

2001 DRAFTING REQUEST

Bill

Received: **10/25/2000**

Received By: **rryan**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 7-0370**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Alt. Drafters:

Subject: **Counties - miscellaneous
Criminal Law - law enforcement
Justice - criminal**

Extra Copies: **MGD, JTK, ISR, MGD, PJK,**

Pre Topic:

DOA:.....Statz -

Topic:

Merging tribal law enforcement appropriations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rryan 11/02/2000	gilfokm 11/14/2000	jfrantze 11/14/2000	_____	lrb_docadmin 11/14/2000		S&L
/P2	rryan 12/26/2000	gilfokm 12/28/2000	martykr 01/02/2001	_____	lrb_docadmin 01/02/2001		S&L
/P3	rryan 01/11/2001	gilfokm 01/11/2001	martykr 01/12/2001	_____	lrb_docadmin 01/12/2001		S&L
/P4	rryan 01/18/2001	gilfokm 01/18/2001	kfollet 01/18/2001	_____	lrb_docadmin 01/18/2001		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rryan 02/07/2001	gilfokm 02/07/2001	rschluet 02/07/2001	_____	lrb_docadmin 02/08/2001		S&L

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 10/25/2000

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Alt. Drafters:

Subject: **Counties - miscellaneous
Criminal Law - law enforcement
Justice - criminal**

Extra Copies: **MGD**

Pre Topic:

DOA:.....Statz -

Topic:

Merging tribal law enforcement appropriations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rryan 11/02/2000	gilfokm 11/14/2000	jfrantze 11/14/2000	_____	lrb_docadmin 11/14/2000		S&L
/P2	rryan 12/26/2000	gilfokm 12/28/2000	martykr 01/02/2001	_____	lrb_docadmin 01/02/2001		S&L
/P3	rryan 01/11/2001	gilfokm 01/11/2001	martykr 01/12/2001	_____	lrb_docadmin 01/12/2001		S&L
/P4	rryan 01/18/2001	gilfokm 01/18/2001	kfollet 01/18/2001	_____	lrb_docadmin 01/18/2001		S&L

1-2/Kmg
2-01

2-7-1

2-9-1

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 10/25/2000

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Alt. Drafters:

Subject: **Counties - miscellaneous
Criminal Law - law enforcement
Justice - criminal**

Extra Copies: **MGD**

Pre Topic:

DOA:.....Statz -

Topic:

Merging tribal law enforcement appropriations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rryan 11/02/2000	gilfokm 11/14/2000	jfrantze 11/14/2000	_____	lrb_docadmin 11/14/2000		S&L
/P2	rryan 12/26/2000	gilfokm 12/28/2000	martykr 01/02/2001	_____	lrb_docadmin 01/02/2001		S&L
/P3	rryan 01/11/2001	gilfokm 01/11/2001	martykr 01/12/2001	_____	lrb_docadmin 01/12/2001		S&L

FE Sent For:

1/4-1/18-01

Kyl 1/18

Kj/1/18

<END>

2001 DRAFTING REQUEST

Bill

Received: 10/25/2000

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Alt. Drafters:

Subject: Counties - miscellaneous
Criminal Law - law enforcement
Justice - criminal

Extra Copies: MGD

Pre Topic:

DOA:.....Statz -

Topic:

Merging tribal law enforcement appropriations

Instructions:

See Attached

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Rows include /P1 and /P2 with associated dates and names.

FE Sent For: [Handwritten notes: /P3-1/11-01 King, 1/2/12, Jt Km 1/2]

<END>

2001 DRAFTING REQUEST

Bill

Received: 10/25/2000

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Alt. Drafters:

Subject: **Counties - miscellaneous
Criminal Law - law enforcement
Justice - criminal**

Extra Copies: **MGD**

Pre Topic:

DOA:.....Statz -

Topic:

Merging tribal law enforcement appropriations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rryan 11/02/2000	gilfokm 11/14/2000	jfrantze 11/14/2000	_____	lrb_docadmin 11/14/2000		S&L

FE Sent For:

*1/2-12/28 King 1/2
1/2
1/2
<END>*

2001 DRAFTING REQUEST

Bill

Received: 10/25/2000

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Alt. Drafters:

Subject: Counties - miscellaneous
Criminal Law - law enforcement
Justice - criminal

Extra Copies: MGD

Pre Topic:

DOA:.....Statz -

Topic:

Merging tribal law enforcement appropriations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	rryan	PH/13 King	J 11/14	J 11/14			

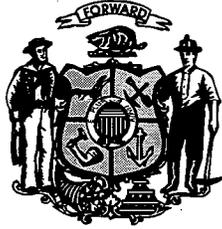
FE Sent For:

<END>

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: October 23, 2000

To: Steve Miller
Legislative Reference Bureau

From: Andrew J. Statz *AS*
DOA - State Budget Office

Subject: Budget drafting request to combine tribal law enforcement appropriations

I am requesting statutory language be drafted for inclusion with the 2001-03 biennial budget bill. The draft will accomplish two objectives:

1. The draft will combine the two tribal law enforcement appropriation accounts in the Office of Justice Assistance (OJA).

The accounts to be combined are the appropriations under ss. 20.505 (6)(kq) *County law enforcement services* and (6)(kt) *Tribal law enforcement assistance*. This consolidation is only at the appropriation level. The two programs as defined by ss. 16.964 (6) and (7) will remain separate.

2. The draft will also transfer the current County-Tribal Law Enforcement grant program under the Department of Justice (DOJ) to OJA. The transfer will combine \$708,400 from the appropriation under s. 20.455 (2)(kt) *County-tribal programs, local assistance* with OJA's county assistance grant under s. 20.505 (6)(kq).

A recipient county must apply for the grant and must border one or more federally recognized reservations. Language prohibiting participation in both the DOJ and OJA programs should be repealed.

Language relating to cooperative plans between the county and the tribe as defined under ss. 165.90 (2), (3), and (3m) should be transferred over to the amended section. However, "shall" ~~should be~~ changed to "may". Such a plan may be included with application materials, but should not be required.

The January 15 deadline defined by s. 165.90 (4) should apply to the combined county program. The report under s. 165.90 (5) should be eliminated.

The 1.0 FTE *budget and policy analyst – advanced* position and related funding currently under s. 20.455 (2)(ku) *County-tribal programs, state operations* should be deleted.

All of these functions are program revenue from Indian gaming compact moneys.

If you have any questions regarding this request, please give me a call at 267-0370. Thank you.

Ryan, Robin

From: Statz, Andrew
Sent: October 30, 2000 4:59 PM
To: Ryan, Robin
Subject: RE: County-Tribal law enforcement programs and appropriations

Replies below:

-----Original Message-----

From: Ryan, Robin
Sent: Monday, October 30, 2000 4:48 PM
To: Statz, Andrew
Subject: County-Tribal law enforcement programs and appropriations

A couple questions on this request:

1. Do you want to require a due date by which counties must submit applications for county-tribal law enforcement grants to OJA? The current deadline for DOJ grants is Dec. 1st.

Yes, keep the December 1 due date for DOJ's old county-tribal grants and apply it to the new combined county grant under OJA.

2. You requested that I retain the various elements of the grant application from the DOJ provision, but make them discretionary rather than mandatory. Rather than just saying that counties "may" include the various items in their proposal (which doesn't do much because they could include or not include them without the statute) do you want to say that OJA "may" require counties to include the various application elements?

Yes, OJA "may" require counties to include specific info in their applications.

3. You asked that the provisions in s. 165.90 (4) be applied to the combined county program. (These are provisions requiring OJA to certify eligibility for the program, limiting funds to law enforcement operations, and requiring counties to submit a performance report if they are applying for a subsequent grant.) Do you intend that these provisions should be applied to both the tribal law enforcement grant program under s. 16.964 (6) and the county cooperation with tribes program under s. 16.964 (7)?

The combined appropriation will contain two separate grants -- one for tribes, one for counties. The provisions outlined under DOJ's current county-tribal grant program should be combined with only the current county program under OJA. Except for sharing the appropriation account, the current tribal grant under OJA will be essentially unchanged.

4. Do you want to maintain the cap of \$50,000 on grants to counties under s. 16.964 (7)? If so, should that cap also be applied to tribes under s. 16.964 (6)?

The \$50,000 cap for county grants should be eliminated.

Thanks

11/01/2000

10/31/00

Q: Should combined grant under OJA
be to city as in 16.964(7) or to
either city or tribe as designated by
the applicants in 165.90

A: DOT wants to use 165.90 as the
model - so grantee is either the
city or tribe



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0796/P1

RLR: /...
KMG

DOA:.....Statz – Merging tribal law enforcement appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

In 11/2/00

KMR

D-note

providing an exemption
from rule-making
procedures,

do not Gen.

1 AN ACT ...; relating to: grants for county and tribal law enforcement and
2 ~~creating~~ an appropriation. making

Keep

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. A county that has an Indian reservation within its boundaries may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs in counties that border Indian reservations. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program, and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. The consolidated grant program funds cooperative county-tribal law enforcement programs involving either a county that has an Indian reservation within its boundaries or a county that borders an Indian reservation. The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated county-tribal law enforcement program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.964 (1) ~~(intro.)~~ of the statutes is renumbered 16.964 (1g) ~~(intro.)~~.

2 SECTION 2. 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
3 amended to read:

4 16.964 (1d) In this subsection section, "tribe" means a federally recognized
5 American Indian tribe or band in this state.

6 History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m.

7 SECTION 3. 16.964 (6) (b) of the statutes is amended to read:

8 16.964 (6) (b) From the appropriation under s. 20.505 (6) ~~(ks)~~ [✓](kq), the office
9 shall provide grants to tribes to fund tribal law enforcement operations. To be
10 eligible for a grant under this subsection, a tribe must submit an application for a
11 grant to the office that includes a proposed plan for expenditure of the grant moneys.
12 The office shall review any application and plan submitted to determine whether
13 that application and plan meet the criteria established under par. (c). The office shall
14 review the use of grant money provided under this subsection to ensure that the
15 money is used according to the approved plan.

16 History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m.

17 SECTION 4. 16.964 (7) of the statutes is repealed and recreated to read:

18 16.964 (7) (a) From the appropriation under s. 20.505 (6) [✓](kq), the office shall
19 provide grants to counties and tribes to fund cooperative county-tribal law
20 enforcement programs. A county that has one or more federally recognized Indian
reservations within or partially within its boundaries or that borders one or more
Indian reservations may enter into an agreement in accordance with s. 59.54 (12)

1 with a tribe located in or bordering the county to establish a cooperative
2 county-tribal law enforcement program. The office shall consider requests for aid
3 under this subsection from any county and tribe that enter into an agreement for
4 cooperative law enforcement and submit a joint program plan to the office for
5 approval by December 1 of the year prior to the year for which funding is sought. In
6 the program plan, the county and tribe shall designate a county or tribal
7 governmental unit to administer aid and disburse grant funds awarded under this
8 subsection.

9 (b) The office may require applicant counties and tribes to include descriptions
10 or identification of the following in the joint program plan:

11 1. The proposed cooperative county-tribal law enforcement program for which
12 funding is sought, including information on the population and geographic area or
13 areas to be served by the program.

14 2. The need for funding under this subsection and the amount of funding
15 requested.

16 3. The method by which the county and tribe propose to disburse aid awarded
17 under this subsection.

18 4. The types of law enforcement services that the county and tribe propose to
19 perform on the reservation and the persons who shall perform those services.

20 5. The person who ~~would~~^{will} be authorized to exercise daily supervision and control
21 over law enforcement officers participating in the program.

22 6. The method by which the county and ^{the} tribe propose to ~~ensure~~^{ensure} both county and
23 tribal input in program planning and implementation.

24 7. The policies regarding deputization, training^v and insurance of law
25 enforcement officers under the program.

1 8. The record-keeping procedures that the county and tribe propose to
2 implement and the types of data that the county and tribe propose to collect under
3 the program.

4 9. Any information other than that in subds. 1. to 8. that is required by the office
5 or considered relevant by the county and tribe submitting the plan.

6 (c) Upon request, the office shall provide technical assistance to a county and
7 tribe in formulating a joint program plan.

8 (d) In determining whether to approve a program plan and, if approved, how
9 much aid the office shall grant the county and tribe, the office shall consider the
10 following factors:

11 1. The population of the reservation area that the county and tribe propose to
12 serve under the program.

13 2. The complexity of the law enforcement problems that the county and tribe
14 propose to address.

15 3. The range of services that the county and tribe propose to provide.

16 (e) If the office approves a program plan, the office shall certify the
17 county-tribal law enforcement program as eligible for aid under s. 20.505 (6) (kq). Prior to
18 January 15th of the year for which funding is sought, the office shall distribute from
19 the appropriation under s. 20.505 (6) (kq) to the designated government unit for each
20 eligible program the amount necessary to implement the plan, subject to the
21 following limitations:

22 1. Funds received under s. 20.505 (6) (kq) may be used only for law enforcement
23 operations.

24 2. Prior to the receipt of funds under s. 20.505 (6) (kq) for the 2nd and any
25 subsequent year, a county and tribe shall submit a report to the office regarding the

1 performance of law enforcement activities on the reservation in the previous fiscal
2 year.

3 (f) The office shall develop criteria and procedures for use in administering this
4 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
5 promulgated as rules under ch. 227.

6 SECTION 5. 20.455 (2) (kt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 SECTION 6. 20.455 (2) (ku) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 SECTION 7. 20.505 (6) (kq) of the statutes is amended to read:

9 20.505 (6) (kq) County Tribal and cooperative county-tribal law enforcement
10 services. The amounts in the schedule to provide grants to counties Indian tribes for
11 law enforcement operations under s. 16.964 (6) and to provide grants to cooperative
12 county-tribal law enforcement programs under s. 16.964 (7). All moneys transferred
13 from the appropriation account under sub. (8) (hm) 15d. shall be credited to this
14 appropriation account.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 SECTION 8. 20.505 (6) (ks) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 SECTION 9. 20.505 (8) (hm) 15. of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 SECTION 10. 20.505 (8) (hm) 15g. of the statutes is repealed.

~~***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.~~

1 SECTION 11. 20.505 (8) (hm) 15h. of the statutes is repealed.

~~***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.~~

2 SECTION 12. 59.54 (12) of the statutes is amended to read:

3 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
4 of a resolution, a board may enter into an agreement and seek funding under s.
5 ~~165.90~~ 16.964 (7).

History: 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35.

6 SECTION 13. ~~165.90~~ of the statutes is repealed.

7 → ~~INS.~~ KA-2
(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0796/P1dn

RLR.....
King

Andrew:

Here is an explanation of how I resolved some of the differences between the grant programs *under* s. 165.90 (the DOJ program) and s. 16.964 (7) (the OJA program) to create a consolidated grant program.

1. The DOJ program requires that a county and tribe enter into a county-tribal law enforcement agreement in order to be eligible for aid. The OJA program does not require such an agreement. The consolidated program requires an agreement.
2. The DOJ grant is to a joint county-tribal program. The OJA grant is to just a county. The consolidated program is to a joint county-tribal program.
3. Under the DOJ program, a county must have a reservation within its borders to be eligible for grant funding. Under the OJA program, a county must border an Indian reservation. Under the consolidated grant program, either a county that has a reservation within its borders or a county that borders a ~~tribe~~ is eligible for funding if it enters into an agreement with a tribe and submits a joint proposal with a tribe.

Please let me know if you would like the consolidation handled differently.

the county

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

reservation

INS. KA-1

1 SECTION 1. 16.964 (2) of the statutes is amended to read:

2 16.964 (2) All persons in charge of law enforcement agencies and other criminal
3 and juvenile justice system agencies shall supply the office with the information
4 described in sub. (1) (1g) (g) on the basis of the forms or instructions or both to be
5 supplied by the office under sub. (1) (1g) (g).

History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m.

INS. KA-2

6 SECTION 2. 165.92 (3) (a) of the statutes is amended to read:

7 165.92 (3) (a) Unless otherwise provided in a joint program plan ~~an agreement~~
8 under s. ~~165.90 (2)~~ 16.964 (7) or an agreement between a political subdivision of this
9 state and a tribe, the tribe that employs a tribal law enforcement officer is liable for
10 all acts of the officer while acting within the scope of his or her employment and
11 neither the state nor any political subdivision of the state may be held liable for any
12 action of the officer taken under the authority of sub. (2) (a).

History: 1993 a. 407; 1995 a. 201.

plain

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0796/P1dn
RLR:kmg:jf

November 14, 2000

Andrew:

Here is an explanation of how I resolved some of the differences between the grant programs under s. 165.90 (the DOJ program) and under s. 16.964 (7) (the OJA program) to create a consolidated grant program.

1. The DOJ program requires that a county and tribe enter into a county-tribal law enforcement agreement in order to be eligible for aid. The OJA program does not require such an agreement. The consolidated program requires an agreement.
2. The DOJ grant is to a joint county-tribal program. The OJA grant is to just a county. The consolidated program is to a joint county-tribal program.
3. Under the DOJ program, a county must have a reservation within its borders to be eligible for grant funding. Under the OJA program, a county must border an Indian reservation. Under the consolidated grant program, either a county that has a reservation within its borders or a county that borders a reservation is eligible for funding if the county enters into an agreement with a tribe and submits a joint proposal with a tribe.

Please let me know if you would like the consolidation handled differently.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Ryan, Robin

From: Statz, Andrew
Sent: December 22, 2000 2:39 PM
To: Ryan, Robin
Cc: Dsida, Michael; Johnston, James
Subject: # 0796/P1 - tribal LE grants

A few notes regarding the grant programs using compact moneys:

As outlined in the original drafting request, the newly consolidated county programs should not require a joint county-tribal agreement as defined in s. 59.54. Section 16.964 (6) should apply to grants to tribes. Section 16.964 (7) should apply to grants to counties with and without joint county-tribal agreements. County may have such an agreement, but it is not required for eligibility.

Both the existing DOJ and OJA grant programs provide funding to counties. While DOJ's program caters to joint county-tribal programs, the county is always the immediate recipient of the money from DOJ. This should not change under s. 16.964 (7) as amended.

Why should we renumber s. 16.964 (1) to (1g) and (6)(a) to (1d) ? I am having a hard time seeing what this does.

The title of s. 20.505 (6)(kq) should be "County and Tribal Law Enforcement Assistance".

Lastly, please note that Mike is also working on a draft that consolidates the two OJA appris. We discussed this topic last night. I was unaware of his draft because the request was submitted as part of the DOA budget. OJA has an unusual relationship with DOA, and I did not even think to ask if a similar drafting request had been made. Of course these two items will be combined during reconciliation, but I feel that # 0796/___ will take precedence.

Give me a call and we'll discuss details. Thanks.

Andrew J. Statz
State Budget Office
608-267-0370

Andrew (12/26):

16.964(7)(a)
"county may apply for grant"
limit use to "joint prog. plan" if cooperative
agreements where possible
Keep 59.54 as is. -ie. Keep reference
to grant funding under 16.964(7)

Ryan, Robin

From: Statz, Andrew
Sent: December 26, 2000 10:09 AM
To: Ryan, Robin
Cc: Johnston, James
Subject: RE: Clarification on county and tribal law enforcement grants

The first option is closer to the mark. Let me know if anything else comes up.

Thanks.

-----Original Message-----

From: Ryan, Robin
Sent: Tuesday, December 26, 2000 9:57 AM
To: Statz, Andrew
Subject: Clarification on county and tribal law enforcement grants

The changes I am making eliminate the requirement that a county participate in a joint law enforcement program with a tribe in order to receive grant funding under 16.964 (7). Ostensibly a county that borders a tribe could receive funding for unilateral law enforcement services that affect a tribe. Is that your intent or does this go too far in eliminating cooperation requirements? The new draft will look something like this:

16.964 (a) From the appropriation under s. 20.505 (6) (kq) the office shall provide grants to counties that have one or more federally recognized Indian reservations within or partially within their boundaries, or that border on one or more Indian reservations, to fund law enforcement services. The office shall consider requests for aid under this subsection from any county that submits an application for funding by December 1 of the year prior to the year for which funding is sought.

(b) The office may require applicant counties to include descriptions or identification of the following in their applications:

1. Any proposed cooperative county-tribal law enforcement services or programs for which funding is sought, including information on the population and geographic area or areas to be served by the county.
 2. stet
 3. The method by which the county proposes to disburse aid awarded under this subsection.
 4. The types of law enforcement services proposed to be performed on the reservation and who shall perform those services
- etc.

Or, do you want to retain the requirement that a county do some cooperative programming with a tribe in order to receive funding, even if the cooperation does not rise to the level of a formal agreement under s. 59.54? That version would look something like this:

16.964 (a) From the appropriation under s. 20.505 (6) (kq) the office shall provide grants to counties that have one or more federally recognized Indian reservations within or partially within their boundaries or that border on one or more Indian reservations to fund **cooperative county-tribal law enforcement services**. The office shall consider requests for aid under this subsection from any county that submits an application for funding by December 1 of the year prior to the year for which funding is sought.

(b) The office may require applicant counties to include descriptions or identification of the following in their applications:

1. The proposed cooperative county-tribal law enforcement programs or services for which funding is sought, including information on the population and geographic area or areas to be served by the program.
 2. stet.
 3. The method by which the county proposes to disburse aid awarded under this subsection.
 4. same as above
- etc.

12/26/2000

Thanks

SOON

DOA:.....Statz - Merging tribal law enforcement appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

RMR

In 12/26/00

DON'T GEN. CAT.

- 1 AN ACT ^{DON'T GEN. CAT.} relating to: grants for county and tribal law enforcement, providing
- 2 an exemption from rule-making procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

that are not supported by the DOJ grant program

Insert 1

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. A county that has an Indian reservation within its boundaries may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs in counties that border Indian reservations. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

Insert 2

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. ~~The consolidated grant program funds cooperative county-tribal law enforcement programs involving either a county that has an Indian reservation within its boundaries or a county that borders an Indian reservation.~~ The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated county-tribal law enforcement program. *Insert 4*

Insert 3

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.964 (1) of the statutes is renumbered 16.964 (1g).

2 **SECTION 2.** 16.964 (2) of the statutes is amended to read:

3 16.964 (2) All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. ~~(1)~~ (1g) (g).

7 **SECTION 3.** 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
8 amended to read:

9 16.964 (1d) In this subsection ~~section~~, “tribe” means a federally recognized
10 American Indian tribe or band in this state.

11 **SECTION 4.** 16.964 (6) (b) of the statutes is amended to read:

12 16.964 (6) (b) From the appropriation under s. 20.505 (6) ~~(ks)~~ (kq), the office
13 shall provide grants to tribes to fund tribal law enforcement operations. To be
14 eligible for a grant under this subsection, a tribe must submit an application for a
15 grant to the office that includes a proposed plan for expenditure of the grant moneys.
16 The office shall review any application and plan submitted to determine whether
17 that application and plan meet the criteria established under par. (c). The office shall
18 review the use of grant money provided under this subsection to ensure that the
19 money is used according to the approved plan.

20 **SECTION 5.** 16.964 (7) of the statutes is repealed and recreated to read:

→ Insert p. 3 at line 1 → "KM"

1 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office shall
2 provide grants to counties and tribes to fund cooperative county-tribal law
3 enforcement programs. A county that has one or more federally recognized Indian
4 reservations within or partially within its boundaries or that borders one or more
5 Indian reservations may enter into an agreement in accordance with s. 59.54 (12)
6 with a tribe located in or bordering the county to establish a cooperative
7 county-tribal law enforcement program. The office shall consider requests for aid
8 under this subsection from any county and tribe that enter into an agreement for
9 cooperative law enforcement and submit a joint program plan to the office for
10 approval by December 1 of the year prior to the year for which funding is sought. In
11 the program plan, the county and tribe shall designate a county or tribal
12 governmental unit to administer aid and disburse grant funds awarded under this
13 subsection.

14 (b) The office may require applicant counties and tribes to include descriptions
15 or identification of the following in the joint program plan:

16 1. The proposed cooperative county-tribal law enforcement program for which
17 funding is sought, including information on the population and geographic area or
18 areas to be served by the program.

19 2. The need for funding under this subsection and the amount of funding
20 requested.

21 3. The method by which the county and tribe propose to disburse aid awarded
22 under this subsection.

23 4. The types of law enforcement services that the county and tribe propose to
24 perform on the reservation and the persons who shall perform those services.

1 5. The person who will be authorized to exercise daily supervision and control
2 over law enforcement officers participating in the program.

3 6. The method by which the county and the tribe propose to ensure both county
4 and tribal input in program planning and implementation.

5 7. The policies regarding deputization, training, and insurance of law
6 enforcement officers under the program.

7 8. The record-keeping procedures that the county and tribe propose to
8 implement and the types of data that the county and tribe propose to collect under
9 the program.

10 9. Any information, other than that in subds. 1. to 8., that is required by the
11 office or considered relevant by the county and tribe submitting the plan.

12 (c) Upon request, the office shall provide ^{ca county with} technical assistance ^{to a county and}
13 ~~to a county and tribe in formulating a joint program plan~~ ^{in developing a proposal for cooperative}

14 (d) In determining whether to approve a ~~program plan~~ ^{county proposal} and, if approved, how
15 much aid the office shall grant the county ~~and tribe~~, the office shall consider the
16 following factors:

17 1. The population of the reservation area that the county ~~and tribe~~ ^S propose to
18 serve ~~under the program~~.

19 2. The complexity of the law enforcement problems that the county ~~and tribe~~
20 propose ^S to address.

21 3. The range of services that the county ~~and tribe~~ ^S propose to provide.

22 (e) If the office approves a ~~program plan~~ ^{county proposal}, the office shall certify the
23 ~~county tribal law enforcement program~~ as eligible for aid under s. 20.505 (6) (kq).

24 Prior to January 15 of the year for which funding is sought, the office shall distribute
25 from the appropriation under s. 20.505 (6) (kq) to the designated governmental unit

county

proposal

1 for each eligible ~~program~~ the amount necessary to implement the ~~plan~~, subject to the
2 following limitations:

3 1. Funds received under s. 20.505 (6) (kq) may be used only for law enforcement
4 operations.

5 2. Prior to the receipt of funds under s. 20.505 (6) (kq) for the 2nd and any
6 subsequent year, a county ~~and tribe~~ shall submit a report to the office regarding the
7 performance of law enforcement activities *in the county or* on the reservation in the previous fiscal
8 year.

9 (f) The office shall develop criteria and procedures for use in administering this
10 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
11 promulgated as rules under ch. 227.

12 SECTION 6. 20.455 (2) (kt) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 SECTION 7. 20.455 (2) (ku) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 SECTION 8. 20.505 (6) (kq) of the statutes is amended to read: *and tribal* (I)

15 20.505 (6) (kq) *plain* ~~County Tribal and cooperative county-tribal~~ law enforcement
16 *assistance* ~~services~~. The amounts in the schedule to provide grants to counties Indian tribes for
17 law enforcement operations under s. 16.964 (6) and to provide grants to cooperative
18 county-tribal law enforcement programs under s. 16.964 (7). All moneys transferred
19 from the appropriation account under sub. (8) (hm) 15d. shall be credited to this
20 appropriation account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21 SECTION 9. 20.505 (6) (ks) of the statutes is repealed.

counties for law enforcement services

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 10. 20.505 (8) (hm) 15. of the statutes is repealed.

2 SECTION 11. 20.505 (8) (hm) 15g. of the statutes is repealed.

3 SECTION 12. 20.505 (8) (hm) 15h. of the statutes is repealed.

4 SECTION 13. 59.54 (12) of the statutes is amended to read:

5 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
6 of a resolution, a board may enter into an agreement and seek funding under s.
7 ~~165.90~~ 16.964 (7).

8 SECTION 14. 165.90 of the statutes is repealed.

9 SECTION 15. 165.92 (3) (a) of the statutes is amended to read:

10 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan~~ ^{county proposal} under s.
11 ~~165.90 (2)~~ 16.964 (7) or an agreement between a political subdivision of this state and
12 a tribe, the tribe that employs a tribal law enforcement officer is liable for all acts of
13 the officer while acting within the scope of his or her employment and neither the
14 state nor any political subdivision of the state may be held liable for any action of the
15 officer taken under the authority of sub. (2) (a).

16 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0796/P2ins
RLR.....

1 Analysis

2 **Insert 1:**

3 **NOA** and that has entered into a formal county-tribal law enforcement agreement

5 **Insert 2:**

6 **NOA** A county need not enter into a formal county-tribal law enforcement agreement
7 in order to receive aid under the OJA program.

9 **Insert 3:**

10 **NOA** The consolidated grant program provides funding for law enforcement services
11 to counties that have an Indian reservation within their boundaries or that border
12 an Indian reservation. A county need not enter into a county-tribal law enforcement
13 agreement in order to receive aid under the consolidated grant program.

15 **Insert 4:**

16 **NOA** grant program for counties. The bill maintains current program and eligibility
17 requirements for the tribal law enforcement grant program.

19 ~~Insert p. 3 at line 13~~ "KM"

20 16.964 (7) (a) From the appropriation under s. 20,505 (6) (kq), the office shall
21 provide grants for law enforcement services to counties that have one or more
22 federally recognized Indian reservations within or partially within their boundaries
23 or that border on one or more federally recognized Indian reservations. The office

← American

← American

1 shall consider requests for aid under this subsection from any county that submits
2 a proposal for funding by December 1 of the year prior to the year in which funding
3 is sought.

4 (b) The office may require that a county include the following in its proposal
5 for aid under this subsection:

6 1. A description of any cooperative county-tribal law enforcement program or
7 service for which the county requests funding.

8 2. A description of the population and geographic area that the county proposes
9 to serve.

10 3. The county's need for funding under this subsection and the amount of
11 funding requested.

12 4. Identification of the county governmental unit that shall administer any aid
13 received under this subsection and a description of how that governmental unit shall
14 disburse any aid received under this subsection.

15 5. A description of any law enforcement service that the county proposes be
16 performed on the reservation, including identification of what person or agency shall
17 perform the proposed service.

18 6. Identification of the person whom the county proposes shall exercise daily
19 supervision and control over any law enforcement officers who are funded or
20 partially funded with any aid received under this subsection.

21 7. A description of how the county proposes to incorporate tribal input ^{into}
22 planning and implementing programs or services funded under this subsection.

23 8. The county's policies regarding deputization, training^v and insurance of law
24 enforcement officers.

1 9. The county's record-keeping procedures and a description of the data that
2 the county proposes to collect.

3 10. Any information, other than that in subds. 1. to ^{9.}10, that is required by the
4 office or considered relevant by the county submitting the application.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF EXECUTIVE BUDGET AND FINANCE
DCA-5167 N(ROB/95)

FACSIMILE COVER MESSAGE

CONFIDENTIALITY: This facsimile transmission is intended only for the use of the individual or entity to which it is addressed. It may contain information which is privileged, confidential or exempt from disclosure under applicable law.

If the reader of this message is not the intended recipient, you are notified that any review, use copying, or dissemination or distribution of the contents other than to the addressee of this communication, is strictly prohibited.

If you received this communication in error, notify the sender immediately by telephone. If required for confidential purposes, the sender will provide instructions for returning the FAX message by U.S. mail.

THE FACSIMILE MACHINE COPIES ONE SIDE OF DOCUMENT

TO		Facsimile Telephone Number	
Name	ROBIN RYAN	4-8522	
Location	LRB	Room Number	Telephone Number
FROM (Sender)		Facsimile Telephone Number	
Name	A. STATZ	Number of Pages Including This Cover Sheet	(608) 267-0372
Location	101 East Wilson Street, 10th Floor, Madison, WI 53702	7	Telephone Number 7-0370

COMMENTS / INSTRUCTIONS

EDITS TO COUNTY-TRIBAL
GRANTS #0796/02

2001 - 2002 LEGISLATURE

LRB-0796/P2
RLR:kmg:km

DOA:.....Statz - Merging tribal law enforcement appropriations
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

- 1 **AN ACT ...: relating to: grants for county and tribal law enforcement, providing**
2 **an exemption from rule-making procedures, and making an appropriation.**

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. A county that has an Indian reservation within its boundaries and that has entered into a formal county-tribal law enforcement agreement may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. A county need not enter into a formal county-tribal law enforcement agreement in order to receive aid under the OJA program. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an

2001 - 2002 Legislature

- 2 -

LRB-0796/P2
RLR:kmg:km

Indian reservation. A county need not enter into a county-tribal law enforcement agreement in order to receive aid under the consolidated grant program. The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated grant program for counties. The bill maintains current program and eligibility requirements for the tribal law enforcement grant program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.964 (1) of the statutes is renumbered 16.964 (1g).

2 SECTION 2. 16.964 (2) of the statutes is amended to read:

3 16.964 (2) All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. ~~(1)~~ (1g) (g).

7 SECTION 3. 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
8 amended to read:

9 16.964 (1d) In this subsection section, "tribe" means a federally recognized
10 American Indian tribe or band in this state.

11 SECTION 4. 16.964 (6) (b) of the statutes is amended to read:

12 16.964 (6) (b) From the appropriation under s. 20.505 (6) ~~(ks)~~ (kg), the office
13 shall provide grants to tribes to fund tribal law enforcement operations. To be
14 eligible for a grant under this subsection, a tribe must submit an application for a
15 grant to the office that includes a proposed plan for expenditure of the grant moneys.
16 The office shall review any application and plan submitted to determine whether
17 that application and plan meet the criteria established under par. (c). The office shall

1 review the use of grant money provided under this subsection to ensure that the
2 money is used according to the approved plan.

3 SECTION 5. 16.964 (7) of the statutes is repealed and recreated to read:

4 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office shall
5 provide grants for law enforcement services to counties that have one or more
6 federally recognized American Indian reservations within or partially within their
7 boundaries or that border on one or more federally recognized American Indian
8 reservations. The office shall consider requests for aid under this subsection from
9 any county that submits a proposal for funding by December 1 of the year prior to
10 the year in which funding is sought.

11 (b) The office may require that a county include the following in its proposal
12 for aid under this subsection:

13 1. A description of any cooperative county-tribal law enforcement program or
14 service for which the county requests funding.

15 2. A description of the population and geographic area that the county proposes
16 to serve.

17 3. The county's need for funding under this subsection and the amount of
18 funding requested.

19 4. Identification of the county governmental unit that shall administer any aid
20 received under this subsection and a description of how that governmental unit shall
21 disburse any aid received under this subsection.

22 5. A description of any law enforcement service that the county proposes be
23 performed on the reservation, including identification of what person or agency shall
24 perform the proposed service.

2001 - 2002 Legislature

- 4 -

LRB-0796/P2
RLR:kmg:km
SECTION 5

1 6. Identification of the person who the county proposes shall exercise daily
2 supervision and control over any law enforcement officers who are funded or
3 partially funded with any aid received under this subsection.

4 7. A description of how the county proposes to incorporate tribal input into
5 planning and implementing programs or services funded under this subsection.

6 8. The county's policies regarding deputization, training, and insurance of law
7 enforcement officers.

8 9. The county's record-keeping procedures and a description of the data that
9 the county proposes to collect.

10 10. Any information, other than that in subds. 1. to 9., that is required by the
11 office or considered relevant by the county submitting the application.

12 (c) Upon request, the office shall provide a county with technical assistance in
13 developing a proposal for cooperative county-tribal law enforcement services.

14 (d) In determining whether to approve a county proposal and, if approved, how
15 much aid the office shall grant the county, the office shall consider the following
16 factors:

17 1. The population of the reservation area that the county proposes to serve.

18 2. The complexity of the law enforcement problems that the county proposes
19 to address.

20 3. The range of services that the county proposes to provide.

21 (e) If the office approves a county proposal, the office shall certify the county
22 as eligible for aid under s. 20.505 (6) (kq). ~~Prior to January 15 of the year for which~~
23 ~~funding is sought~~ the office shall distribute from the appropriation under s. 20.505
24 (6) (kq) to the designated governmental unit for each eligible county the amount
25 necessary to implement the proposal, subject to the following limitations:

1 1. Funds received under s. 20.505 (6) (kq) may be used only for law enforcement
2 operations.

3 ~~2. Prior to the receipt of funds under s. 20.505 (6) (kq) for the 2nd and any
4 subsequent year, a county shall submit a report to the office regarding the
5 performance of law enforcement activities in the county or on the reservation in the
6 previous fiscal year.~~

7 (f) The office shall develop criteria and procedures for use in administering this
8 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
9 promulgated as rules under ch. 227.

10 SECTION 6. 20.455 (2) (kt) of the statutes is repealed.

----NOTE: SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 SECTION 7. 20.455 (2) (ku) of the statutes is repealed.

----NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 SECTION 8. 20.505 (6) (kq) of the statutes is amended to read:

13 20.505 (6) (kq) *County and tribal law enforcement services assistance.* The
14 amounts in the schedule to provide grants to counties Indian tribes for law
15 enforcement operations under s. 16.964 (6) and to provide grants to counties for law
16 enforcement services under s. 16.964 (7). All moneys transferred from the
17 appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation
18 account.

----NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 SECTION 9. 20.505 (6) (ks) of the statutes is repealed.

----NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 SECTION 10. 20.505 (8) (hm) 15. of the statutes is repealed.

2001 - 2002 Legislature

- 6 -

LRB-0796/P2
RLR:kmg:km
SECTION 11

1 SECTION 11. 20.505 (8) (hm) 15g. of the statutes is repealed.

2 SECTION 12. 20.505 (8) (hm) 15h. of the statutes is repealed.

3 SECTION 13. 59.54 (12) of the statutes is amended to read:

4 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
5 of a resolution, a board may enter into an agreement and seek funding under s.
6 ~~165.90~~ 16.964 (7).

7 SECTION 14. 165.90 of the statutes is repealed.

8 SECTION 15. 165.92 (3) (a) of the statutes is amended to read:

9 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan~~ county
10 proposal under s. ~~165.90 (2)~~ 16.964 (7) or an agreement between a political
11 subdivision of this state and a tribe, the tribe that employs a tribal law enforcement
12 officer is liable for all acts of the officer while acting within the scope of his or her
13 employment and neither the state nor any political subdivision of the state may be
14 held liable for any action of the officer taken under the authority of sub. (2) (a).

15 (END)

RMR

DOA:.....Statz - Merging tribal law enforcement appropriations

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

In 1/1/00
Soon

1 AN ACT ^{Don't} relating to: grants for county and tribal law enforcement, providing
2 an exemption from rule-making procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. A county that has an Indian reservation within its boundaries and that has entered into a formal county-tribal law enforcement agreement may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. A county need not enter into a formal county-tribal law enforcement agreement in order to receive aid under the OJA program. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an

Indian reservation. A county need not enter into a county-tribal law enforcement agreement in order to receive aid under the consolidated grant program. The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated grant program for counties. The bill maintains current program and eligibility requirements for the tribal law enforcement grant program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.964 (1) of the statutes is renumbered 16.964 (1g).

2 **SECTION 2.** 16.964 (2) of the statutes is amended to read:

3 16.964 (2) All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. ~~(1)~~ (1g) (g).

7 **SECTION 3.** 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
8 amended to read:

9 16.964 (1d) In this subsection section, "tribe" means a federally recognized
10 American Indian tribe or band in this state.

11 **SECTION 4.** 16.964 (6) (b) of the statutes is amended to read:

12 16.964 (6) (b) From the appropriation under s. 20.505 (6) ~~(ks)~~ (kq), the office
13 shall provide grants to tribes to fund tribal law enforcement operations. To be
14 eligible for a grant under this subsection, a tribe must submit an application for a
15 grant to the office that includes a proposed plan for expenditure of the grant moneys.
16 The office shall review any application and plan submitted to determine whether
17 that application and plan meet the criteria established under par. (c). The office shall

of justice assistance

meets the eligibility criterion established under this paragraph and that

1 review the use of grant money provided under this subsection to ensure that the
2 money is used according to the approved plan.

of justice assistance

3 SECTION 5. 16.964 (7) of the statutes is repealed and recreated to read:

4 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office shall
5 provide grants for law enforcement services to counties that have one or more
6 federally recognized American Indian reservations within or partially within their
7 boundaries or that border on one or more federally recognized American Indian
8 rcservations. The office shall consider ^a requests for aid under this subsection from
9 any county that *to the office* submits a proposal for *expenditure of grant money's* funding by December 1 of the year prior to
10 ~~the year in which funding is sought.~~

11 (b) The office may require that a county include the following in its proposal
12 for aid under this subsection:

13 1. A description of any cooperative county-tribal law enforcement program or
14 *law enforcement* service for which the county requests funding.

15 2. A description of the population and geographic area that the county proposes
16 to serve.

17 3. The county's need for funding under this subsection and the amount of
18 funding requested.

19 4. Identification of the county governmental unit that shall administer any aid
20 received under this subsection and a description of how that governmental unit shall
21 disburse any aid received under this subsection.

22 5. A description of any law enforcement service that the county proposes be
23 performed on the reservation, including identification of what person or agency shall
24 perform the proposed service.

1 6. Identification of the person who the county proposes shall exercise daily
2 supervision and control over any law enforcement officers who are funded or
3 partially funded with any aid received under this subsection.

4 7. A description of how the county proposes to incorporate tribal input into
5 planning and implementing programs or services funded under this subsection.

6 8. The county's policies regarding deputization, training, and insurance of law
7 enforcement officers.

8 9. The county's record-keeping procedures and a description of the data that
9 the county proposes to collect.

10 10. Any information, other than that in subs. 1. to 9., that is required by the
11 office or considered relevant by the county submitting the application.

12 (b) Upon request, the office shall provide a county with technical assistance in
13 developing a proposal for cooperative county-tribal law enforcement services.

14 (d) In determining whether to approve a county proposal and, if approved, how
15 much aid the office shall grant the county, the office shall consider the following
16 factors:

17 1. The population of the reservation area that the county proposes to serve.

18 2. The complexity of the law enforcement problems that the county proposes
19 to address.

20 3. The range of services that the county proposes to provide.

21 (e) If the office approves a county proposal, the office shall certify the county
22 as eligible for aid under s. 20.505 (6) (kq). Prior to January 15 of the year for which
23 funding is sought, the office shall distribute from the appropriation under s. 20.505
24 (6) (kq) to the designated governmental unit for each eligible county the amount
25 necessary to implement the proposal, subject to the following limitations:

1 1. Funds received under s. 20.505 (6) (kq) may be used only for law enforcement
2 operations.

3 2. Prior to the receipt of funds under s. 20.505 (6) (kq) for the 2nd and any
4 subsequent year, a county shall submit a report to the office regarding the
5 performance of law enforcement activities in the county or on the reservation in the
6 previous fiscal year.

7 **(c)** The office shall develop criteria and procedures for use in administering this
8 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
9 promulgated as rules under ch. 227.

10 **SECTION 6.** 20.455 (2) (kt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 7.** 20.455 (2) (ku) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 8.** 20.505 (6) (kq) of the statutes is amended to read:

13 20.505 (6) (kq) *County and tribal law enforcement services assistance.* The
14 amounts in the schedule to provide grants to counties Indian tribes for law
15 enforcement operations under s. 16.964 (6) and to provide grants to counties for law
16 enforcement services under s. 16.964 (7). All moneys transferred from the
17 appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation
18 account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 9.** 20.505 (6) (ks) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 10.** 20.505 (8) (hm) 15. of the statutes is repealed.

(c) The office of justice assistance shall review the use of grant moneys provided under this subsection to ensure that the money is used according to the county proposal as approved by the office.

1 **SECTION 11.** 20.505 (8) (hm) 15g. of the statutes is repealed.

2 **SECTION 12.** 20.505 (8) (hm) 15h. of the statutes is repealed.

3 **SECTION 13.** 59.54 (12) of the statutes is amended to read:

4 **59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS.** Pursuant to adoption
5 of a resolution, a board may enter into an agreement and seek funding under s.
6 ~~165.90~~ 16.964 (7).

7 **SECTION 14.** 165.90 of the statutes is repealed.

8 **SECTION 15.** 165.92 (3) (a) of the statutes is amended to read:

9 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan~~ county
10 proposal under s. ~~165.90 (2)~~ 16.964 (7) or an agreement between a political
11 subdivision of this state and a tribe, the tribe that employs a tribal law enforcement
12 officer is liable for all acts of the officer while acting within the scope of his or her
13 employment and neither the state nor any political subdivision of the state may be
14 held liable for any action of the officer taken under the authority of sub. (2) (a).

15

(END)

Ryan, Robin

From: Statz, Andrew
Sent: January 12, 2001 12:47 PM
To: Ryan, Robin
Subject: FW: LRB Draft: 01-0796/P3 Merging tribal law enforcement appropriations

One quick change:

Please delete s. 16.964 (7)(c) that requires OJA to audit/review use of the funds. The language is on lines 1, 2, and 3 on page 4 of the draft.

After this edit I would consider this draft "in" and "final".

Thank you.

-----Original Message-----

From: Marty, Karen
Sent: Friday, January 12, 2001 10:36 AM
To: Statz, Andrew
Cc: Johnston, James; Currier, Dawn; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01-0796/P3 Merging tribal law enforcement appropriations

Following is the PDF version of draft 01-0796/P3.



01-0796/P3

RMR

DOA:.....Statz - Merging tribal law enforcement appropriations
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Soon
In 1/18/00

DON'T
GEN. CAT

- 1 AN ACT ...; relating to: grants for county and tribal law enforcement, providing
- 2 an exemption from rule-making procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. A county that has an Indian reservation within its boundaries and that has entered into a formal county-tribal law enforcement agreement may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. A county need not enter into a formal county-tribal law enforcement agreement in order to receive aid under the OJA program. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an

Indian reservation. A county need not enter into a county-tribal law enforcement agreement in order to receive aid under the consolidated grant program. The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated grant program for counties. The bill maintains current program and eligibility requirements for the tribal law enforcement grant program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.964 (1) of the statutes is renumbered 16.964 (1g).

2 SECTION 2. 16.964 (2) of the statutes is amended to read:

3 16.964 (2) All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. ~~(1)~~ (1g) (g).

7 SECTION 3. 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
8 amended to read:

9 16.964 (1d) In this subsection section, “tribe” means a federally recognized
10 American Indian tribe or band in this state.

11 SECTION 4. 16.964 (6) (b) of the statutes is amended to read:

12 16.964 (6) (b) From the appropriation under s. 20.505 (6) ~~(ks)~~ (kq), the office
13 of justice assistance shall provide grants to tribes to fund tribal law enforcement
14 operations. To be eligible for a grant under this subsection, a tribe must submit an
15 application for a grant to the office that includes a proposed plan for expenditure of
16 the grant moneys. The office shall review any application and plan submitted to
17 determine whether that application and plan meet the criteria established under

1 par. (c). The office shall review the use of grant money provided under this subsection
2 to ensure that the money is used according to the approved plan.

3 SECTION 5. 16.964 (7) of the statutes is repealed and recreated to read:

4 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
5 justice assistance shall provide grants for law enforcement services to counties that
6 have one or more federally recognized American Indian reservations within or
7 partially within their boundaries or that border on one or more federally recognized
8 American Indian reservations. The office shall consider a request for aid under this
9 subsection from any county that meets the eligibility criterion established under this
10 paragraph and that submits to the office a proposal for expenditure of grant moneys.

11 (b) The office may require that a county include the following in its proposal
12 for aid under this subsection:

13 1. A description of any cooperative county-tribal law enforcement program or
14 law enforcement service for which the county requests funding.

15 2. A description of the population and geographic area that the county proposes
16 to serve.

17 3. The county's need for funding under this subsection and the amount of
18 funding requested.

19 4. Identification of the county governmental unit that shall administer any aid
20 received under this subsection and a description of how that governmental unit shall
21 disburse any aid received under this subsection.

22 5. Any information, other than that in subds. 1. to 4., that is required by the
23 office or considered relevant by the county submitting the application.

1 (c) The office of justice assistance shall review the use of grant moneys provided
2 under this subsection to ensure that the money is used according to the county
3 proposal as approved by the office.

4 (c) The office shall develop criteria and procedures for use in administering this
5 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
6 promulgated as rules under ch. 227.

7 **SECTION 6.** 20.455 (2) (kt) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 7.** 20.455 (2) (ku) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 8.** 20.505 (6) (kq) of the statutes is amended to read:

10 20.505 (6) (kq) *County and tribal law enforcement services assistance.* The
11 amounts in the schedule to provide grants to counties Indian tribes for law
12 enforcement operations under s. 16.964 (6) and to provide grants to counties for law
13 enforcement services under s. 16.964 (7). All moneys transferred from the
14 appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation
15 account.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 9.** 20.505 (6) (ks) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 10.** 20.505 (8) (hm) 15. of the statutes is repealed.

18 **SECTION 11.** 20.505 (8) (hm) 15g. of the statutes is repealed.

19 **SECTION 12.** 20.505 (8) (hm) 15h. of the statutes is repealed.

20 **SECTION 13.** 59.54 (12) of the statutes is amended to read:

TODAY

DOA:.....Statz - Merging tribal law enforcement appropriations

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

In 2/7/01

RMR

D-note

DON'T
GEN. CAT.

- 1 AN ACT ...; relating to: grants for county and tribal law enforcement, providing
- 2 an exemption from rule-making procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. A county that has an Indian reservation within its boundaries and that has entered into a formal county-tribal law enforcement agreement may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. A county need not enter into a formal county-tribal law enforcement agreement in order to receive aid under the OJA program. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an

must

Indian reservation. A county ~~need not~~ enter into a county-tribal law enforcement agreement in order to receive aid under the consolidated grant program. The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated grant program for counties. The bill maintains current program and eligibility requirements for the tribal law enforcement grant program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.964 (1) of the statutes is renumbered 16.964 (1g).

2 SECTION 2. 16.964 (2) of the statutes is amended to read:

3 16.964 (2) All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. (1) (1g) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. (1) (1g) (g).

7 SECTION 3. 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
8 amended to read:

9 16.964 (1d) In this subsection ~~section~~, "tribe" means a federally recognized
10 American Indian tribe or band in this state.

11 SECTION 4. 16.964 (6) (b) of the statutes is amended to read:

12 16.964 (6) (b) ~~From the appropriation under s. 20.505 (6) (ks) (kq), the office~~
13 ~~of justice assistance shall provide grants to tribes to fund tribal law enforcement~~
14 ~~operations. To be eligible for a grant under this subsection, a tribe must submit an~~
15 ~~application for a grant to the office that includes a proposed plan for expenditure of~~
16 ~~the grant moneys. The office shall review any application and plan submitted to~~
17 ~~determine whether that application and plan meet the criteria established under~~

1 par. (c). The office shall review the use of grant money provided under this subsection
2 to ensure that the money is used according to the approved plan.

3 SECTION 5. 16.964 (7) of the statutes is repealed and recreated to read:

4 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
5 justice assistance shall provide grants for [✓] ~~law enforcement~~ ^{cooperative county-tribal} services to counties that
6 have one or more federally recognized American Indian reservations within or
7 partially within their boundaries or that border on one or more federally recognized
8 American Indian reservations. The office shall consider a request for aid under this
9 subsection from any county that meets the eligibility criteria^{ca} established under this
10 paragraph and that submits to the office a proposal for expenditure of grant moneys.

11 (b) The office may require that a county include the following in its proposal
12 for aid under this subsection:

13 1. A description of any cooperative county-tribal law enforcement program or
14 law enforcement service for which the county requests funding.

15 2. A description of the population and geographic area that the county proposes
16 to serve.

17 3. The county's need for funding under this subsection and the amount of
18 funding requested.

19 4. Identification of the county governmental unit that shall administer any aid
20 received under this subsection and a description of how that governmental unit shall
21 disburse any aid received under this subsection.

22 5. Any information, other than that in subds. 1. to 4., that is required by the
23 office or considered relevant by the county submitting the application.

Insert 3-8

1 (c) The office shall develop criteria and procedures for use in administering this
2 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
3 promulgated as rules under ch. 227.

4 SECTION 6. 20.455 (2) (kt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT 4-4 →

5 SECTION 7. 20.455 (2) (ku) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT 4-5 →

6 SECTION 8. 20.505 (6) (kq) of the statutes is amended to read:

7 20.505 (6) (kq) *County and tribal law enforcement services assistance*. The
8 amounts in the schedule to provide grants to ~~counties~~ Indian tribes for law
9 enforcement operations under s. 16.964 (6) and to provide grants to counties for law
10 enforcement services under s. 16.964 (7). All moneys transferred from the
11 appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation
12 account. INSERT 4-12

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT 4-12B →

13 SECTION 9. 20.505 (6) (ks) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT 4-13 →

14 SECTION 10. 20.505 (8) (hm) 15. of the statutes is repealed.

INSERT 4-14 →

15 SECTION 11. 20.505 (8) (hm) 15g. of the statutes is repealed.

16 SECTION 12. 20.505 (8) (hm) 15h. of the statutes is repealed.

17 SECTION 13. 59.54 (12) of the statutes is amended to read:

18 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
19 of a resolution, a board may enter into an agreement and seek funding under s.
20 ~~165.90~~ 16.964 (7).

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0796/lins
RLR::

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Insert 3-8:

NO 9 In order to receive aid under this subsection, a county must enter into an agreement in accordance with s. 59.54 (12) with an Indian tribe that is located in or borders on the county, to establish a cooperative **cooperative** county-tribal law enforcement program.

Insert at 4 after 4:

***NOTE: This is reconciled s. 20.455 (2) (kt). This SECTION has been affected by drafts with the following LRB numbers: -0796 and -0862.

Insert at 4 after 5:

***NOTE: This is reconciled s. 20.455 (2) (ku). This SECTION has been affected by drafts with the following LRB numbers: -0796 and -0862.

Insert line 12 after "account."

NO 9 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. ~~20.505~~ (8) (hm). *sub.*

Insert at 4 after 12B:

***NOTE: This is reconciled s. 20.505 (6) (kq). This SECTION has been affected by drafts with the following LRB numbers: -0796, -0862, and -1552.

Insert at 4 after 13:

***NOTE: This is reconciled s. 20.505 (6) (ks). This SECTION has been affected by drafts with the following LRB numbers: -0796, -0862, and -1552.

Insert at 4 after 14:

******NOTE:** This is reconciled s. 20.505 (8) (hm) 15. This SECTION has been affected by drafts with the following LRB numbers: -0796 and -1552.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0796/1dn

RLR:

KMG

Andrew Statz, Kerry Holden, and Cynthia Dombrowski,

This draft reconciles LRB-0796, LRB-0862, and LRB-1552. All of these drafts should continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

2/7/01
Andrew

-0796

Add back into 16.964(7) the
requirement that a county enter
into a county-tribal agreement
in order to be eligible for a
grant

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0796/1dn
RLR:kmg:rs

February 7, 2001

Andrew Statz, Kerry Holden, and Cynthia Dombrowski,

This draft reconciles LRB-0796, LRB-0862, and LRB-1552. All of these drafts should continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0796/1

RLR:kmg:rs

DOA:.....Statz - Merging tribal law enforcement appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** grants for county and tribal law enforcement, providing
2 an exemption from rule-making procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. A county that has an Indian reservation within its boundaries and that has entered into a formal county-tribal law enforcement agreement may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. A county need not enter into a formal county-tribal law enforcement agreement in order to receive aid under the OJA program. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an

Indian reservation. A county must enter into a county-tribal law enforcement agreement in order to receive aid under the consolidated grant program. The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated grant program for counties. The bill maintains current program and eligibility requirements for the tribal law enforcement grant program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.964 (1) of the statutes is renumbered 16.964 (1g).

2 **SECTION 2.** 16.964 (2) of the statutes is amended to read:

3 16.964 (2) All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. ~~(1)~~ (1g) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. ~~(1)~~ (1g) (g).

7 **SECTION 3.** 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
8 amended to read:

9 16.964 (1d) In this subsection section, “tribe” means a federally recognized
10 American Indian tribe or band in this state.

11 **SECTION 4.** 16.964 (7) of the statutes is repealed and recreated to read:

12 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
13 justice assistance shall provide grants for cooperative county-tribal law enforcement
14 services to counties that have one or more federally recognized American Indian
15 reservations within or partially within their boundaries or that border on one or
16 more federally recognized American Indian reservations. In order to receive aid
17 under this subsection, a county must enter into an agreement in accordance with s.
18 59.54 (12) with an Indian tribe that is located in or borders on the county, to establish

1 a cooperative county-tribal law enforcement program. The office shall consider a
2 request for aid under this subsection from any county that meets the eligibility
3 criteria established under this paragraph and that submits to the office a proposal
4 for expenditure of grant moneys.

5 (b) The office may require that a county include the following in its proposal
6 for aid under this subsection:

7 1. A description of any cooperative county-tribal law enforcement program or
8 law enforcement service for which the county requests funding.

9 2. A description of the population and geographic area that the county proposes
10 to serve.

11 3. The county's need for funding under this subsection and the amount of
12 funding requested.

13 4. Identification of the county governmental unit that shall administer any aid
14 received under this subsection and a description of how that governmental unit shall
15 disburse any aid received under this subsection.

16 5. Any information, other than that in subds. 1. to 4., that is required by the
17 office or considered relevant by the county submitting the application.

18 (c) The office shall develop criteria and procedures for use in administering this
19 subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
20 promulgated as rules under ch. 227.

21 **SECTION 5.** 20.455 (2) (kt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This is reconciled s. 20.455 (2) (kt). This SECTION has been affected by drafts with the following LRB numbers: -0796 and -0862.

22 **SECTION 6.** 20.455 (2) (ku) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.455 (2) (ku). This SECTION has been affected by drafts with the following LRB numbers: -0796 and -0862.

1 **SECTION 7.** 20.505 (6) (kq) of the statutes is amended to read:

2 20.505 (6) (kq) *County and tribal law enforcement services assistance.* The
3 amounts in the schedule to provide grants to ~~counties~~ Indian tribes for law
4 enforcement operations under s. 16.964 (6) and to provide grants to counties for law
5 enforcement services under s. 16.964 (7). All moneys transferred from the
6 appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation
7 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30
8 of each year shall revert to the appropriation account under sub. (8) (hm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.505 (6) (kq). This SECTION has been affected by drafts with the following LRB numbers: -0796, -0862, and -1552.

9 **SECTION 8.** 20.505 (6) (ks) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.505 (6) (ks). This SECTION has been affected by drafts with the following LRB numbers: -0796, -0862, and -1552.

10 **SECTION 9.** 20.505 (8) (hm) 15. of the statutes is repealed.

***NOTE: This is reconciled s. 20.505 (8) (hm) 15. This SECTION has been affected by drafts with the following LRB numbers: -0796 and -1552.

11 **SECTION 10.** 20.505 (8) (hm) 15g. of the statutes is repealed.

12 **SECTION 11.** 20.505 (8) (hm) 15h. of the statutes is repealed.

13 **SECTION 12.** 59.54 (12) of the statutes is amended to read:

14 59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption
15 of a resolution, a board may enter into an agreement and seek funding under s.
16 ~~165.90~~ 16.964 (7).

17 **SECTION 13.** 165.90 of the statutes is repealed.

