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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Environment and Natural Resources (SC-ENR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
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- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (August 2012)

June-2014

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

TESTIMONY

of

JAMES E. ZORN



**EXECUTIVE ADMINISTRATOR,
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

on

ASSEMBLY BILL 198

**RELATING TO CONSERVATION WARDENS EMPLOYED BY THE
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

Before the

**NATURAL RESOURCES COMMITTEE
WISCONSIN STATE ASSEMBLY**

April 11, 2007

**Testimony of James E. Zorn
Executive Administrator
Great Lakes Indian Fish and Wildlife Commission**

Mr. Chairman and Members of the Committee, my name is James E. Zorn, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Thank you for the opportunity to appear before you today to discuss Assembly Bill 198, a proposal relating to GLIFWC's conservation wardens whose responsibility it is to enforce Chippewa off-reservation conservation codes in Northern Wisconsin.

AB 198 would afford GLIFWC wardens the same protections afforded to other law enforcement officers and would authorize state-certified GLIFWC wardens to assist state and local agencies in times of need. If enacted, this bill would enhance both our wardens' safety and the overall public safety in the northern third of Wisconsin. It would affirm and build upon the 20-year history of GLIFWC's wardens providing cooperative law enforcement and emergency services to their state and local counterparts.

GLIFWC asks this Committee to favorably consider AB 198 and to endorse it for adoption by the full Assembly. It comes before this body as the product of the joint efforts and careful consideration of the Joint Legislative Council, the Wisconsin Department of Justice, and the Wisconsin Department of Natural Resources.

We hope that the Committee will agree that this bill is based upon sound policy to enhance overall public safety, is consistent with the statutory treatment afforded other law enforcement agencies, and reflects 20 years of successful state/tribal cooperation to better protect and serve Wisconsin's citizens and guests.

I. GLIFWC – ITS MISSION AND THE ROLE OF ITS CONSERVATION WARDENS

GLIFWC was founded in 1984 as a natural resources management agency exercising delegated authority from its 11 member federally-recognized Chippewa¹ tribes in Wisconsin, Michigan and Minnesota² regarding their ceded territory (off-reservation) treaty rights to hunt, fish and gather.

As relevant to AB 198, GLIFWC's mission is ensure that its member tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs. In fulfilling that mission, it must:

¹The tribes also are referred to as Ojibwe, or, in their own language, *Anishinaabe*.

²GLIFWC member tribes are: in Wisconsin – the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of the Mole Lake Band, and Red Cliff Band of Lake Superior Chippewa Indians; in Minnesota – Fond du Lac Chippewa Tribe, and Mille Lacs Band of Chippewa Indians; and in Michigan – Bay Mills Indian Community, Keweenaw Bay Indian Community, and Lac Vieux Desert Band of Lake Superior Chippewa Indians.

- meet specific federal treaty and statutory obligations toward GLIFWC's member tribes;
- carry out law enforcement functions required by federal court decisions affirming the tribes' treaty rights; and
- serve as an active partner with state, federal and local law enforcement agencies and emergency services providers.

For the northern third of Wisconsin, GLIFWC is the Chippewa Tribes' primary off-reservation enforcement arm regarding their treaty hunting, fishing and gathering rights (*see* attached map of the Wisconsin 1837 and 1842 treaty ceded territories). It serves as an intertribal, non-political entity to ensure fair, uniform and effective enforcement of the Tribes' off-reservation conservation codes approved in what is commonly known as the Voigt case. In addition, it provides primary coordination with the Wisconsin Department of Natural Resources (DNR) wardens who also are authorized to enforce the tribal off-reservation conservation codes.

GLIFWC employs 20 wardens, 13 of which are stationed in Wisconsin on or near the Chippewa reservations. This bill deals only with our activities in Wisconsin although GLIFWC also is authorized to enforce tribal off-reservation conservation codes in portions of Michigan and Minnesota. GLIFWC wardens must attend the same or equivalent training as their state counterparts, and must meet similar continuing education requirements to maintain their positions. And, each GLIFWC warden must be either a certified medical first responder or emergency medical technician.

II. PROTECTING GLIFWC'S WARDENS AS THEY PERFORM THEIR DUTIES

The bill's primary purpose is to protect GLIFWC's wardens as they perform their duties. Like DNR wardens, they generally work alone in isolated areas, frequently work at night, and often encounter armed individuals. The proposed bill would afford GLIFWC wardens the same statutory safeguards and protections that are afforded to their DNR counterparts. For example:

- Our wardens would have access to criminal history and other information to identify whom they are encountering in the field so that they can determine whether they are about to face a fugitive or some other dangerous individual.
- They would have access to emergency services radio frequencies to call for backup, to summon aid in cases of medical or fire emergencies, and to inform another agency of a possible violation falling under that agency's authority.
- They would be operating statutorily-authorized emergency vehicles that would be treated like other law enforcement vehicles.
- And, they would fall within criminal statute provisions that protect state and local officers from threats and assaults.

These protections are more than just theoretical matters. A few years back, a GLIFWC warden was assaulted while on duty, but the perpetrator could not be appropriately charged with assault of a law enforcement officer under state law because of the "technicality" that GLIFWC

officers are not statutorily-recognized law enforcement officers. The color of one's uniform should be irrelevant when it comes to prosecuting those who inflict bodily harm on those who protect and serve Wisconsin's citizens.

In bringing GLIFWC's wardens within particular statutory protections and immunities afforded to law enforcement officers, AB 198 has been carefully drafted to exclude particular statutes that do implicate the primary duties of GLIFWC's wardens. Specifically, the bill does not apply statutes authorizing the possession or use of explosives or particularly dangerous weapons to any GLIFWC warden. Examples of statutes in this category are exceptions for peace officers to prohibitions against the possession or use of machine guns, short-barreled shotguns and rifles, explosives, and other weapons. GLIFWC wardens simply have no need for these weapons.

III. ENHANCING LOCAL LAW ENFORCEMENT AND EMERGENCY SERVICES

The bill's other purpose is to solidify GLIFWC's long-standing partnership role in Northern Wisconsin's emergency services networks for the benefit of the general public. The proposed bill would recognize that properly trained GLIFWC wardens who meet the requirements of Wisconsin's Law Enforcement Training and Standards Board are valuable assets to state and local agencies.

Our wardens routinely encounter illegal activities, including serious felonies, that fall outside of their primary conservation jurisdiction. They are properly trained and perfectly competent to stop criminal activities, detain alleged perpetrators, preserve crime scenes and evidence, and assist victims until the proper authorities arrive. Moreover, our wardens routinely encounter or are called upon to assist at car accidents, medical emergencies and other emergencies.

Simply stated, GLIFWC's wardens have a history of being there in time of need to assist local law enforcement and emergency service agencies. Such was the case regarding two particularly tragic incidents – in 1996, when GLIFWC warden Ken Rusk was among the first to respond to Bayfield County's "officer down" call for help when Deputy Parquette was ambushed, and then, just this past deer hunting season, when GLIFWC warden Mark Thayer was the first to arrive on the multiple homicide scene in Sawyer County involving a trespassing hunter (*see attached examples of other emergency assistance*).

Against this backdrop, the bill would formalize and clarify the authority of GLIFWC wardens to provide the type of assistance that local agencies need and have come to expect from our officers. And, importantly, it would do so in a manner that does not place undue burdens upon state and local agencies.

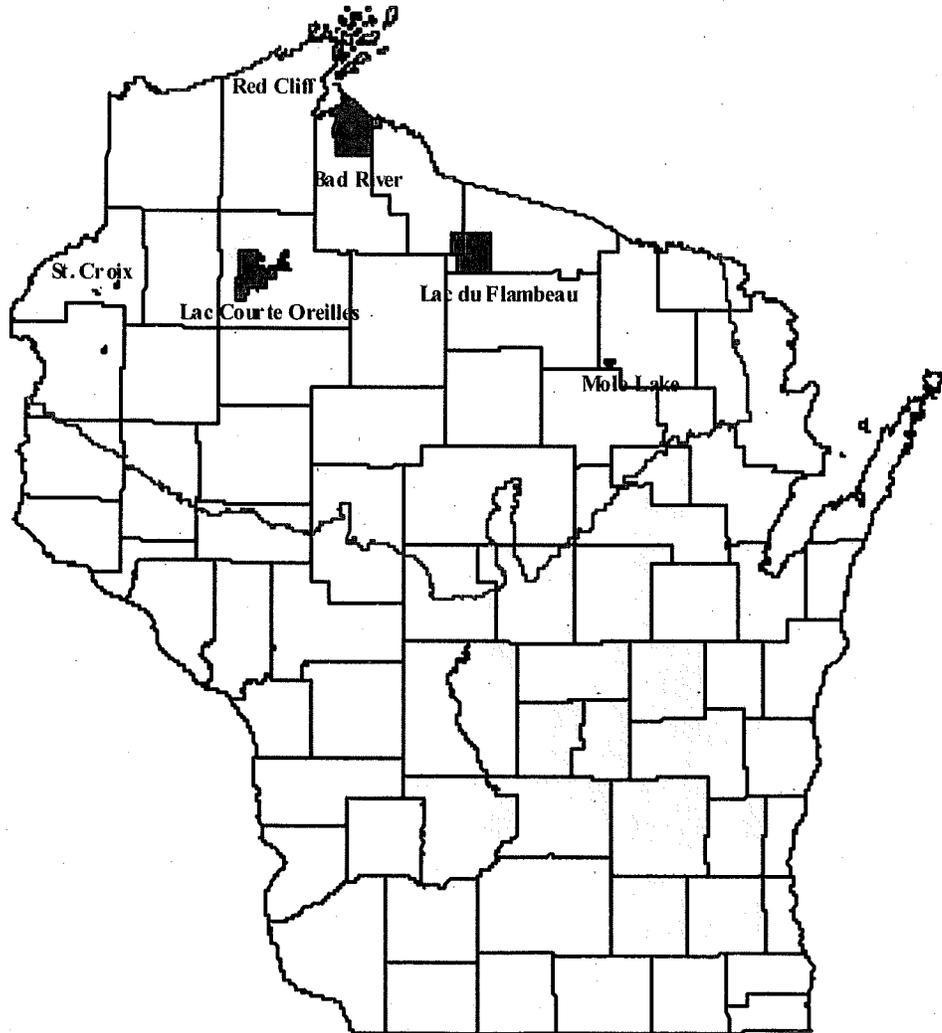
Specifically, the bill would provide GLIFWC wardens with limited arrest and assistance authority similar to that currently provided to other law enforcement officers operating outside of their areas of primary jurisdiction. And, to ensure protection of the public, GLIFWC would be required to promptly call in the agency with primary jurisdiction and to develop other appropriate policies for exercising this authority. GLIFWC also would be responsible for its wardens exercising

this authority and for providing necessary liability insurance protections.

IV. CONCLUSION

GLIFWC appreciates the Committee's consideration of AB 198. This bill will enhance the safety of GLIFWC's wardens in the same that Wisconsin law otherwise provides for the safety of their state and local counterparts. And, this bill truly represents the epitome of state/tribal cooperation for the betterment of Wisconsin's citizens and those who visit our state. We hope that the Committee also deems AB 198 sound public policy both in principle and in practice.

Wisconsin Chippewa Tribes and Ceded Territory



GLIFWC'S ROLE IN THE GENERAL PUBLIC SAFETY INFRASTRUCTURE

Prepared for

Natural Resources Committee Wisconsin State Assembly

April 11, 2007

GLIFWC conservation wardens play an important role in the overall law enforcement and public safety infrastructure of the Chippewa ceded territories in the northern third of Wisconsin. They have developed good working relationships with county Sheriff's Departments, the Wisconsin State Patrol, the Wisconsin Department of Natural Resources, the USDA-Forest Service, the National Park Service, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, tribal on-reservation conservation departments, tribal police departments, local fire departments and local ambulance services.

GLIFWC wardens have a history of assisting these agencies regarding:

- a. Emergency Response – Including:
 - i. Medical Emergencies – Such as car accidents, snowmobile accidents, heart attacks, hunting accidents, and one warden even delivered a baby.
 - ii. Search, Rescue and Recovery – Including boat rescues on Lake Superior, ice rescues, searches for lost persons, drownings, and lost airplanes.
 - iii. “Officer Down” and Weapons Incidents – Among first to arrive on the scene where officers from other agencies have been shot and of other incidents of weapons threats.
 - iv. Fugitive Apprehension – Helping to locate or apprehend fleeing suspects and fugitives from justice.
- b. Referral of Criminal Information or Potential Evidence to the Proper Agency – GLIFWC wardens often observe behavior or come upon information/possible evidence of an illegal act that is outside of their authority. When this happens, they either immediately summon the proper authority and, as requested under the authority of that agency, either detain the suspects until the agency arrives or document and report on what has been discovered to the proper authority, turn over possible physical evidence, and, if necessary, serve as a witness in court proceedings.
- c. Interagency Training Exercises – GLIFWC wardens regularly sponsor and participate in a wide range of interagency training sessions, including cold water rescue, hazardous materials identification, firearm safety, Great Lakes commercial fishing vessel safety inspection, first aid/first responder, and crowd control/civil disturbances.
- d. Community Safety Programs – Various GLIFWC officers are certified instructors for hunter safety, boater safety, snowmobile safety and ATV safety courses. These courses are open to the public.



WISCONSIN STATE LEGISLATURE



Memorandum

May 17, 2007

To: Mark Miller, Jamie Kuhn

From: Beth Bier

Re: Meeting with GLOFWC on SB 97

Attendees: Mark Miller; Jim Zorn; Jason Stark; Fred Maulson;

GLIFWC is a agency of the Chippewa tribes. They operate inder the hunting, gathering treaty rights.

There are law enforcement concerns with tribal wardens. In the north there is the concern that non-Indians do not have to stop when pulled over. Tribal wadens are qualified and trained and there are liability issues. This bill includes limited liability insurance.

There is an agreement with the DNR to give state credentials to tribal wardens. So far, there is no opposition. Rep. Gard was held up the bill in the previous session although it passed the Senate. Sen. Fitzgerald is in favor of the bill.

Follow-up:

- Contact when a hearing has been scheduled



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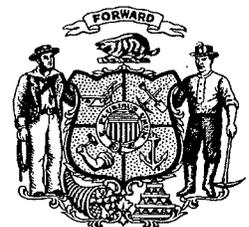


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WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE SHERYL ALBERS

FROM: David L. Lovell, Senior Analyst

RE: Questions Regarding 2007 Assembly Bill 198, Relating to Conservation Wardens Employed by the Great Lakes Indian Fish and Wildlife Commission

DATE: May 18, 2007

SB 97
Folder

On Wednesday, I responded by e-mail to five questions from you regarding 2007 Assembly Bill 198, relating to conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). The bill was on the calendar for consideration by the Assembly that day, but was tabled pending answers to a number of questions, including those that you posed to me. This memorandum expands upon (and, in the case of question 1, revises) the responses I gave on Wednesday and responds also to further questions from you. It begins with a brief summary of the bill, emphasizing those aspects of the bill that are the subject of your questions.

2007 Assembly Bill 198

The bill addresses two subjects. The principal subject is the interplay of state statutes with GLIFWC wardens' core functions. In addition, the bill gives GLIFWC wardens limited assist and arrest authority, allowing them to respond to emergency situations. The bill applies only to conservation wardens employed by GLIFWC, and does not apply to conservation wardens or any other law enforcement officers employed by individual American Indian tribes or bands.

Background

GLIFWC was created by the Chippewa Indian Bands in northern Wisconsin, Minnesota, and Michigan as an intertribal law enforcement agency to enforce the conservation codes of its member bands. Its creation was part of the resolution of the so-called *Voigt* litigation, which resolved conflicts regarding the extent of the bands' rights to hunt, fish, and gather on off-reservation public lands and waters in the territory ceded by the bands to the U.S. government in 19th Century treaties. (This so-called "ceded territory" comprises approximately the northern one third of Wisconsin and adjoining parts of Minnesota and Michigan.) Each band has adopted a conservation code based on, and at least as restrictive as, a model code approved by the federal court in the *Voigt* settlement and has authorized

GLIFWC to enforce its code with regard to its members' hunting, fishing, and gathering off its reservation. The table of contents of the *Voigt* model code is reproduced in the attachment to this memorandum.

GLIFWC Wardens' Core Function

An incident in which a GLIFWC warden working off-reservation detained a non-Indian person for a state firearms violation and delivered the individual to the county sheriff called into question the authority of the warden to detain the individual, as well as the legality of other aspects of the warden's behavior, such as going armed in the uniform of a law enforcement officer and in a vehicle equipped with lights and siren. This case brought to attention that much of what GLIFWC wardens do is not contemplated in the statutes and that, in fact, the statutes could be read as prohibiting GLIFWC wardens from doing many things that the federal court authorized them to do. Similarly, statutes that serve to protect the physical safety of law enforcement officers and others that serve to protect the interests of the public do not apply to GLIFWC wardens. These statutes do apply to conservation wardens employed by the Department of Natural Resources (DNR).

In order to ensure their ability to do their jobs, as envisioned by the federal court, the bill applies to GLIFWC wardens most, but not all, of the statutes that apply to DNR wardens. This includes statutes that give the wardens specific law enforcement tools and statutes that provide protections to wardens working in the field. The types of statutes that the bill applies to GLIFWC wardens, and those it does not apply to them, are described in some detail in the prefatory note to the bill.

State Assist and Arrest Authority

The bill authorizes GLIFWC wardens to render aid or assistance to a Wisconsin peace officer or arrest a person in situations of dire emergency or in response to actions that the warden believes, on reasonable grounds, constitute a felony. The language is based on current statutes that give assist and arrest authority to Wisconsin law enforcement officers outside of their jurisdiction, to law enforcement officers from other states, and to federal law enforcement officers. The purpose of these provisions is to allow fully trained and certified law enforcement officers to respond to emergencies that they come upon while on duty but outside their jurisdiction. They are designed and used to allow these officers to respond to life-threatening situations or serious crimes.

Any arrest made by a GLIFWC warden under the assist and arrest authority is for a violation of state law. A person arrested under this authority is turned over to the sheriff of the county in which the arrest is made and any prosecution is conducted by the district attorney for that county. The assist and arrest authority does *not* authorize a GLIFWC warden to issue a citation for any purpose such as fish and game violations, boating safety violations, or traffic violations.

The bill places limitations on the exercise by GLIFWC wardens of this assist and arrest authority. These have to do with such matters as the training and qualifications of the warden, GLIFWC policies and procedures, and liability coverage. The limitations are described in detail in the prefatory note to the bill.

Questions

You have asked whether GLIFWC wardens could or might use the arrest authority in the bill to enforce environmental laws. You give examples of the dumping of waste or pollutants in a river in excess of permit limits or a fish kill caused by a farmer who dumps manure in a river. You ask also whether tribal enforcement for felony actions related to conservation or pollution would be distinctly different from the process used by the state.

Recall that the bill gives GLIFWC wardens authority to make arrests under state law. Regardless of what tribal law considers to be a felony, only felonies specified in the Wisconsin statutes are the subject of this arrest authority. Furthermore, American Indian tribes do not have criminal jurisdiction over non-Indians and tribal law does not apply outside of Indian Country (i.e., off reservation).

The specific examples you give are not felony violations. In fact, there are only five felony violations specified in the Wisconsin statutes relating to environmental protection (chs. 280-299, Stats.), all of which relate to serious, intentional, and repeated violations. Enforcement of the environmental protection laws is done by the DNR, and begins with field investigations and administrative proceedings. The field investigations are conducted by environmental enforcement staff, with assistance by wardens only upon request by that staff. In cases not resolved through the administrative proceedings, prosecution is by the Attorney General. Prosecution does *not* start with an arrest made by a warden. In practical terms, a warden in the field would have no way of knowing whether the elements making such a violation a felony were met or not, and so would not have reasonable grounds to believe that a felony had been committed. Thus, a GLIFWC warden would not have authority to make an arrest for a felony violation of the environmental protection laws under the assist and arrest provisions of the bill.

There are six felonies specified in the conservation statutes (chs. 23 to 30, Stats.), which include various violations leading to death, over-harvesting certain natural resources to a value greater than \$1,000, and certain instances of fraud or arson. The conservation statutes are the very laws that conservation wardens are employed to enforce. Furthermore, given the nature of the felony violations in these laws, DNR wardens do, at times, gather enough evidence to have reasonable cause to believe a felony had been committed and so to make an arrest. The assist and arrest provisions of the bill would authorize qualified GLIFWC wardens to make such arrests, also. This may have no practical effect, however. As is described under question 1, below, those GLIFWC wardens who have the training and certification and who meet all other qualifications to make an arrest under the assist and arrest provisions of the bill most likely are already deputized as DNR wardens and so have the same arrest authority through that deputation.

The following are the five questions you asked on Wednesday. You posed these questions in the context of the assist and arrest authority in the bill, and my responses are primarily in that context. However, some of your questions appear to apply to other contexts, and my responses attempt to address those other contexts, as well.

1. Is there reciprocity for game wardens - tribal and DNR?

The tribal conservation codes adopted by the Chippewa Bands authorize DNR conservation wardens to enforce those codes. Using its own citation forms, the DNR may cite tribal violators of the

tribal codes into tribal court. Section 29.921 (4), Stats., acknowledges this authority granted by the tribes, and authorizes DNR wardens to act under the authority.

In addition, the DNR and GLIFWC have entered into a deputation agreement under which the DNR may grant DNR warden's credentials to certain GLIFWC wardens whom the DNR has determined meet all training and other requirements of a DNR warden. The agreement specifies that GLIFWC wardens deputized by the DNR have the authority to enforce Wisconsin hunting and fishing regulations only; deputation under the agreement does *not* authorize GLIFWC wardens to enforce any other state laws. For example, GLIFWC wardens carrying DNR warden credentials do not have the authority to enforce laws relating to boating, snowmobiling, all terrain vehicles, or motor vehicles.

Currently, eight of the 13 GLIFWC wardens working in Wisconsin are deputized by the DNR. GLIFWC indicates that its goal is for all of its wardens to be deputized by the DNR.

The bill does not affect this cross-deputation arrangement.

2. Public trust and state waters - how far out could a warden go in order to write a citation?

A GLIFWC warden who meets the specified requirements would be able to make an arrest under the assist and arrest authority in the bill anywhere within the ceded territory (approximately the northern one third of the state) or elsewhere in the state when in fresh pursuit. This would include from a boat on a lake or river.

A GLIFWC warden who is deputized by the DNR has the same authority to write citations as a DNR-employed conservation warden.

Again, the assist and arrest provision does not authorize GLIFWC wardens to write citations, and the bill does not give GLIFWC wardens any new authority to enforce state laws by citation.

3. If citation is issued – what's the venue? DA, tribal court, etc.

If a GLIFWC warden who meets the requirements specified in the bill were to make an arrest under the assist and arrest authority in the bill, the warden would deliver the person to the sheriff of the county in which the arrest was made; any prosecution of the person would be by the district attorney of that county.

If a GLIFWC warden who is deputized by the DNR writes a citation for a violation of a state hunting or fishing regulation, the violator is cited into the circuit court for the county in which the violation occurred, not a tribal court.

4. If I am mistreated by a tribal warden during the issuance of a citation - who do I complain to?

A person who is mistreated by a GLIFWC warden can complain directly to GLIFWC. If the person does not receive satisfaction from GLIFWC, he or she may sue GLIFWC and its insurer for whatever cause of action may arise from the mistreatment. The bill requires that GLIFWC maintain not less than \$2,000,000 liability coverage and that the policy prohibit the insurer from raising the defense of the sovereign immunity of the defendant in defending a claim against the policy.

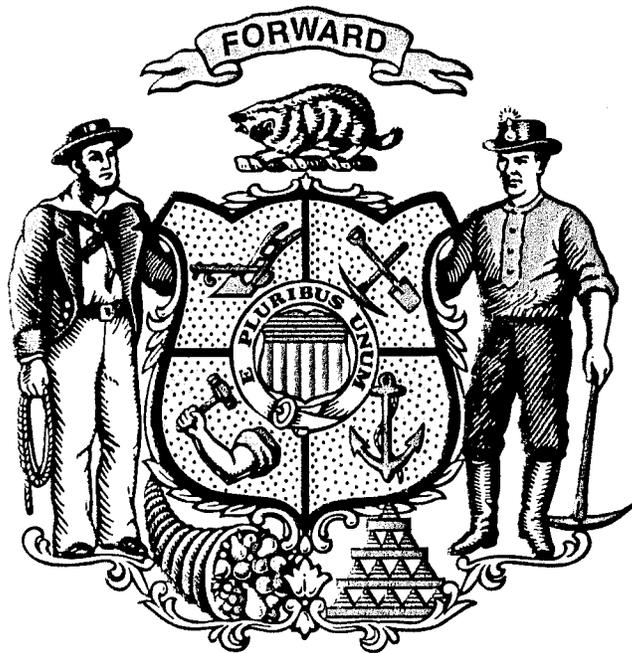
5. *What does the errors & omissions cover in this bill?*

The phrases “errors and omissions” and “acts and omissions” refer generally to anything that a person does or fails to do that gives rise to a cause of action and a claim under a liability insurance policy. A cause of action might be based on any number of things, such as negligence, personal injury, damage to personal property, or violation of civil rights.

If you have further questions regarding 2007 Assembly Bill 198 or GLIFWC, or if you would like to discuss these matters with me directly, please contact me at the Legislative Council staff offices.

DLL:jal

Attachment



**Remarks of Representative Terry Musser
to the Senate Committee on Environment and Natural Resources**

May 23, 2007

**2007 Senate Bill 97, Relating to Conservation Wardens Employed by the
Great Lakes Indian Fish and Wildlife Commission**

I am Representative Terry Musser, 92nd Assembly District. I serve as chair of the Joint Legislative Council's Special Committee on State-Tribal Relations. The Council is required by statute to create this committee each biennium, to study issues related to American Indians and American Indian tribes in Wisconsin and to make recommendations to the Legislature. Senate Bill 97 is one of this committee's recommendations.

SB 97 is a common sense bill. It is about protecting law enforcement officers and promoting cooperative law enforcement in northern Wisconsin, a region where distances are large and resources are small.

The Great Lakes Indian Fish and Wildlife Commission, or GLIFWC, is an intertribal agency of the Chippewa Indian bands in Wisconsin, Michigan, and Minnesota, with headquarters in Odanah, Wisconsin. Among other activities, GLIFWC enforces conservation codes that apply to Chippewa tribal members while hunting, fishing, or gathering off their reservations in the ceded territory—roughly the northern third of Wisconsin. It was created for this purpose out of the court orders that resolved the litigation over the Chippewa Indian's off-reservation rights preserved by treaty.

GLIFWC employs a corps of highly qualified conservation wardens, many of whom meet the same law enforcement training standards as DNR wardens. In fact, many GLIFWC wardens are deputized state conservation wardens—they wear the GLIFWC patch on one shoulder and the DNR patch on the other. Some also carry credentials of a sheriff's deputy. In these capacities, they assist state conservation and local law enforcement officers. For example, the first officer on the scene in 2004 when eight deer hunters were shot in Sawyer County was a GLIFWC warden.

This is a pretty good picture: GLIFWC wardens are enforcing the Chippewa off-reservation conservation code and providing assistance to state and local law enforcement. The DNR and local law enforcement indicate the role played by GLIFWC wardens is very valuable. So, where is the problem? State statutes.

State law allows peace officers to do a lot of things that most citizens cannot do—carry a firearm in a public building or a school, for example, or exceed speed limits with flashing lights and siren, etc. The trouble is, GLIFWC wardens are not “peace officers” under the current statutory definition of that term. There is a very good question whether, under state law, they can even go armed, in uniform, in a marked patrol vehicle. This calls into question just about every aspect of their work. And that just doesn't make sense.

What is more, the various statutes that serve to protect the personal safety of law enforcement officers—such as those relating to battery of a law enforcement officer, disarming a peace officer, and resisting or obstructing an officer—do not apply to GLIFWC wardens. These wardens are equally deserving of the protections of the law.

SB 97 has two goals. The first is to *remove legal impediments* that could hinder GLIFWC wardens in doing their primary job of enforcing the Chippewa off-reservation conservation code and to provide them with the same *legal protections* and *law enforcement tools* as peace officers. However, the bill is selective in how it does this:

- First, it applies all statutes regarding the protection of officers or interference with law enforcement to *all* GLIFWC wardens.
- Second, it applies *most* statutes regarding the possession or use of firearms and other weapons by peace officers to *only* those GLIFWC wardens who meet state law enforcement certification requirements. However, the bill does *not* apply statutes relating to particularly dangerous weapons or explosives to *any* GLIFWC wardens.
- Third, the bill allows GLIFWC and its wardens to participate in the TIME system, the DOJ's system that allows law enforcement agencies to share information.

The result is that the bill gives GLIFWC wardens the same protections as DNR wardens and most of the same tools. The few exceptions regarding law enforcement tools give GLIFWC wardens *less* authority than their DNR counterparts.

The second goal of SB 97 is to enable GLIFWC wardens to *assist state and local law enforcement agencies*. To accomplish this, the bill gives them arrest and assist powers that are similar to those that current law gives to a law enforcement officer outside of his or her territorial jurisdiction. Specifically:

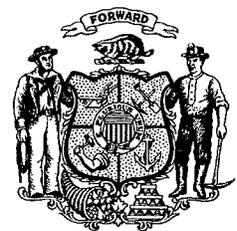
- Within the ceded territory, a GLIFWC warden may make an arrest for a violation of state law, or may render aid or assistance to a Wisconsin peace officer:
 - in response to an emergency situation that poses a significant threat to life or of bodily harm or if the warden has reasonable grounds to believe a felony was committed; *or*
 - when rendering aid or assistance to a Wisconsin peace officer in an emergency or at the request of the officer.
- *if:*
 - the warden is on duty and on official business;
 - the warden meets state law enforcement training standards;
 - GLIFWC has a written policy regarding making arrests or providing aid or assistance; *and*
 - GLIFWC maintains at least \$2 million of liability insurance.

The bill also allows GLIFWC wardens to engage in fresh pursuit beyond the ceded territory in limited circumstances.

As I said at the outset, this is a common sense bill that makes the best possible use of existing law enforcement resources and lets people do their jobs. It is also reasonable. Careful consideration was given to which statutes should be applied to GLIFWC wardens and reasonable safeguards were included.

Last session, similar legislation passed the Senate on a voice vote, and was recommended for passage by the Assembly Committee on Natural Resources on a vote of 12-0. For a variety of reasons, that legislation did not get to the Assembly floor and so did not pass. This session, the Assembly Committee on Natural Resources again voted unanimously to recommend the Assembly companion bill, AB 198. You may be aware that the Assembly tabled that bill last Wednesday. This happened because of questions that I believe were based on a misunderstanding of the bill. I am confident the Assembly will pass this legislation and I hope that you will give this bill a favorable recommendation, as well, so that we can finish this piece of unfinished business from last session.

I would be happy to respond to your questions. David Lovell of the Legislative Council staff, is with me to respond to the more technical questions.





Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin

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P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

To: Senate Committee on Environment & Natural Resources

From: Vince Dela Rosa, Oneida Business Committee

Re: Support SB 97

Date: May 23, 2007

Dear Committee Members:

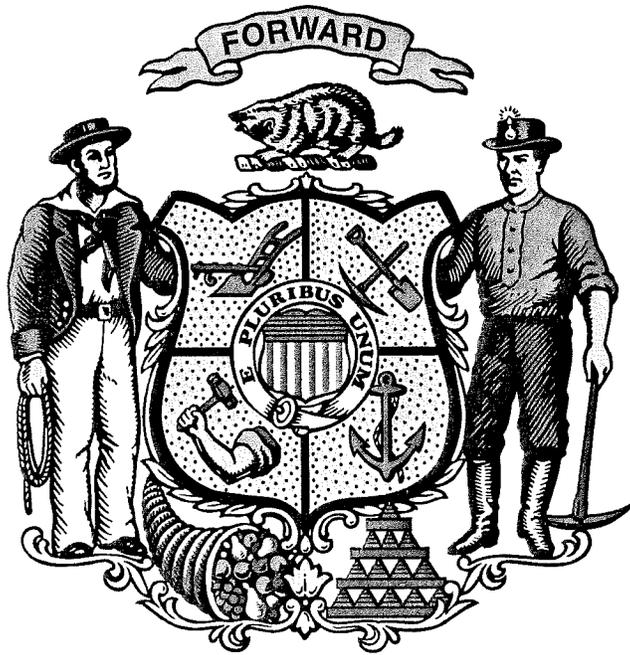
I wish to take this opportunity to express the Oneida Nation of Indian's support for SB 97 and ask you to support this bill for passage.

SB 97 would benefit both the State of Wisconsin and the Indian tribes throughout the state. It is a great example of how tribes and the state can work together to provide more enforcement of laws and to provide emergency response when necessary. GLIFWC wardens are highly trained and qualified law enforcement officials. This legislation would allow them to share this knowledge and expertise with local law enforcement officials. In a time when local governments are struggling to provide the many services a law enforcement officer brings, passing this legislation makes sense.

We hope that you will support SB 97. If you have any questions please feel to contact me.

Thank you,

Vince Dela Rosa
Oneida Business Committee
Member, Legislative Council Special Committee on State Tribal Relations



GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

TESTIMONY

of

JAMES E. ZORN

**EXECUTIVE ADMINISTRATOR,
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

on

SENATE BILL 97

**RELATING TO CONSERVATION WARDENS EMPLOYED BY THE
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

Before the

**COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
WISCONSIN STATE SENATE**

May 23, 2007

**Testimony of James E. Zorn
Executive Administrator
Great Lakes Indian Fish and Wildlife Commission**

Mr. Chairman and Members of the Committee, my name is James E. Zorn, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Thank you for the opportunity to appear before you today to discuss Senate Bill 97, a proposal relating to GLIFWC's conservation wardens whose responsibility it is to enforce Chippewa off-reservation conservation codes in Northern Wisconsin.

SB 97 would afford GLIFWC wardens the same protections afforded to other law enforcement officers and would authorize state-certified GLIFWC wardens to assist state and local agencies in times of need. If enacted, this bill would enhance both our wardens' safety and the overall public safety in the northern third of Wisconsin. It would affirm and build upon the 20-year history of GLIFWC's wardens providing cooperative law enforcement and emergency services to their state and local counterparts.

GLIFWC asks this Committee to favorably consider SB 97 and to endorse it for adoption by the full Senate. It comes before this body as the product of the joint efforts and careful consideration of the Joint Legislative Council, the Wisconsin Department of Justice, and the Wisconsin Department of Natural Resources.

We hope that the Committee will agree that this bill is based upon sound policy to enhance overall public safety, is consistent with the statutory treatment afforded other law enforcement agencies, and reflects 20 years of successful state/tribal cooperation to better protect and serve Wisconsin's citizens and guests.

I. GLIFWC – ITS MISSION AND THE ROLE OF ITS CONSERVATION WARDENS

GLIFWC was founded in 1984 as a natural resources management agency exercising delegated authority from its 11 member federally-recognized Chippewa¹ tribes in Wisconsin, Michigan and Minnesota² regarding their ceded territory (off-reservation) treaty rights to hunt, fish and gather.

As relevant to SB 97, GLIFWC's mission is ensure that its member tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs. In fulfilling that mission, it must:

¹The tribes also are referred to as Ojibwe, or, in their own language, *Anishinaabe*.

²GLIFWC member tribes are: in Wisconsin – the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of the Mole Lake Band, and Red Cliff Band of Lake Superior Chippewa Indians; in Minnesota – Fond du Lac Chippewa Tribe, and Mille Lacs Band of Chippewa Indians; and in Michigan – Bay Mills Indian Community, Keweenaw Bay Indian Community, and Lac Vieux Desert Band of Lake Superior Chippewa Indians.

- meet specific federal treaty and statutory obligations toward GLIFWC's member tribes;
- carry out law enforcement functions required by federal court decisions affirming the tribes' treaty rights; and
- serve as an active partner with state, federal and local law enforcement agencies and emergency services providers.

For the northern third of Wisconsin, GLIFWC is the Chippewa Tribes' primary off-reservation enforcement arm regarding their treaty hunting, fishing and gathering rights (*see* attached map of the Wisconsin 1837 and 1842 treaty ceded territories). It serves as an intertribal, non-political entity to ensure fair, uniform and effective enforcement of the Tribes' off-reservation conservation codes approved in what is commonly known as the Voigt case. In addition, it provides primary coordination with the Wisconsin Department of Natural Resources (DNR) wardens who also are authorized to enforce the tribal off-reservation conservation codes.

GLIFWC employs 20 wardens, 13 of which are stationed in Wisconsin on or near the Chippewa reservations. This bill deals only with our activities in Wisconsin although GLIFWC also is authorized to enforce tribal off-reservation conservation codes in portions of Michigan and Minnesota. GLIFWC wardens must attend the same or equivalent training as their state counterparts, and must meet similar continuing education requirements to maintain their positions. And, each GLIFWC warden must be either a certified medical first responder or emergency medical technician.

II. PROTECTING GLIFWC'S WARDENS AS THEY PERFORM THEIR DUTIES

The bill's primary purpose is to protect GLIFWC's wardens as they perform their duties. Like DNR wardens, they generally work alone in isolated areas, frequently work at night, and often encounter armed individuals. The proposed bill would afford GLIFWC wardens the same statutory safeguards and protections that are afforded to their DNR counterparts. For example:

- Our wardens would have access to criminal history and other information to identify whom they are encountering in the field so that they can determine whether they are about to face a fugitive or some other dangerous individual.
- They would have access to emergency services radio frequencies to call for backup, to summon aid in cases of medical or fire emergencies, and to inform another agency of a possible violation falling under that agency's authority.
- They would be operating statutorily-authorized emergency vehicles that would be treated like other law enforcement vehicles.
- And, they would fall within criminal statute provisions that protect state and local officers from threats and assaults.

These protections are more than just theoretical matters. A few years back, a GLIFWC warden was assaulted while on duty, but the perpetrator could not be appropriately charged with assault of a law enforcement officer under state law because of the "technicality" that GLIFWC

officers are not statutorily-recognized law enforcement officers. The color of one's uniform should be irrelevant when it comes to prosecuting those who inflict bodily harm on those who protect and serve Wisconsin's citizens.

In bringing GLIFWC's wardens within particular statutory protections and immunities afforded to law enforcement officers, SB 97 has been carefully drafted to exclude particular statutes that do implicate the primary duties of GLIFWC's wardens. Specifically, the bill does not apply statutes authorizing the possession or use of explosives or particularly dangerous weapons to any GLIFWC warden. Examples of statutes in this category are exceptions for peace officers to prohibitions against the possession or use of machine guns, short-barreled shotguns and rifles, explosives, and other weapons. GLIFWC wardens simply have no need for these weapons.

III. ENHANCING LOCAL LAW ENFORCEMENT AND EMERGENCY SERVICES

The bill's other purpose is to solidify GLIFWC's long-standing partnership role in Northern Wisconsin's emergency services networks for the benefit of the general public. The proposed bill would recognize that properly trained GLIFWC wardens who meet the requirements of Wisconsin's Law Enforcement Training and Standards Board are valuable assets to state and local agencies.

Our wardens routinely encounter illegal activities, including serious felonies, that fall outside of their primary conservation jurisdiction. They are properly trained and perfectly competent to stop criminal activities, detain alleged perpetrators, preserve crime scenes and evidence, and assist victims until the proper authorities arrive. Moreover, our wardens routinely encounter or are called upon to assist at car accidents, medical emergencies and other emergencies.

Simply stated, GLIFWC's wardens have a history of being there in time of need to assist local law enforcement and emergency service agencies. Such was the case regarding two particularly tragic incidents – in 1996, when GLIFWC warden Ken Rusk was among the first to respond to Bayfield County's "officer down" call for help when Deputy Parquette was ambushed, and then, in 2004, when GLIFWC warden Mark Thayer was the first to arrive on the multiple homicide scene in Sawyer County involving a trespassing hunter (*see attached examples of other emergency assistance*).

Against this backdrop, the bill would formalize and clarify the authority of GLIFWC wardens to provide the type of assistance that local agencies need and have come to expect from our officers. And, importantly, it would do so in a manner that does not place undue burdens upon state and local agencies.

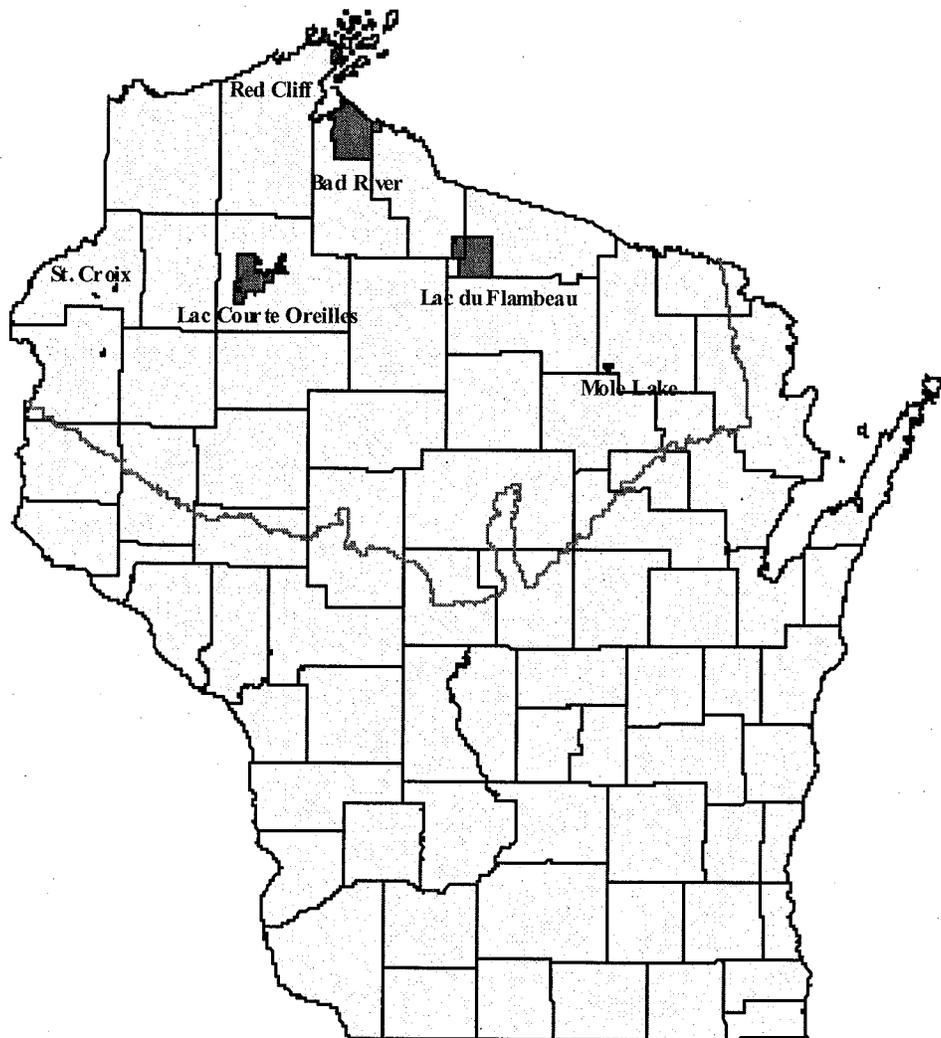
Specifically, the bill would provide GLIFWC wardens with limited arrest and assistance authority similar to that currently provided to other law enforcement officers operating outside of their areas of primary jurisdiction. And, to ensure protection of the public, GLIFWC would be required to promptly call in the agency with primary jurisdiction and to develop other appropriate policies for exercising this authority. GLIFWC also would be responsible for its wardens exercising

this authority and for providing necessary liability insurance protections.

IV. CONCLUSION

GLIFWC appreciates the Committee's consideration of SB 97. This bill will enhance the safety of GLIFWC's wardens in the same that Wisconsin law otherwise provides for the safety of their state and local counterparts. And, this bill truly represents the epitome of state/tribal cooperation for the betterment of Wisconsin's citizens and those who visit our state. We hope that the Committee also deems SB 97 sound public policy both in principle and in practice.

Wisconsin Chippewa Tribes and Ceded Territory



GLIFWC'S ROLE IN THE GENERAL PUBLIC SAFETY INFRASTRUCTURE

Prepared for

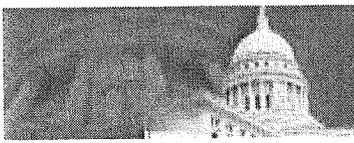
Committee on Environment and Natural Resources Wisconsin State Senate

May 23, 2007

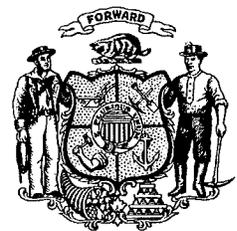
GLIFWC conservation wardens play an important role in the overall law enforcement and public safety infrastructure of the Chippewa ceded territories in the northern third of Wisconsin. They have developed good working relationships with county Sheriff's Departments, the Wisconsin State Patrol, the Wisconsin Department of Natural Resources, the USDA-Forest Service, the National Park Service, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, tribal on-reservation conservation departments, tribal police departments, local fire departments and local ambulance services.

GLIFWC wardens have a history of assisting these agencies regarding:

- a. Emergency Response – Including:
 - i. Medical Emergencies – Such as car accidents, snowmobile accidents, heart attacks, hunting accidents, and one warden even delivered a baby.
 - ii. Search, Rescue and Recovery – Including boat rescues on Lake Superior, ice rescues, searches for lost persons, drownings, and lost airplanes.
 - iii. “Officer Down” and Weapons Incidents – Among first to arrive on the scene where officers from other agencies have been shot and of other incidents of weapons threats.
 - iv. Fugitive Apprehension – Helping to locate or apprehend fleeing suspects and fugitives from justice.
- b. Referral of Criminal Information or Potential Evidence to the Proper Agency – GLIFWC wardens often observe behavior or come upon information/possible evidence of an illegal act that is outside of their authority. When this happens, they either immediately summon the proper authority and, as requested under the authority of that agency, either detain the suspects until the agency arrives or document and report on what has been discovered to the proper authority, turn over possible physical evidence, and, if necessary, serve as a witness in court proceedings.
- c. Interagency Training Exercises – GLIFWC wardens regularly sponsor and participate in a wide range of interagency training sessions, including cold water rescue, hazardous materials identification, firearm safety, Great Lakes commercial fishing vessel safety inspection, first aid/first responder, and crowd control/civil disturbances.
- d. Community Safety Programs – Various GLIFWC officers are certified instructors for hunter safety, boater safety, snowmobile safety and ATV safety courses. These courses are open to the public.



WISCONSIN STATE LEGISLATURE



St. Croix Tribal Council

24663 Angeline Avenue · Webster, WI 54893 · (715) 349-2195 · (715) 349-5768

To: All Senators

Re: Support Senate Bill 97/Assembly Bill 198

Date: November 7, 2007

Senate Bill 97 is scheduled for Senate action on November 8. The Senate Committee on Environment and Natural Resources unanimously approved the bill. The Senate approved the same bill last session on a voice vote. A companion bill, Assembly Bill 198, was recently passed by the Assembly on a voice vote and referred in the Senate to the Committee on Environment and Natural Resources.

The St. Croix Tribal Council asks for your support of this bill. The Great Lakes Indian Fish and Wildlife Commission (GLIFWC), the DNR, the Wisconsin Wildlife Federation, the Lac de Flambeau Tribe all support the bill.

SB 97/AB 198 seeks to protect conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) by investing them with the same law enforcement capacities as DNR wardens possess to enforce court-ordered natural resource co-management. The bill is a product of the Legislative Council Special Study Committee on State-Tribal Relations.

GLIFWC employs 20 conservation wardens, 13 of which operate in the State of Wisconsin. They enforce the Chippewa Tribes' conservation codes among tribal members on non-tribal lands that were ceded to the United States through 19th Century treaties.

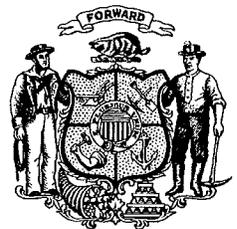
This legislation arises from in a Forest County incident, wherein a GLIFWC warden detained an individual for a firearms violation and brought him to the county sheriff for processing. The Forest County District Attorney questioned the authority of the warden to detain the individual, to wear a law enforcement uniform, to carry a firearm, and to use vehicular lights and sirens.

SB 97/AB 198 amend state statutes that govern law enforcement officers to accord GLIFWC wardens the same protections and powers as DNR wardens. It enables GLIFWC wardens to use firearms, authorized emergency vehicles, and the transaction information for management enforcement (TIME) system. It allows GLIFWC wardens, subject to standards and certification of the law enforcement standards board, to make arrests for violating state law if the warden is responding to an emergency or if he or she believes a felony is being committed. They may also render assistance to other Wisconsin police officers in an emergency or at the request of a Wisconsin police officer.

Enabling GLIFWC wardens to do their jobs effectively and to assist other law enforcement officers in protection of the public will improve over-all law enforcement in Northern Wisconsin. For these reasons, Northern Wisconsin sheriffs and the DNR support this legislation.

Thank you for your support.

For further information call Ann Jablonski at 251-0702.



GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

GLIFWC WARDEN BILL: AB 198 & SB 97

LETTERS OF SUPPORT

Date ?

FOREST COUNTY SHERIFF'S DEPARTMENT

100 South Park Avenue
Crandon, WI 54520



Phone: (715) 478-3331
Fax: (715) 478-3535

KEITH R. VAN CLEVE
SHERIFF

KENNETH E. VAN CLEVE
CHIEF DEPUTY

February 22, 2007

TO WHOM IT MAY CONCERN:

The Forest County Sheriff's Department is in agreement that the Great Lakes Fish and Wildlife Commission (GLIFWIC) wardens should be recognized as law enforcement officers in the State of Wisconsin, if they meet the Law Enforcement Standards Board certification, which makes a GLIFWIC warden subject to the rules and certification procedures of the LESB.

This would allow GLIFWIC wardens the right to make arrests for violations of State law and to render aid and assistance to police offices. Currently, the law does not protect GLIFWIC wardens or give them the authority to do their job as they are authorized to do by the Federal Court.

Sincerely, *Keith VanCleve*

Keith R. Van Cleve
Forest County Sheriff

KVC/kh



Feb. 12, 2007

Ref: GLIFWC WARDEN BILL

To whom it may concern:

Tim Zeigle
Chief Deputy

Gary Gillis
Criminal Investigator

Daniel Ross
Narcotics Investigator

Emergency: 9-1-1

Cell Emergency:
9-1-1 (715/634-0318)

Non-Emergency:
(715) 634-5213

Sheriff's Admin:
(715) 634- 4858

Sheriff's Fax:
(715) 634-3845

Jail:
(715) 634-9120

Jail Fax:
(715) 634-9748

Please accept this letter as a document in support of the upcoming GLIFWC WARDEN BILL.

Here in Sawyer County, we have had the pleasure to work with many GLIFWC Wardens over the years. Most local wardens, if not all, were cross deputized by the Sawyer County Sheriff's. Our present sheriff has deputized two local Native Americans who served as GLIFWC Wardens. Both of those deputies worked closely with our officers, and in the past filled part time shifts within the sheriff's department.

Officers from Sawyer County have also had the pleasure to work with GLIFWC WARDENS side by side, during the spear fishing years. That working relationship has continued through out the years, to date. Our officers have an excellent working relationship with the GLIFWC WARDENS and find them well trained and knowledgeable on Wisconsin and tribal laws.

In closing, I would add that in these times of budget shortcomings, another set of eyes and the ability to enforce the laws, adds additional security to the citizens of the LCO reservation, Sawyer County, and all of Northwestern Wisconsin.

Sincerely,

CHIEF DEPUTY TIM ZEIGLE
SAWYER COUNTY SHERIFF'S DEPARTMENT

**VILAS COUNTY
SHERIFF'S DEPARTMENT**

John A. Niebuhr
Sheriff

Justice Center
330 Court Street
Eagle River, Wisconsin 54521-8362
Telephone (715) 479-4441
Fax (715) 479-6039

Joseph A. Fath
Chief Deputy

January 12, 2006

Great Lakes Indian Fish & Wildlife Commission
Division of Intergovernmental Affairs
Mr. James E. Zorn, Director
PO Box 9
Odanah, WI 54861

RE: Great Lakes Indian Fish & Wildlife Commission Conservation Wardens

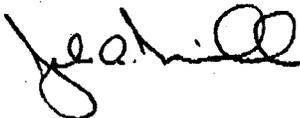
Dear Director Zorn:

Please accept this letter of support, from the Vilas County Sheriff's Department, regarding Assembly Bill 630, relating to Conservation Wardens employed by the Great Lakes Indian Fish & Wildlife Commission.

It is my understanding that under Assembly Bill 630, GLIFWC wardens would have the same protections afforded to other law enforcement officers and the bill would authorize state-certified GLIFWC wardens to assist state and local agencies in times of need. As the Sheriff of a local agency, I find this concept very acceptable. Given our current budget restraints, addition staffing is not an option. The availability of other law enforcement personnel is very much appreciated during an incident.

I wish you success in the passage of Assembly Bill 630. If I can be of further assistance, please don't hesitate to contact me.

Sincerely,



Sheriff John A. Niebuhr

JAN/cak



PHONE 715-478-3331

Forest County Sheriff's Department

100 SOUTH PARK AVENUE
ROGER W. WILSON
SHERIFF

CRANDON, WISCONSIN 54520-1431
KENNETH E. VAN CLEVE
CHIEF DEPUTY

FAX 715-478-3515 JAIL
FAX 715-478-3535 ADMN.

September 21, 2005

TO WHOM IT MAY CONCERN:

Please consider this letter as showing the support of our Department for wardens of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) to have the authority to make arrests for violations of State laws, render aid and assistance to State police officers, and to be recognized by the State of Wisconsin as police officers, provided they meet the Law Enforcement Standards Bureau's requirements for certification as police officers.

Thank you for your consideration.

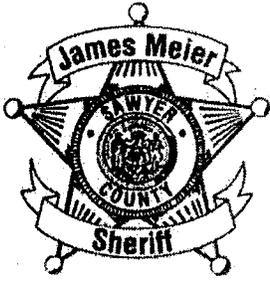
Sincerely,

A handwritten signature in black ink, appearing to read "Roger W. Wilson".

Roger W. Wilson
Sheriff of Forest County

RWW/kh

Dedicated to Serve and Protect the Citizens of Forest County.



Tim Zeigle
Chief Deputy

Gary Gillis
Criminal Investigator

Daniel Ross
Narcotics Investigator

Emergency: 9-1-1

Cell Emergency:
9-1-1 (715/634-0318)

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Sheriff's Fax:
(715) 634-3845

Jail:
(715) 634-9120

Jail Fax:
(715) 634-9748

September 23, 2005

Honorable Scott Gunderson, Chair
Assembly Committee on Natural Resources
Room Seven West
P.O. Box 8952, State Capitol
Madison, WI 53708

RE: Assembly Bill 630

Dear Mr. Gunderson:

Please let this letter stand as my proffer on AB 630, extending the application of a broad range of statutes relating to law enforcement to the Great Lakes Indian Fish and Wildlife Commission.

Here in Sawyer County I have had the pleasure to work with many GLIFWIC wardens in the past 25 years. Most local wardens, if not all, were deputized by my predecessor. During my tenure as sheriff, I have deputized two local Native Americans who serve as GLIFWIC wardens. I might add that both of them are involved with my department and also fill in part-time shifts as deputies for the Sawyer County Sheriff's Department. I have also had the pleasure to work the boat landings during the spear fishing controversy side by side with the GLIFWIC personnel. Now, as then, I find the GLIFWIC wardens are well trained and knowledgeable on Wisconsin state law as well as tribal law.

In closing, I would add that in these times of financial scrutiny, another set of eyes and the ability to act as a law enforcement officer is welcomed enthusiastically in Sawyer County.

Cordially,

James A. Meier
Sawyer County Sheriff

JAM/ms

cc: Fred Maulson
Representative Mary Williams



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857

May 16, 2005

The Honorable Alan Lasee
Co-Chair
Joint Legislative Council
220 South, State Capitol
Madison, WI 53702

The Honorable Steve Wieckert
Co-Chair
Joint Legislative Council
16 West, State Capitol
Madison, WI 53702

Re: Proposed legislation regarding GLIFWC conservation wardens

Dear Senator Lasee and Representative Wieckert:

I am writing to offer my support for proposed legislation (WLC: 0127/3) that would extend the application of some Wisconsin law enforcement statutes to cover conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission ("GLIFWC").

Federal-court litigation between the State of Wisconsin and several Chippewa bands in the early 1990s authorized GLIFWC to enforce tribal hunting and fishing regulations in certain off-reservation territories in northern Wisconsin. Current state law, however, creates obstacles to some GLIFWC activities that are necessary concomitants of its court-authorized work, such as going armed in the uniform of a law enforcement officer and operating an emergency vehicle with a siren and red-and-blue warning lights. The primary achievement of the proposed legislation is to eliminate state-created obstacles to such activities, thereby facilitating the practical, day-to-day ability of GLIFWC wardens to do their jobs.

The proposed legislation also promotes general law enforcement goals by giving GLIFWC wardens access to certain state law enforcement tools, such as the transaction information for the management of enforcement ("TIME") system, and by affording GLIFWC wardens the same legal protections to physical safety that are generally afforded to all law enforcement officers.

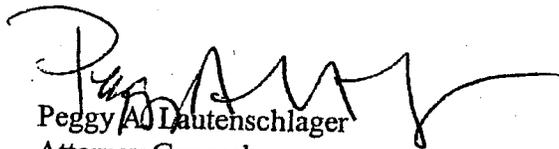
The second major achievement of this legislation is to enable GLIFWC to assist state law enforcement agencies in northern Wisconsin by authorizing GLIFWC to adopt and implement written policies under which its wardens would be allowed to respond to aid requests from state

The Honorable Alan Lasee
The Honorable Steve Wieckert
Page 2

law enforcement authorities and to make arrests for violations of state law when they encounter a dangerous emergency situation or a felony in progress. GLIFWC wardens who receive this authority will be required to meet the same training and certification requirements applied to Wisconsin law enforcement officers, thereby maintaining the state's established standards of law enforcement professionalism. In order to guarantee GLIFWC's financial responsibility for the official acts of its wardens pursuant to this new authority, the legislation requires GLIFWC to maintain a liability insurance policy for at least \$2 million under which there would be no defense of sovereign immunity.

This legislation advances the interests of the citizens of the State of Wisconsin and promotes comity between the state and the Chippewa bands of Wisconsin. On behalf of the Department of Justice, I offer my support for this legislative proposal. If I can be of any other assistance regarding this matter, please feel free to contact me by calling 266-1221.

Very truly yours,


Peggy A. Lautenschlager
Attorney General

PAL:TCB:df

c: The Honorable Terry Musser
State Representative



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

May 9, 2005

David L. Lovell, Senior Analyst
Wisconsin Legislative Council
One East Main Street, Suite 401
Madison, WI 53703-3382

Dear Mr. Lovell:

Representative Terry Musser has asked that I contact you regarding proposed legislation (WLC 0127) which would give limited state recognition to wardens of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). As you know, my staff has worked closely with Legislative Council staff in the drafting of this legislation and has previously testified in its support before the Special Committee on State - Tribal Relations.

I wish to reaffirm the Department's support for WLC 0127. Department law enforcement staff have an excellent working relationship with GLIFWC wardens and are familiar with the limitations placed on their roles due to the fact that they are not considered state law enforcement officers. This proposal would provide the necessary tools for properly trained GLIFW wardens to do their off-reservation treaty rights enforcement through provisions which recognize their ability to operate police vehicles, carry firearms and access the state's criminal history data base. The proposed changes would provide the recognition that GLIFWC officers need without expanding their authority over non-Indians except in emergency situations that pose a significant threat to life or bodily harm or when requested by another law enforcement agency.

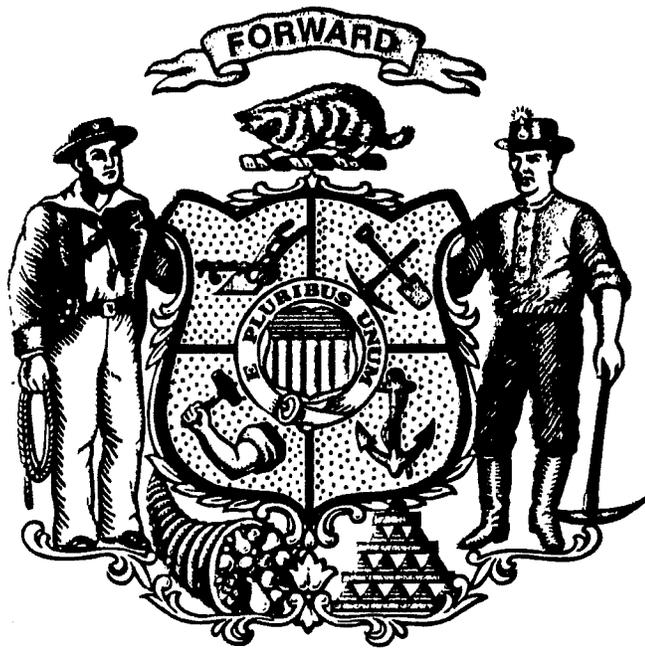
Again, the Department of Natural Resources is in support of WLC 0127.

Sincerely,

Scott Hassett
Secretary

cc: Michael Lutz, LS/5
Amber Smith, AD/5
Randy Stark, LE/5
Amy Smith, AD/5
Representative Terry Musser
James Schlender - GLIFWC





- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Thursday, May 17, 2007

2007-2008 legislative session
Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Senate Bill 97

conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission.

TEXT
sponsors
LBR analysis

STATUS
committee actions
and votes
text of amendments

COST & HOURS
of lobbying efforts
directed at this
proposal

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comm
●	●	Lac du Flambeau Band of Lake Superior Chippewa Indians	3/21/2007	↑	
●	●	Oneida Tribe of Indians of Wisconsin	4/4/2007	↑	
●	●	St Croix Chippewa Indians of Wisconsin	4/4/2007	↑	

Select a legislative proposal and click "go"

House

Proposal Type

Proposal Number 97 (enter proposal number)

Legislative Session 2007 Regular Session