



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 1

TO: SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

FROM: David L. Lovell, Senior Analyst

RE: Options Related to Permitting Appointment of a Member to the Special Committee on State-Tribal Relations Who Resides Off-Reservation

DATE: November 9, 2010

The 2008-09 Special Committee on State-Tribal Relations held a hearing on August 20, 2009, in Milwaukee, to investigate issues that affect American Indians living in the urban areas of the state. At that hearing, Mr. Derren Kroenke, of Spotted Eagle, Inc., suggested that the statute creating the Special Committee on State-Tribal Relations be amended to allow the appointment of a member of the Special Committee who is knowledgeable in the concerns of American Indians living off-reservation. While this is a straight-forward suggestion, it raises the question of how such a committee member would be selected. This Memo, prepared at the direction of Chairperson Coggs, discusses options for implementing Mr. Kroenke's suggestion, specifically options related to the selection of the committee member.

Special Committee on State-Tribal Relations

The Joint Legislative Council is required, by statute, to create the Special Committee on State-Tribal Relations in each biennium. [s. 13.83 (3), Stats.] The statute directs the committee 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 special committee shall, from time to time, report its findings and its legislative and other recommendations to the joint legislative council.

Members of the committee are appointed by the Joint Legislative Council; the membership consists of the following:

- Not fewer than six nor more than 11 public members, selected from names submitted by the federally recognized American Indian tribes and bands in this state or by the Great Lakes Inter-Tribal Council (GLITC). The Joint Legislative Council may not appoint more than one member based on the recommendation of any one tribe or band or GLITC.
- Not fewer than six nor more than 12 members of the Legislature, including at least one member from the majority and minority parties of each house of the Legislature.

Options for Selection of an Off-Reservation Representative

As options for selection of a person to serve as an off-reservation representative on the Special Committee on State-Tribal Relations, the statutes could be amended to direct the Joint Legislative Council to do any of the following:

1. Select a member from among names submitted by one or more of the following:
 - a. The federally recognized American Indian tribes and bands in this state.

Pros: This is a well-defined category with obvious interests in the well-being of off-reservation Indians.

Cons: The interests of tribal governments are not always the same as those of off-reservation Indians, and a person nominated by a tribe may not have a full appreciation or understanding of the concerns of off-reservation Indians.
 - b. Inter-tribal agencies, such as GLITC or the Great Lakes Indian Fish and Wildlife Commission (GLIFWC).

Pros: This, too, is a well-defined category with obvious interests in the well-being of off-reservation Indians.

Cons: Inter-tribal agencies are the creations of tribal governments and so, like tribal governments, may not always have the same interests as off-reservation Indians.
 - c. Nonprofit organizations that are located off-reservation and that provide services to or advocate on behalf of American Indians residing off-reservation.

Pros: These organizations have a close connection to off-reservation populations and would be able to identify talented people from the off-reservation community who could speak authoritatively for the interests of that community.

Cons: This is a poorly defined category.
 - d. Any organization or agency that provides services to or advocates on behalf of American Indians residing off-reservation.

Pros: These organizations, too, have a close connection to off-reservation populations.

Cons: These organizations are even less well-defined than the preceding category.

2. Select a member as it selects members of other committees that it creates.

Note: The Joint Legislative Council is constrained in selecting the members of its committees only in the requirement that the members be “citizens of this state,” which it interprets to mean Wisconsin residents. It accepts nominations from all sources, including self-nominations, and selects members based on its judgment as to the contribution an individual member will make and the overall composition and balance of the committee.

In addition, legislation could specify qualifications that a person named as an off-reservation representative on the committee must meet. Among others requirements, the legislation could require that the representative:

1. Be an American Indian, based on one or more of the following criteria:
 - a. Enrollment in a federally recognized American Indian tribe or band in this state.
 - b. Enrollment in an American Indian tribe or band in this state that is seeking federal recognition.
 - c. Enrollment in any federally recognized American Indian tribe or band or any American Indian tribe or band that is seeking federal recognition.
 - d. Recognition as an American Indian, regardless of enrollment status. Recognition could be based on any of the following:
 - i. A minimum proportion of American Indian ancestry, such as 25%.
 - ii. Recognition as an Indian by one of the entities described in a. to c., above.
2. Have an educational background or professional experience that gives the person familiarity with or expertise in issues affecting off-reservation American Indians.

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