, the state does not have authority to impose such laws on tribal schools. Moreover, a tribe may choose to assert sovereign immunity if a legal action were filed against the tribal school or tribal school officials to enforce any such law.

Current law defines private school, imposes various requirements on private schools, and provides certain benefits and protections to private schools and their pupils and staff. Tribal schools are neither private schools nor public schools, and statutes referring only to private schools and public schools do not apply to tribal schools.

The Menominee Indian Tribe of Wisconsin recommended developing legislation to provide the same benefits to tribal schools and tribal school pupils that are provided to private schools and private school pupils.

An ad hoc Working Group on Tribal Schools consisting of representatives of the Menominee Tribe, tribal schools, the Department of Public Instruction (DPI), and the committee met on March 18, 2005 to review preliminary drafts. WLC: 0176/1 is based on discussions at that meeting and additional information provided following the meeting.

WLC: 0176/1

The draft defines a "tribal school" as an institution with an educational program that has as its primary purpose providing education in any grade or grades from K-12 and that is controlled by the elected governing body of a tribe or by a tribal educational authority established under the laws of such a tribe. That definition then applies in chs. 115 to 121 (statutes relating to K-12 education) and, by cross-reference, to certain statutes outside chs. 115 to 121, Stats.

This draft proposes amendments to statutes that refer specifically to private schools, private school staff, or private school pupils and provide a benefit or protection to them, with the exception of statutes relating to: transportation; special education; and eligibility for bonding for certain building projects through the Wisconsin Health and Educational Facilities Authority. (The draft also does not amend any statutes in ch. 119, Stats., that refer to private schools since ch. 119 relates only to the Milwaukee public schools.) In general, for such statutes, the draft adds references to tribal schools, tribal school staff, or tribal school pupils. Examples include: counting teaching experience in a tribal school under the teacher licensure law; authorizing a cooperative educational services agency to contract with a tribal school; including tribal schools in various DPI programs to assist schools, for example, suicide prevention programs, and alcohol or other drug abuse prevention programs, school milk, lunch, and breakfast programs; and including tribal school seniors in the Academic Excellence Higher Education Scholarship program.

In some cases, the draft includes language relating to tribal schools that is not identical to current statutes relating to private schools. These relate to statutes in which a requirement is integrally linked to a benefit provided--for example, statutes allowing a private school to receive certain confidential records but limiting redisclosure of the record. For such statutes, the draft generally extends the same benefit to a tribal school only if the tribe chooses to comply with conditions similar to those imposed on a private school.

With respect to statutes that explicitly impose requirements on private schools unrelated to a benefit, the draft does not add a reference to tribal schools. Such statutes include requirements to: make a report to DPI about enrollment; report to DPI charges and convictions of certain crimes and dismissals and resignations related to immoral conduct of a person licensed by DPI and employed by the school; display the flag and offer the pledge of allegiance or national anthem; have a first aid kit; conduct fire drills; establish school safety zones; prohibit the use of a pupil's social security number as a pupil identification number; have periodic lead inspections in kindergarten; and abide by restaurant regulations if food is brought in under contract.

The draft amends several statutes that refer generically to schools without explicitly referring to public schools, private schools, or tribal schools to make clear that if a benefit applies to the school, the benefit also applies to tribal schools. The draft does not amend statutes that impose a requirement generically on schools, including private schools, to impose the requirement on tribal schools, for example, statutes relating to excluding children who have not met the immunization or waiver of immunization requirements. Whether such a statute applies to tribal schools is an issue to be resolved by the courts on a case-by-case basis.

Funding of Tribal Schools

Background

In addition to the recommendation about providing benefits and protections to tribal schools that are provided to private schools, the Menominee Tribe also recommended that the state provide funding to tribal schools.

Three of the four tribal schools in Wisconsin (Menominee, Oneida, and La Courte Oreilles) have contracts with and are funded, in full or in part, by the federal BIA. A tribe also may provide funding to its tribal school. The Bad River school is funded by the Bad River Tribal Council and does not have a contract with or receive a grant from the BIA since it was created after the BIA placed a moratorium on funding additional schools.

In general, the funds provided by the BIA include:

1. An amount determined under the BIA's Indian Student Equalization Program (ISEP) by multiplying a base unit value for the basic instructional program (for the 2004-05 school year, \$3,996) by the weighted student unit count of ISEP-eligible pupils. (An ISEP-eligible pupil is a pupil who is a member of a federally recognized American Indian tribe or has at least 1/4 degree of Indian blood, is enrolled in a BIA contract or grant school during the tribal school's pupil count week, is not enrolled in any other school during the count week, and actually attends the tribal school at least one full day during the count week.)

2. Additional amounts under the ISEP program based on additional weighting; adjustments for small schools; and funding for contingencies, school board training, pupil transportation, interim maintenance and minor repairs, administrative costs, prekindergarten programs, and operation and maintenance.

3. Additional amounts under specific federal education programs, such as: special education funding under Part B of the federal Individuals with Disabilities Education Act or funding under various titles of the federal Elementary and Secondary Education Act.

All of the tribal schools in Wisconsin currently permit non-ISEP eligible (non-ISEP) pupils to attend the tribal school, although some limit the number of such pupils. Non-ISEP pupils are not counted in determining federal aid to the tribal school and do not generate federal funding for the tribal school under the portion of the ISEP formula that provides funding for instruction by multiplying the base unit value (currently \$3,996) times the weighted pupil unit count. Estimates of the non-ISEP pupils enrolled in Wisconsin tribal schools currently are: Menominee Tribal School--8; Oneida Nation of Wisconsin Schools--20; Lac Courte Oreilles Tribal School--40; and Mashkiisiibii (Bad River) Tribal School--26. (All the pupils at the Mashkiisiibii Tribal School are non-ISEP pupils because that school does not have a contract with or receive a grant from the BIA.)

WLC: 0177/2

The draft:

1. Provides state aid to a tribal school in an amount that is calculated by multiplying the ISEP base unit value for instruction determined by the BIA for the prior school year times the number of non-ISEP pupils at the tribal school during the tribal school's pupil count week in a school year. The general purpose is, for each non-ISEP pupil, to pay each tribal school (including a tribal school that does not have a contract with or receive a grant from the BIA) approximately the amount that would have been allotted to the tribal school by the BIA under ISEP for the basic educational program if the pupil were ISEP eligible.

2. Creates an appropriation to DPI to fund this payment using tribal gaming revenues paid to the state. The draft provides an appropriation of \$375,700, which is based on the current estimate of the number of non-ISEP pupils enrolled in tribal schools (94) multiplied by the ISEP base unit value for the instructional program in the 2004-05 school year of \$3,996, rounded to the next \$100. The draft provides for prorating the amount if the funds are not sufficient in a school year.

Independent Charter Schools Authorized by the Tribal Charter School Authorizing Board

Background

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, the Milwaukee Area Technical College, and the City of Milwaukee to operate charter schools (independent charter schools, also known as (2r) charter schools) directly or to contract for the operation of charter schools. With certain exceptions, only pupils who reside in the school district in which an independent charter school is located may attend the charter school. The

operators of the independent charter schools receive state aid for each pupil attending the charter school, which reduces the general school aid to all school districts. A school district can increase its property tax levy to offset this aid reduction.

Representative Terri McCormick suggested to the committee that a Tribal Charter School Authorizing Board, with a representative of each tribe, be created with authority to contract for the establishment of independent charter schools on a reservation or off-reservation trust land. She offered LRB-2840/P1 which she had had drafted. The committee suggested amendments to LRB-2840/P1 to: (1) permit the Board to establish the attendance area for such a charter school and permit pupils who reside in the attendance area to attend; and (2) provide that a quorum of the Board is a majority of the persons appointed to the Board.

LRB-3014/3

The draft creates an independent state agency, the Tribal Charter School Authorizing Board. The Board consists of one member representing each of Wisconsin's 11 tribes, appointed by and serving at the pleasure of the governing body of each tribe. The draft authorizes the Board to contract for the establishment of independent charter schools which must be located on reservation or off-reservation trust land.

The draft provides that the Board is to establish the attendance area for each such charter school. Pupils who reside in the attendance area may attend the charter school, even if the pupil does not reside in the school district in which the charter school is located.

The draft provides that each tribe may appoint a member to the Board. Until the first meeting of the Board, the appointment is made by notifying the Secretary of Administration. After the first meeting, the appointment is made by notifying the chairperson of the Board. For the purpose of conducting business, a majority of the persons who have been appointed constitutes a quorum. For example, if seven tribes have appointed members, a quorum is four.

An appropriation is created for the Board's operation, but the committee did not recommend the amount of the appropriation.

Lobbying Law

Background

Under the Wisconsin lobbying law, subch. III of ch. 13, Stats., a lobbyist is a person who is employed or contracted to attempt to influence state legislative or administrative actions on behalf of the employing or contracting entity. The entity that employs or contracts with a lobbyist is a "principal." The lobbying law prohibits lobbyists from engaging in a number of practices, such as furnishing things of pecuniary value to elective state officials, agency employees, or legislative employees, or making campaign contributions at certain times. It also requires lobbyists to obtain a state license to lobby. It requires principals to provide information for a state registry, including the identity of lobbyists that the principal employs or contracts with, the subject areas in which each lobbyist works, and the agencies that each lobbyist lobbies, and to submit detailed semi-annual lobbying expense reports to the Wisconsin Ethics Board. Penalties for violations of the law include civil

forfeitures up to \$5,000. The penalty for knowingly filing a false report is a fine of up to \$10,000, imprisonment for up to six years, or both.

Under current law, certain public officials are exempt from portions of the lobbying law when acting in an official capacity. Specifically, state elective officials, local officials, and employees of the Legislature are exempt from the requirements that a lobbyist obtain a license and that the principal for such a public official submit registry information and lobbying expense reports with respect to such a public official. "Local official" is defined as any person elected to a local office (any elective office under state law that is not a state or federal office) and any person employed by a county, town, city, village, or school district who is not employed principally to influence legislative or administrative action. Public officials are not exempt from the prohibitions on specified practices.

An advisory opinion of the Wisconsin Ethics Board (2003 Wis. Eth. Bd. 14) states that elected tribal leaders are not "local officials" under the lobbying law and so are not exempt from the lobbyist licensing and principal reporting and registration requirements of the law. The question of whether the lobbying law applies to tribal officials and tribal governments has not been decided by the courts, though. An argument can be made that the law is civil regulatory in nature and that the state does not have the authority to enforce it against Indian tribes or tribal officials, especially with respect to activities that occur on a reservation or on off-reservation trust land, because Congress has not delegated such authority to the states and the courts have not clearly held that the state has this authority under common law. On the other hand, a court could apply the balancing of interests test (a test often used by the courts to determine whether a state civil regulatory law applies to a tribe or tribal member in Indian country) and find that the state's interest in regulating lobbying of state officials or agencies outweighs tribal and federal interests and that, thus, the lobbying law applies to tribes and tribal members.

LRB-3007/1

LRB-3007/1 extends to tribal officials the same exemptions provided to the public officials described above. It defines "tribal official" as any person elected to a tribal office and any person employed by a tribe who is not employed principally to influence state legislative or administrative action. This definition is modeled on the current definition of "local official." In light of the uncertainty regarding whether the lobbying law applies to tribal officials or tribes, this draft ensures that certain aspects of the lobbying law do not apply to them.

The draft does not exempt tribal officials from the prohibitions on specified practices. It also does not address application of the lobbying law to lobbyists who are not tribal officials but who are employed or contracted by a tribe principally to influence state legislative or administrative action, or its application to tribes that employ or contract with such lobbyists.

Exemption from Property Taxes

Background

Fee land (sometimes referred to as fee simple land or fee-patented land) refers to land the title to which is held by the owner. Trust land refers to land the title to which is held by the United States in trust for a tribe or American Indian, as authorized under federal law. A tribe may own land in fee

without requesting that it be placed in trust, or a tribe may acquire land and then apply to the U. S. Secretary of Interior to have the land held in trust for the tribe.

Federal law provides that trust land is exempt from taxation by state and local government. In contrast, the U.S. Supreme Court has held that fee land owned by a tribe or American Indian, even fee land on a reservation, is subject to state and local ad valorem property tax if Congress has made the land freely alienable, that is, the owner can freely transfer the land.

Under current state law, certain types of property are exempt from general property taxes. These include: (1) property of the state; (2) property owned by any county, city, village, town, school district, technical college district, and certain other governmental districts (for example, a town sanitary district) (collectively referred to hereinafter as municipal property); (3) property owned and used exclusively by educational, religious, and benevolent institutions, under certain circumstances; and (4) several other types of property. In addition, land owned by the United States is exempt from taxation and assessment.

The Oneida Tribe of Indians of Wisconsin has a police station located on fee land on its reservation that is subject to property tax. The Oneida Tribe recommended legislation to have it be exempt from property tax.

WLC: 0069/6

The committee recommended that all tribal fee land used for a governmental purpose be exempt, not simply a police station. The draft creates an exemption from property tax for real property owned by a tribe if the property is used by the tribe exclusively for a governmental purpose, including: a police station or other law enforcement facility; tribal court or tribal court offices; tribal administrative offices; fire station; preschool; elementary or secondary school; institution of higher education; library; social services facility, including a day care center; health care facility, including a nursing home or an assisted living facility; natural resources facility, including a noncommercial fish hatchery or an environmental protection facility; tribal physical infrastructure, including a facility for the treatment or distribution of water, a facility for the collection, treatment, or discharge of sewage, a recycling facility, transfer station, or landfill; tribal housing; cultural center; museum; youth camp; or property of traditional or historical significance to the tribe.

The draft also exempts a tribe from biennial reporting about the value of the tax-exempt property.

Appendix 1

Committee and Joint Legislative Council Votes

Special Committee Votes

The following drafts were recommended by the Special Committee on State-Tribal Relations to the Joint Legislative Council for introduction in the 2005-06 Session of the Legislature:

The votes on the drafts were as follows:

- WLC: 0110/2, relating to the powers of tribal law enforcement officers under state law. The motion passed on a vote of Ayes, 12 (Reps. Musser, Bies, McCormick, Pettis, and Sherman; and Public Members Alloway, Besaw, Bichler, Dela Rosa, Greendeer, Huck, and Taylor); Noes, 0; and Absent, 6 (Sens. Brown, Coggs, and Zien; and Public Members Brown, Lynk, and Montano). It was subsequently redrafted as LRB-3023/1.
- WLC: 0111/3, relating to cooperative county-tribal law enforcement programs. The motion passed on a vote of Ayes, 14 (Reps. Musser, McCormick, Pettis, and Sherman; Sens. Brown, Coggs, and Zien; and Public Members Alloway, Besaw, Dela Rosa, Greendeer, Lynk, Montano, and Taylor); Noes, 0; and Absent, 4 (Rep. Bies; and Public Members Bichler, Brown, and Huck). It was subsequently redrafted as LRB-3076/1.
- WLC: 0127/3, relating to conservation wardens employed by the great lakes Indian fish and wildlife commission. The motion passed on a vote of Ayes, 14 (Reps. Musser, McCormick, Pettis, and Sherman; Sens. Brown, Coggs, and Zien; and Public Members Alloway, Besaw, Dela Rosa, Greendeer, Lynk, Montano, and Taylor); Noes, 0; and Absent, 4 (Rep. Bies; and Public Members Bichler, Brown, and Huck).
- WLC: 0176/1, relating to providing benefits to tribal schools and tribal school pupils similar to those provided to private schools and private school pupils. The motion passed on a vote of Ayes, 11 (Reps. Musser, Bies, McCormick, Pettis, and Sherman; Sen. Zien; and Public Members Besaw, Dela Rosa, Huck, Montano, and Taylor); Noes, 0; and Absent 7 (Sens. Brown and Coggs; and Public Members Alloway, Bichler, Brown, Greendeer, and Lynk).
- WLC: 0177/2, relating to providing state aid to tribal schools for certain pupils. The motion to recommend WLC: 0177/1, with amendments, the motion passed on a vote of Ayes, 11 (Reps. Musser, Bies, McCormick, Pettis, and Sherman; Sen. Zien; and Public Members Besaw, Dela Rosa, Huck, Montano, and Taylor); Noes, 0; and Absent 7 (Sens. Brown and Coggs; and Public Members Alloway, Bichler, Brown, Greendeer, and Lynk). It was subsequently redrafted as WLC: 0177/2.
- LRB-3014/3, relating to creation of the Tribal Charter School Authorizing Board and the establishment of charter schools by the board. The motion to recommend LRB-2840/P1, with amendments, passed on a vote of Ayes, 10 (Reps. Musser, Bies, McCormick, and

Pettis; Sen. Zien; and Public Members Besaw, Dela Rosa, Huck, Montano, and Taylor); Noes, 1 (Rep. Sherman); and Absent 7 (Sens. Brown and Coggs; and Public Members Alloway, Bichler, Brown, Greendeer, and Lynk). It was subsequently redrafted as LRB-3014/3.

- WLC: 0058/1, relating to an exemption for certain tribal officials under the lobbying law. The motion passed on a vote of Ayes, 9 (Reps. Musser, Bies, Pettis, and Sherman; Sens. Brown and Zien; Public Members Besaw, Greendeer, and Montano); Noes, 0; Not Voting, 1 (Public Member Brown); and Absent, 7 (Sen. Coggs; Rep. McCormick; and Public Members Alloway, Bichler, Dela Rosa, Huck, and Taylor).
- WLC: 0069/6, relating to creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for a governmental purpose. The motion to recommend WLC: 0069/5, with amendments, passed on a vote of Ayes, 11 (Reps. Musser, Bies, McCormick, Pettis, and Sherman; Sen. Zien; and Public Members Besaw, Dela Rosa, Huck, Montano, and Taylor); Noes, 0; and Absent 7 (Sens. Brown and Coggs; and Public Members Alloway, Bichler, Brown, Greendeer, and Lynk). It was subsequently redrafted as WLC: 0069/6.

Appendix 2

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

ALAN LASEE

Senate President

2259 Lasee Road
De Pere, WI 54115

Co-Chair

STEVE WIECKERT

Representative

1702 S. Irma Street
Appleton, WI 54915

SENATORS

RONALD W. BROWN

1112 Violet Avenue
Eau Claire, WI 54701

MICHAEL G. ELLIS

1752 County Road GG
Neenah, WI 54956

MARY E. PANZER

Majority Leader
635 Tamarack Drive West
West Bend, WI 53095

G. SPENCER COGGS

3732 North 40th Street
Milwaukee, WI 53216

JON ERPENBACH

Minority Leader
2385 Branch St.
Middleton, WI 53562

FRED A. RISSER

5008 Risser Road
Madison, WI 53705

ALBERTA DARLING

1325 West Dean Road
River Hills, WI 53217

SHEILA HARSDORF

N6627 County Road E
River Falls, WI 54022

ROBERT WELCH

President Pro Tempore
P.O. Box 523
Redgranite, WI 54970

RUSSELL DECKER

6803 Lora Lee Lane
Schofield, WI 54476

REPRESENTATIVES

STEVEN M. FOTI

Majority Leader
351 Lisbon Road
Oconomowoc, WI 53066

JIM KREUSER

Minority Leader
3505 14th Place
Kenosha, WI 53144

DAN SCHOOFF

1955 Pebble Drive
Beloit, WI 53511

STEPHEN J. FREESE

Speaker Pro Tempore
310 East North Street
Dodgeville, WI 53533

MICHAEL LEHMAN

1317 Honeysuckle Road
Hartford, WI 53027

JOHN TOWNSEND

297 Roosevelt Street
Fond du Lac, WI 54935

JOHN GARD

Speaker
481 Aubin Street, P.O. Box 119
Peshtigo, WI 54157

MARLIN D. SCHNEIDER

3820 Southbrook Lane
Wisconsin Rapids, WI 54494

DAVID TRAVIS

5440 Willow Road
Waunakee, WI 53597

DEAN KAUFERT

1360 Alpine Lane
Neenah, WI 54956

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

Joint Legislative Council

[Current Joint Legislative Council Members Receiving Committee Report]

Co-Chair

ALAN LASEE

Senate President

2259 Lasee Road

De Pere, WI 54115

Co-Chair

STEVE WIECKERT

Representative

1 Weatherstone Drive

Appleton, WI 54914

SENATORS

RONALD W. BROWN

1112 Violet Avenue

Eau Claire, WI 54701

DAN KAPANKE

1610 Lakeshore Drive

La Crosse, WI 54603

DALE SCHULTZ

Majority Leader

515 N. Central Avenue

Richland Center, WI 53581

RUSSELL DECKER

6803 Lora Lee Lane

Schofield, WI 54476

MARK MILLER

4903 Roigan Terrace

Monona, WI 53716

DAVID ZIEN

President Pro Tempore

1716 63rd Street

Eau Claire, WI 54703

SCOTT FITZGERALD

N4692 Maple Road

Juneau, WI 53039

FRED A. RISSER

5008 Risser Road

Madison, WI 53705

GLENN GROTHMAN

111 South 6th Avenue

West Bend, WI 53095

JUDY ROBSON

Minority Leader

2411 E. Ridge Road

Beloit, WI 53511

REPRESENTATIVES

JOHN AINSWORTH

W6382 Waukechon Road

Shawano, WI 54166

DEAN KAUFERT

1360 Alpine Lane

Neenah, WI 54956

MARLIN D. SCHNEIDER

3820 Southbrook Lane

Wisconsin Rapids, WI 54494

STEPHEN J. FREESE

Speaker Pro Tempore

310 East North Street

Dodgeville, WI 53533

JIM KREUSER

Minority Leader

3505 14th Place

Kenosha, WI 53144

DAVID TRAVIS

5440 Willow Road

Waunakee, WI 53597

JOHN GARD

Speaker

481 Aubin Street, P.O. Box 119

Peshtigo, WI 54157

ANN NISCHKE

202 W. College Avenue

Waukesha, WI 53186

MICHAEL HUEBSCH

Majority Leader

419 West Franklin

West Salem, WI 54669

MARK POCAN

309 North Baldwin St.

Madison, WI 53703

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

Appendix 3

State-Tribal Relations

Representative Terry M. Musser, **Chair**
W13550 Murray Road
Black River Falls, WI 54615

Senator Ronald W. Brown
1112 Violet Avenue
Eau Claire, WI 54701

Representative Terri McCormick
W6140 Long Court
Appleton, WI 54914

Representative Gary E. Sherman
P.O. Box 157
Port Wing, WI 54865

John Alloway
Forest County Potawatomi Community
P.O. Box 340
Crandon, WI 54520

Howard Bichler
St. Croix Tribal Council
24663 Angeline Avenue
Webster, WI 54893

Vince Dela Rosa
Oneida Tribe of Indians of WI
P.O. Box 365
Oneida, WI 54155

Jon F. Greendeer
Ho-Chunk Nation
P.O. Box 667
Black River Falls, WI 54615

Mark Montano
Red Cliff Band of Lake Superior Chippewas
88385 Pike Rd., Hwy 13
Bayfield, WI 54814

Representative Garey D. Bies
2590 Settlement Road
Sister Bay, WI 54234

Senator G. Spencer Coggs
3732 North 40th Street
Milwaukee, WI 53216

Representative Mark Pettis
Room 20 North
State Capitol
Madison, WI 53701

Senator David A. Zien
1716 63rd Street
Eau Claire, WI 54703

Gary Besaw
Menominee Indian Tribe of WI
P.O. Box 910
Keshena, WI 54135-0910

Carol Brown
Brown & LaCounte, LLP
3001 W. Beltline Hwy., Ste. 304
Madison, WI 53713

Douglas Huck
Stockbridge-Munsee Community
N8476 Moheconnuck Rd.
Bowler, WI 54416-0070

Donna Lynk
Bad River Band of Lake Superior Tribe
of Chippewa Indians
P.O. Box 39
Odanah, WI 54861

Louis Taylor
Lac Courte Oreilles Band of Lake Superior
Chippewa Indians
13394 W. Trepania Rd.
Hayward, WI 54843

STUDY ASSIGNMENT: The committee is directed to study issues relating to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues.

18 MEMBERS: 3 Senators, 5 Representatives, and 10 Public Members.

LEGISLATIVE COUNCIL STAFF: Joyce L. Kiel, Senior Staff Attorney, David L. Lovell, Senior Analyst, and Tracey Uselman, Support Staff.

Appendix 4

Technical Advisory Committee

TOM BELLAVIA

Department of Justice

Assistant Attorney General

17 W. Main St., Rm. 707

INTER-D

REGGIE NEWSON

Department of Transportation

Office of Disadvantaged Bus. Ent.

Programs

4802 Sheboygan Ave., Rm. 120B

INTER-D

J.P. LEARY

Department of Public Instruction

101 South Webster LS/5

INTER-D

MICHAEL LUTZ

Department of Natural Resources

125 South Webster St., 4th Flr.

INTER-D

RACHELLE ASHLEY

Department of Workforce Development

201 East Washington Ave., Rm. E200

INTER-D

THOMAS D. OURADA

Department of Revenue

2135 Rimrock Rd., #624A

INTER-D

JIM WEBER

Department of Health and Family Services

1 West Wilson St., Rm. 618

INTER-D

ASSIGNMENT: Established pursuant to s. 13.83 (3) (f), Stats., to assist the Special Committee on State-Tribal Relations in performing its statutory functions.

7 MEMBERS: One representative designated by the following departments: Health and Family Services; Justice; Natural Resources; Public Instruction; Revenue; Transportation; and Workforce Development.

Appendix 5

Committee Materials List

(Copies of documents are available at www.legis.state.wi.us/lc)

May 9, 2005 Meeting

- [WLC: 0069/4](#), relating to creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for a governmental purpose
- [WLC: 0111/3](#), relating to cooperative county-tribal law enforcement programs
- [WLC: 0203/P1](#), relating to participation of tribes and tribal agencies in the Wisconsin retirement system
- [LRB-2840/P1](#), relating to the creation of the Tribal Charter School Authorizing Board and the establishment of charter schools by the board
- [WLC: 0069/5](#), relating to creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for a governmental purpose
- [Property Tax Exemption Request](#) form distributed by Department of Revenue

April 15, 2005 Meeting

- [WLC: 0069/3](#), relating to creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for a governmental purpose
- [WLC: 0110/2](#), relating to the powers of tribal law enforcement officers under state law
- [WLC: 0111/2](#), relating to cooperative county-tribal law enforcement programs
- [WLC: 0127/3, relating to conservation wardens employed by the great lakes Indian fish and wildlife commission](#)
- [WLC: 0176/1](#), relating to providing benefits to tribal schools and tribal school pupils similar to those provided to private schools and private school pupils
- [WLC: 0177/1](#), relating to providing state aid to tribal schools for certain pupils
- [LRB-2408/1](#), relating to the establishment of charter schools by the College of Menominee Nation
- [2005 Assembly Bill 139](#), relating to creating a property tax exemption for real property owned by a federally recognized American Indian tribe or band, and [Fiscal Estimate](#) (corrected) (March 29, 2005)
- [Letter](#), from Representative Terri McCormick to Terry Musser, Chair, Special Committee on State-Tribal Relations
- [Memorandum, State Funding of Tribal Schools](#) (3-17-05)
 - [Attachment 1](#)
 - [Attachment 2](#)
 - [Attachment 3](#)

- [Attachment 4](#)
- [Memo No. 5](#), Participation of Tribal Law Enforcement Officers in the Wisconsin Retirement System: Issues and Options (4-13-05)
 - [Enclosure](#)

March 18, 2005 Working Group

- [WLC: 0158/1](#), relating to providing benefits to tribal schools and tribal school pupils similar to those provided to private schools and private school pupils
- [WLC: 0159/1](#), relating to provisions that impose requirements on private schools
- [WLC: 0160/1](#), relating to provisions relating to private schools that warrant additional consideration before applying them to tribal schools
- [WLC: 0161/1](#), relating to provisions relating generically to schools
- [WLC: 0162/1](#), relating to transportation of pupils
- [Memorandum](#), from Chair Musser to the Working Group on Tribal Schools for the Special Committee on State-Tribal Relations (3-4-05)
- [Letter](#), from Representative Terri McCormick to Terry Musser, Chair, Special Committee on State-Tribal Relations
- [Memorandum](#), State Funding of Tribal Schools (3-17-05)
 - [Attachment 1](#)
 - [Attachment 2](#)
 - [Attachment 3](#)
 - [Attachment 4](#)

February 25, 2005 Meeting

- WLC: [0069/2](#), relating to creating a property tax exemption for real property owned by an American Indian Tribe or band and used exclusively for certain purposes
- WLC: [0110/1](#), relating to the powers of tribal law enforcement officers under state law
- WLC: [0111/1](#), relating to cooperative county-tribal law enforcement programs
- [WLC: 0127/1, relating to conservation wardens employed by the great lakes Indian fish and wildlife commission](#)
- [Letter](#), from Peggy Lautenschlager, Attorney General, to Governor James Doyle
- [Resolution](#) and Oath of Office of the Oneida Tribe of Indians of Wisconsin regarding authorization for enforcement of state law
- [Department of Revenue](#) Comments on WLC: 0069/2
- [Comments](#) presented by John Vincent, Acting Administrator, Department of Employee Relations
- [Letter](#) to Representative Terry Musser, from David Stella, Department of Employee Trust Funds

- [Legislation recommended by the 2002-03 Special Committee](#) on State-Tribal Relations and reintroduced by Chair Musser

December 17, 2004 Meeting

- [Letter](#), from Peggy Lautenschlager, Attorney General, relating to the cooperative county-tribal law enforcement grant program. (1/15/04)
- [WLC: 0058/1](#), relating to an exemption for certain tribal officials under the lobbying law
- [WLC: 0069/1](#), relating to creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for governmental purposes
- [Section 70.11](#), Stats., relating to property exempted from taxation
- [Memo No. 3](#), **Criminal Jurisdiction in Indian Country** (12/10/04)
- [Memo No. 4](#), **Authority of Tribal Law Enforcement Officers to Enforce Criminal Laws** (12/16/04)
- [Memo](#), from Lili Best Crane, Office of General Counsel, Department of Revenue, relating to WLC: 0069/1, dated December 10, 2004
- [Financial Aid Report 2004-05](#), submitted by Agnes Fleming, Lac Courte Oreilles Ojibwa Community College

October 19, 2004 Meeting

- [Memo No. 1](#), **Legislation Recommended by the Special Committee on State-Tribal Relations to the 2003-04 Legislature** (10-4-04)
- [Memo No. 2](#), **Issues Suggested for Committee Study** (10-11-04)
 - [Suggested Study Topics](#), submitted by John Wilhelmi, Attorney, Menominee Indian Tribe of Wisconsin (enclosed with Memo No. 2)
 - [Suggested Study Topics](#), submitted by James Schlender, Executive Administrator, Great Lakes Indian Fish and Wildlife Commission (enclosed with Memo No. 2).
 - [Suggested Study Topics](#), submitted by Joan Delabreau, Tribal Chair, Menominee Indian Tribe of Wisconsin (enclosed with Memo No. 2)
- [Executive Order #39](#), relating to an affirmation of the government-to-government relationship between the State of Wisconsin and Indian tribal governments located within the State of Wisconsin, issued by Governor Jim Doyle (February 27, 2004)
- [Chapter P](#), *State-Tribal Relations*, 2005-06 Wisconsin Legislative Briefing Book (November 2004)
- Presentation on Role of GLIFWC Conversation Wardens:
 - [Power Point](#), by James Zorn, Attorney/Analyst GLIFWC
 - [Power Point](#), by James Zorn, Attorney/Analyst GLIFWC
 - [Talking Points](#) on GLIFWC's Law Enforcement
- Protections Against the Spread of Chronic Wasting Disease to the Ceded Territory of Northern Wisconsin:
 - [Power Point](#), by Dr. Jonathan Gilbert, Wildlife Section Leader, GLIFWC
 - [CWD Talking Points](#)

- [Handout](#), **Farm-Raised Deer Movement Requirements**
- [Power Point](#), by Dr. Robert Ehlenfeldt, State Veterinarian, Department of Agriculture, Trade and Consumer Protection
- [Chronic Wasting Disease Update](#), Fall 2004, Department of Natural Resources
- [Stipulation](#) on enforcement from litigation leading to the creation of GLIFWC
- [Handout](#), from Senator David Zien
- [Booklet](#), **Seasons of the Ojibwe**, 2004 Edition, GLIFWC