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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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Memo No. 1

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

FROM: David L. Lovell, Senior Analyst, and Joyce L. Kiel, Senior Staff Attorney

RE: Suggested Topics for Study by the 2008-10 Special Committee on State-Tribal Relations

DATE: December 4, 2008

In letters dated September 18, 2008, Special Committee Chair Representative Jeffrey Mursau solicited suggestions from committee members and others for topics for study by the Special Committee. To date, Chair Mursau has received responses from the following individuals, all members of the Special Committee: Andrew Adams III, General Counsel, St. Croix Chippewa Indians of Wisconsin; Agnes Fleming, Councilmember, Lac Courte Oreilles Tribal Governing Board; Mark Montano, Director of Tribal Operations, Red Cliff Band of Lake Superior Chippewa; and State Representative James Soletski. In addition, Jeremy Weso, Administrative Manager, Department of Administration, Menominee Indian Tribe of Wisconsin (MITW), submitted a chart on behalf of Special Committee member Ken Fish, Tribal Legislator, MITW, containing numerous topics suggested by MITW department directors for study. The responses from the Special Committee members and the chart submitted by Mr. Weso are all enclosed. Also enclosed is a letter from Florence Petri, Chair, Wisconsin Tribal Aging Directors Association, to Rose Soulier, Chairwoman, Red Cliff Band of Lake Superior Chippewa, which is referenced in the letter from Mr. Montano.

This Memo summarizes, in outline form, the suggestions contained in the enclosed materials. The outline identifies each suggested topic and, in parentheses, the person or persons who made the suggestion. Topics contained in the chart submitted on behalf of Mr. Fish are identified by the initials "MITW." For additional information regarding the suggested study topics, see the enclosed materials.

### **Economic Development**

1. Eligibility of tribes for certain Department of Commerce grants. (Mr. Adams)

**Education**

1. The treatment of tribal schools and tribal school pupils and staff in the Wisconsin statutes (based on 2007 Assembly Bill 199 and 2007 Senate Bill 98, developed by the 2006-08 Special Committee). (Mr. Montano; MITW)
2. Funding for tribal schools. (Ms. Fleming)
3. Funding for tribally controlled community colleges. (Ms. Fleming)
4. Funding for the Indian Student Assistance Grant Program. (Ms. Fleming; MITW)
5. Funding for the Wisconsin Higher Education Grant Program. (Ms. Fleming)
6. Charter schools sponsored by one or more tribes. (Mr. Adams)
7. Use of Indian mascots and logos. (Representative Soletski)
8. Special education: who provides and how funded. (MITW)
9. Increase of salaries of Head Start teachers commensurate with new training requirements. (MITW)
10. State proprietary schools: disclosure of program costs in advertisements. (MITW)
11. Financial aid for nontraditional students. (MITW)
12. Funding to implement Wisconsin Early Learning Standards. (MITW)

**Law Enforcement and Corrections**

1. Mutual assistance between tribal and county or municipal law enforcement agencies. (Mr. Montano; Mr. Adams; MITW)
2. Liability for actions of tribal police officers when enforcing state law (based on 2007 Assembly Bill 197 and 2007 Senate Bill 96, developed by the 2006-08 Special Committee). (Mr. Montano)
3. County-Tribal Cooperative Law Enforcement Program: disbursement of grants to tribes, rather than to counties (part of 2005 Assembly Bill 629 and 2005 Senate Bill 298, developed by the 2004-06 Special Committee). (Mr. Montano)
4. County-Tribal Cooperative Law Enforcement Program: allocation of grants. (MITW)
5. Funding for alcohol and other drug abuse services for tribal members referred to the tribe by state probation officers. (MITW)

**Natural Resources**

1. Use of tribal, rather than state, goals and outcomes for sturgeon management in Menominee County. (MITW)
2. Prohibition of non-Indian persons from hunting or fishing on all lands and waters in Menominee County, including the owners of fee lands. (MITW)

**Social Services and Health**

1. Codification of the Federal Indian Child Welfare Act in the Wisconsin statutes. (Ms. Fleming; MITW)
2. State funding for high-cost out-of-home placements of Indian children. (MITW)
3. Direct state funding for tribal child welfare programs, rather than through counties; or ability to apply directly to the federal government for such funding. (MITW)
4. Authority of tribes to license foster homes near reservations. (MITW)
5. Funding for tribal youth shelters. (MITW)
6. Funding for youth development and outreach. (MITW)
7. Local-tribal coordination of birth-to-three programs. (MITW)
8. Funding of tribal day care. (MITW)

**State-Tribal Relations**

1. Wisconsin Department of Administration, Division of Inter-Governmental Relations; vacant administrator position. (MITW)

**Transportation**

1. Funding for tribal aging and disability transportation services (based on Florence Petri letter). (Mr. Montano)
2. Funding for road maintenance in Menominee County. (MITW)
3. Authority of tribes to administer Intoxicated Driver Programs (in place of county). (MITW)

**Tribal Sovereignty and Heritage**

1. Tribal sovereignty. (Representative Soletski)
2. Repatriation of Indian artifacts and remains. (Mr. Montano)
3. Protection of Indian burial sites. (Mr. Adams)

As noted in Chair Mursau's letters, the agenda for the December 16, 2008 committee meeting includes consideration of several of the above topics. In addition, the agenda includes time to make other suggestions of topics to study.

DLL:JLK:jal

Enclosures