



# MENOMINEE INDIAN TRIBE OF WISCONSIN

Department of Administration

P.O. Box 910

Keshena, WI 54135-0910

October 15, 2008

\*\*\* VIA FACSIMILE & E-MAIL \*\*\*

State of Wisconsin  
Joint Legislative Council  
Attn: Fred A. Risser, President  
One East Main Street, Suite 401  
P.O. Box 2536  
Madison, WI 53701-2536

## **SUBJECT: SUGGESTIONS FOR THE JOINT LEGISLATIVE COUNCIL TO STUDY**

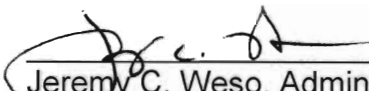
Dear Senator Risser:

I am writing on behalf of Legislator Kenneth Fish, who was appointed to the Joint Legislative Council to the Special Committee on State-Tribal Relations, in regards to your September 18, 2008 request for topics for the committee to study.

Attached to this letter are 11 reports submitted by Tribal department directors on 25 issues or concerns they have on their various dealings with the State. The concerns are broken down into four categories: Regulatory/Policy, Programmatic, Budgetary, and Other. Where possible, department directors were asked to identify changes and solutions they would like the State to consider. It is Mr. Fish's hope that your committee will be able to address some or all of the issues in the coming year.

Thank you for the opportunity to bring some of the issues the Tribe has to your committee's attention. If you need additional information concerning the matters presented, please feel free to contact me at 715-799-5154.

Sincerely,

  
\_\_\_\_\_  
Jeremy C. Weso, Administrative Manager  
MITW-Department of Administration

c: K. Fish, MTL  
File

Encl. 11 Department Issue Reports

**Menominee Indian Tribe of Wisconsin**  
 Departmental report on tribal/state issues  
 October 2008

Tribal Department Name: ADMINISTRATION

Issue #1:		Requested Change/Outcome
<input checked="" type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic	<input checked="" type="checkbox"/> Budgetary <input type="checkbox"/> Other	<b>ISSUE</b> This issue concerns Act 161 Agreements and State funding for Indian Child High Cost Out-of-Home Placements. 2007 Wisconsin Act 20 (State Budget, p. 647) authorized \$500,000 (PR-S) to be used to pay for unexpected or unusually high-cost, out-of-home care placements of Indian children by Tribal courts. Unfortunately, the program parameters established by the Dept. of Children & Families have made these funds inaccessible by both Tribes and Counties.
<b>Issue #2:</b>		<b>Requested Change/Outcome</b> First, require the Department of Children & Families to establish program parameters that provide funding directly to Tribes. Second, utilize a funding methodology that identifies the top five out-of-home placement costs among the Tribes and provides a pro-rata share of those costs.
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input checked="" type="checkbox"/> Other	<b>ISSUE</b> The Division Administrator for the Division of Intergovernmental relations has been vacant for over a year and was an integral part of maintaining the State's relationship with Indian Tribes. Since the position has been vacant, the frequency of contacts between DOA and the Tribe has diminished greatly.
<b>Issue #3:</b>		<b>Requested Change/Outcome</b> Set a deadline for filling this position and redicate staff's efforts to redevelop this relationship and seek tribal input on State initiatives.
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other	<b>ISSUE</b> Department of Children & Families
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other	<b>Requested Change/Outcome</b> State Agency/State Department

# Menominee Indian Tribe of Wisconsin

## Departmental report on tribal/state issues

October 2008

Tribal Department Name: Menominee Tribal Police Department

Issue #1:		Issue #2:		Issue #3:	
State Agency/State Department	Regulatory/Policy	Regulatory/Policy	Regulatory/Policy	Regulatory/Policy	Regulatory/Policy
State Agency/State Department	<input checked="" type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Budgetary <input type="checkbox"/> Other	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other
	<b>ISSUE</b> Wisconsin Department of Justice-Attorney General Opinion references section 66.0313 of Wi. Statutes governs mutual assistance requests amongst law enforcement agencies. The AG opinion states that this does not apply to Tribal Law Enforcement agencies operated by any of eleven Tribes throughout the state. Tribal LES programs do not fall within the applicable statutory definition of a "law enforcement agency" in the mutual assistance statute.	<b>ISSUE</b> Wisconsin Department of Justice-Each year the Menominee Tribal Police Department and the Menominee County Sheriff's Department apply for the County-Tribal Law Enforcement Grant under provisions of Wi. Stat. 165.90. Statistics in the past have been justified for the funding, however we receive very limited amount of dollars each year, far less that other Tribal LES programs.	<b>ISSUE</b> Wisconsin Department of Transportation-Lack of funds thru DOT for maintenance of roads within the Menominee Tribe/Menominee County. Wisconsin prohibits the use of Sobriety Checkpoints which are done within the exterior boundaries of the Menominee Reservation.	<b>REQUESTED CHANGE/OUTCOME</b> The Wisconsin State Legislature needs to incorporate an existing separate definition of a "Tribal Law Enforcement Agency" into the mutual assistance statute. With the Menominee Tribe being the only Non-PL. 280 tribe in the state, we share the same physical boundaries with Menominee County Sheriff Dept. nothing would preclude a county or tribe in Wisconsin to enter into written agreements for mutual aid. Indian Law Enforcement Reform Act.	<b>Requested Change/Outcome</b> Wisconsin Department of Justice to re-evaluate their grant award process, based on the statistical data provided per applicant.
State Agency/State Department	<b>ISSUE</b> Wisconsin Department of Justice-Each year the Menominee Tribal Police Department and the Menominee County Sheriff's Department apply for the County-Tribal Law Enforcement Grant under provisions of Wi. Stat. 165.90. Statistics in the past have been justified for the funding, however we receive very limited amount of dollars each year, far less that other Tribal LES programs.	<b>ISSUE</b> Wisconsin Department of Transportation-Lack of funds thru DOT for maintenance of roads within the Menominee Tribe/Menominee County. Wisconsin prohibits the use of Sobriety Checkpoints which are done within the exterior boundaries of the Menominee Reservation.	<b>REQUESTED CHANGE/OUTCOME</b> The Wisconsin Department of Justice to re-evaluate their grant award process, based on the statistical data provided per applicant.	<b>Requested Change/Outcome</b> Wisconsin Department of Justice to re-evaluate their grant award process, based on the statistical data provided per applicant.	<b>Requested Change/Outcome</b> Wisconsin Department of Justice to re-evaluate their grant award process, based on the statistical data provided per applicant.

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Tribal Department Name: Menominee Tribal School

Issue #1:	
State Agency/State Department	REQUESTED CHANGE/OUTCOME
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input checked="" type="checkbox"/> Other	Bill 98 has passed the Education Senate subcommittee as of November 0f 2007 to allow the Tribal Schools to have equal representation and be recognized by the State of Wisconsin is being an educational entity by the state. We need this Bill to move forward to pass in both the senate and the house for full recognition.
State Agency/State Department	Requested Change/Outcome
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other	
Issue #2:	
State Agency/State Department	Requested Change/Outcome
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other	
Issue #3:	
State Agency/State Department	Requested Change/Outcome
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other	

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Tribal Department Name: Menominee Nation Early Childhood

<input checked="" type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other		
<b>Issue #1:</b>		
Department of Public Instruction	<b>ISSUE</b> Special education, specifically child find activities, do not always provide for a program that serves children who live both on and off reservations. Some children who need services can slip through the cracks while Local Education Agencies argue about residency and the location of services.	<b>REQUESTED CHANGE/OUTCOME</b> Special Education services should be provided by the LEA where the child's most culturally appropriate and least restrictive environment exists. A mechanism should be in place to allow for appropriate billing for services. Timelines should also be in place to ensure that time is not wasted in the implementation of an IEP.
<input checked="" type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other		
<b>Issue #2:</b>		
DPI and Dept of Children & Families	<b>ISSUE</b> Birth to three programs should work cooperatively with other local and tribal agencies to ensure the best possible services are provided and there is no duplication of services.	<b>REQUESTED CHANGE/OUTCOME</b> Mechanisms should be in place to ensure county birth to three programs are developing cooperative agreements with local and tribal agencies and a monitoring protocol developed to ensure appropriate implementation.
<input checked="" type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other		
<b>Issue #3:</b>		
Department of Public Instruction	<b>ISSUE</b> Head Start teachers are required to have a Bachelor's Degree in Early Childhood Education by the year 2013. There is no mechanism, local, state or federal, to allow for salary increases that correspond to increases in the educational level of teachers	<b>REQUESTED CHANGE/OUTCOME</b> Head Start grants should include a mechanism that allows for increases in teacher salary that correspond to an approved salary schedule. The salary schedule should correspond to educational achievement.
<input checked="" type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other		

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Tribal Department Name: TRIBAL EDUCATION

Issue #1:	
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input checked="" type="checkbox"/> Budgetary <input type="checkbox"/> Other	<b>REQUESTED CHANGE/OUTCOME</b> Restore the Wisconsin Indian Student Assistance Grant to the 1996 to the \$2,200 level of funding.
<b>State Agency/State Department</b> The Wisconsin Indian Student Assistance Grant was arbitrarily reduced from \$2,200 to \$1,100 per academic year in 1996. This has negatively affected Indian Students by increasing student loans. A majority of Indian Students are economically disadvantaged and more likely to go into loan default.	<b>ISSUE</b>
Issue #2:	
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input checked="" type="checkbox"/> Budgetary <input type="checkbox"/> Other	<b>REQUESTED CHANGE/OUTCOME</b> Require Proprietary Schools to include in their advertisements their program costs, including student loans.
<b>State Agency/State Department</b> State Proprietary Schools lure students through glitzy advertisements. They do not show the high cost and student loans required to complete their programs.	<b>ISSUE</b>
Issue #3:	
<input type="checkbox"/> Regulatory/Policy <input type="checkbox"/> Programmatic <input checked="" type="checkbox"/> Budgetary <input type="checkbox"/> Other	<b>REQUESTED CHANGE/OUTCOME</b> Provide additional financial resources to assist non-traditional students with child care expenses while attending continuing education programs.
<b>State Agency/State Department</b> Non-traditional students with children have child care needs that most often are inadequately addressed in their student budgets.	<b>ISSUE</b>

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Tribal Department Name: \_\_\_\_\_ Social Services

Issue #1:		
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input checked="" type="checkbox"/> Other
ISSUE		REQUESTED CHANGE/OUTCOME
State of Wisconsin	ISSUE: ICWA Codification and State Legislative support for this change.	Compliance with ICWA.
Issue #2:		
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic	<input checked="" type="checkbox"/> Budgetary <input type="checkbox"/> Other
ISSUE		REQUESTED CHANGE/OUTCOME
Department of Children & Families	Direct funding of child welfare to Tribes from the Dept. of Child and Family Services.	Direct government to government relationship thus strengthening tribal sovereignty. Improved services for children.
Issue #3:		
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input checked="" type="checkbox"/> Other
ISSUE		REQUESTED CHANGE/OUTCOME
Department of Children & Families	Ability to license foster homes near the reservation.	Increased placement resources for tribal children.

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Tribal Department Name: Maehnowesekiyah Wellness Center

Issue #1:	
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic
<input type="checkbox"/> Budgetary	<input checked="" type="checkbox"/> Other
ISSUE	REQUESTED CHANGE/OUTCOME
<p>Department of Transportation</p> <p>Intoxicated Driver Program (IDP) is not available to Tribes to administer. The IDP includes a driver program assessment and driver's safety plan with an alcohol and drug abuse counselor to assess the nature of use of alcohol and/or drugs and to develop a driver's safety plan that will include education or treatment. Driver's safety plan must be completed within one year of the IDP assessment to meet the Department of Transportation requirements.</p>	<p>Allow opportunities for Tribes to administer their own IDP. Each year there is 1 million dollars set aside for counties to apply for shortfall budgets in the administration of the IDP. Allow budgetary change so that Tribes can share these dollars to off-set treatment costs when County IDP's make referrals back to the Tribes.</p>
Issue #2:	
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic
<input type="checkbox"/> Budgetary	<input type="checkbox"/> Other
ISSUE	REQUESTED CHANGE/OUTCOME
<p>Department of Health Services</p> <p>Childrens and Family Services/Menominee/Shawano Counties, development of a youth shelter to avoid potential youth runaway problems. Currently there are no available shelters for youth who are experiencing difficulties in their home environment whose only choice is to leave the home unit, thereby becoming homeless and obtaining the label as a runaway.</p>	<p>Provide funding to create a safe shelter for those tribal youth who find themselves unable to live at home due to family stressors.</p>
Issue #3:	
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic
<input type="checkbox"/> Budgetary	<input type="checkbox"/> Other
ISSUE	REQUESTED CHANGE/OUTCOME
<p>Department of Corrections</p> <p>Currently the Department of Corrections, i.e. Probation makes referrals back to the Tribe for Tribal members who are on Probation or incarcerated and in need of AODA services. Currently there is no funding base available for these referral services as the majority of referrals do not have insurance coverage of any type.</p>	<p>Develop and sign a contract with DOC to provide funding for those Tribal members referred by the Probation Departments for AODA services.</p>





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Tribal Department Name: \_\_\_\_\_ Environmental Services

<b>Issue #1:</b>		
<input type="checkbox"/> Regulatory/Policy	<input checked="" type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other
<b>ISSUE</b>	<b>ISSUE</b>	<b>REQUESTED CHANGE/OUTCOME</b>
WDNR	Department of Natural Resources has not been participating well in the Menominee Sturgeon Planning.	Provide better participation in the plan using Tribal goals and outcomes rather than State.
<b>Issue #2:</b>		
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other
<b>ISSUE</b>	<b>ISSUE</b>	<b>REQUESTED CHANGE/OUTCOME</b>
State Agency/State Department		
<b>Issue #3:</b>		
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic	<input type="checkbox"/> Budgetary <input type="checkbox"/> Other
<b>ISSUE</b>	<b>ISSUE</b>	<b>REQUESTED CHANGE/OUTCOME</b>
State Agency/State Department		

# Menominee Indian Tribe of Wisconsin

Departmental report on tribal/state issues

October 2008

Tribal Department Name: Menominee Tribal Daycare

Issue #1:		Issue #2:		Issue #3:	
ISSUE		ISSUE		ISSUE	
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic	<input checked="" type="checkbox"/> Budgetary	<input type="checkbox"/> Other	<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Other
<b>DWD</b>	Ending of Excellence Grant- Menominee Tribal Daycare utilize the Grant to ensure that all children in the center were receiving high quality educational services. The monies received through the grant helped the center to keep the cost of child care down for the working/college/high school parent or guardian to continue what they needed to do to provide for their children. The center provided trainings and resources for community and staff to promote development of the whole child.	Menominee Tribal Daycare would like to see more grants available for daycares to utilize to help keep child care costs down and to ensure that No Child Is Left Behind as we do have the understanding that learning begins at birth and we want to help parents be successful in the struggling economy of today in educating their child in all areas of development.			
<b>DPI</b>	Wisconsin Early Learning Standards (ELS) is currently in model phase. When the standards become policy there will be many issues regarding monies to implement the standards and once again we would not like to pass the costs to the parents and are hoping that there will be grants for centers to receive to implement the rising cost of child care.	We are currently implementing ELS where money is not an issue but will need monies to help with retaining educated staff once they receive the education. We will need to make the salaries comparable to retain staff. We have in place the Creative Curriculum supplemented by High Reach Learning Curriculum but maintaining the resources to implement the curriculum is costly and once again passing the cost to the parents is asking much. Grants are needed by daycare centers to ensure No Child Is Left Behind.			
<b>State Agency/State Department</b>					

**Menominee Indian Tribe of Wisconsin**  
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Tribal Department Name: \_\_\_\_\_ Conservation

<b>Issue #4:</b>	
<input checked="" type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other
<b>ISSUE</b>	<b>REQUESTED CHANGE/OUTCOME</b>
<b>WDNR</b>	Non-Indian fee simple property owners on Reservation lakes access lakes and allow guests to access lakes for fishing, hunting and recreation. Treaties allow Menominees exclusive use for hunting and fishing. Termination allowed non-members to access resources that infringe on treaty rights. Sovereignty allows Tribe to self regulate, which has been done via ordinances. Only descendants, spouses and resident clergy are allowed to hunt and fish by tribal ordinance. Prohibit non-Indian property owners from fishing and hunting Reservation lakes and waterways.
<b>Issue #5:</b>	
<input checked="" type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other
<b>ISSUE</b>	<b>REQUESTED CHANGE/OUTCOME</b>
<b>WDNR</b>	Non-Indian fee land owner wants to hunt deer on his property. In addition to hunting his land, the owner wants to access (via "high water mark") other tribal lakes and lowlands to hunt and fish. Deny access to other lakes and waterways and prohibit deer hunting on his fee land because of sovereignty self regulation allows only members, descendants and clergy.
<b>Issue #6:</b>	
<input type="checkbox"/> Regulatory/Policy	<input type="checkbox"/> Programmatic <input type="checkbox"/> Budgetary <input type="checkbox"/> Other
<b>ISSUE</b>	<b>REQUESTED CHANGE/OUTCOME</b>
<b>State Agency/State Department</b>	