

Memorandum

To: Members, Senate Committee on Economic Development, Housing and Government Operations

From: Ann Jablonski, St. Croix-Chippewa Tribal Council
Joe Strohl, Menominee Nation

Re: **Assembly Bill 585**

Date: March 9, 2000

We want to convey our support for Assembly Bill 585 and ask you to approve it when you consider it for executive action.

The bill does three things:

- Renames the American Indian Studies Committee the "Special Committee on State-Tribal Relations."
- Allows the number of tribal members appointed to the committee by the Joint Legislative Council to increase from six members to no more than eleven tribal representatives.
- Changes the focus of committee work from studying the "problems of American Indians and Indian tribes in this state" to "issues related to American Indians and the American Indian tribes and bands in this state."

The American Indian Studies Committee proposed these statutory changes for two reasons.

First, the AISC seeks to bring greater tribal representation to the committee by enabling a representative of each tribe to become a member.

Second, both AISC tribal members and legislators are concerned about state-tribal relations and want to promote greater understanding between the tribes and the State of Wisconsin.

We hope you share this concern and will support the bill.

Stockbridge-Munsee Community

BAND OF THE MOHICAN INDIANS
TRIBAL COUNCIL OFFICES

March 9, 2000

Committee Chairman
Assembly Committee on Government Operations
State of Wisconsin Legislature

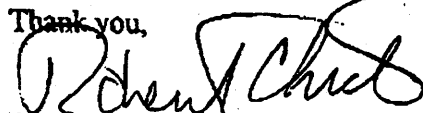
Mr. Chairman and Members of the Committee on Government Operations:

Thank you for giving us an opportunity to appear here today. The Stockbridge-Munsee Band of Mohican Indians supports Assembly Bill 585 and the efforts of this Committee, the Joint Legislative Committee, the current American Indian Studies Committee and Mr. Musser for their work on this legislation.

As an active participant and supporter of the current Committee, the Stockbridge-Munsee Tribe is encouraged by a renewed sense of commitment by the State of Wisconsin to acknowledge and strengthen its relationship with the eleven Tribal Governments in this State. Additionally, we view this commitment as a means whereby future legislation might be passed through this Committee for comment prior to a final vote by the legislature.

Through passage of this legislation we believe that the proper focus will be accorded this Bi-partisan, multi-Tribal effort to address State-Tribal issues in an appropriate method. Therefore the Stockbridge-Munsee Band of Mohican Indians endorses AB585 and congratulates the efforts of the sponsors of this bill and encourages its subsequent passage.

Thank you,



Robert Chicks, President
Stockbridge-Munsee Band of Mohican Indians



**STATE OF WISCONSIN
JOINT LEGISLATIVE COUNCIL**

REPORT NO. 13 TO THE 1999 LEGISLATURE

**LEGISLATION RECOMMENDED BY THE AMERICAN INDIAN
STUDY COMMITTEE**

- 1999 ASSEMBLY BILL 585, Relating to the American Indian Study
Committee
- 1999 ASSEMBLY BILL 586, Relating to Education About American Indians
and Making an Appropriation
- 1999 ASSEMBLY BILL 587, Relating to Eligibility of Second Cousins for
Payments Under the Kinship Care and Long-
Term Kinship Care Programs

Legislative Council Staff
November 18, 1999

One East Main Street, Suite 401
Madison, Wisconsin

RL 99-13

JOINT LEGISLATIVE COUNCIL
REPORT NO. 13 TO THE 1999 LEGISLATURE*

LEGISLATION RECOMMENDED BY THE
AMERICAN INDIAN STUDY COMMITTEE

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Legislative Council Staff.

PART I

**KEY PROVISIONS OF LEGISLATION:
COMMITTEE AND JOINT LEGISLATIVE COUNCIL VOTES**

**A. 1999 ASSEMBLY BILL 585, RELATING TO THE AMERICAN INDIAN STUDY
COMMITTEE**

• **Committee Name and Membership**

Changes the name of the American Indian Study Committee (AISC) to the Special Committee on State-Tribal Relations. The bill also changes the number of public members on the Committee from six to not fewer than six nor more than 11, allowing the possibility of each American Indian tribe or band in the state to be represented on the Committee.

• **Votes**

At its May 14, 1999 meeting, the AISC voted to recommend WLCS: 0095/2 to the Joint Legislative Council (JLC) for introduction in the 1999-2000 Session of the Legislature. In addition, by a mail ballot, dated October 15, 1999, the AISC voted to recommend WLCS: 0205/1 to the JLC for introduction in the 1999-2000 Session of the Legislature and to combine that draft with WLCS: 0095/2. The two drafts were subsequently combined as LRB-3362/2.

The vote on WLCS: 0095/2 was *Ayes, 10* (Reps. Musser, Ainsworth, Boyle, Coggs and La Fave; and Public Members Downs, Husby, Martin, Miller and Newago); *Noes, 0*; and *Absent, 3* (Rep. Albers; Sen. George; and Public Member Jordan).

The vote on WLCS: 0205/1 was *Ayes, 11* (Reps. Musser, Ainsworth, Boyle, Coggs, La Fave and Spillner; Sen. George; and Public Members Downs, Husby, Miller and Newago); *Noes, 2* (Public Members Jordan and Martin).

At its November 4, 1999 meeting, the JLC voted to introduce 1999 Assembly Bill 585 (LRB-3362/2) by a vote of *Ayes, 15* (Sens. Risser, Burke, Erpenbach, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Huber, Jensen, Krug and Schneider); *Noes, 3* (Sen. Cowles; and Reps. Gard and Stone); and *Absent, 4* (Sens. Chvala, Ellis and George; and Rep. Seratti).

**B. 1999 ASSEMBLY BILL 586, RELATING TO EDUCATION ABOUT AMERICAN
INDIANS AND MAKING AN APPROPRIATION**

• **Funding for the American Indian Studies Program; Program Audits**

Creates a \$250,000 general purpose revenue (GPR) appropriation to the Department of Public Instruction (DPI) for activities related to assisting school boards in complying with the

statutory requirement to provide instruction in the history, culture and tribal sovereignty of the American Indian tribes in Wisconsin, including the development and dissemination of an American Indian studies curriculum. The bill transfers existing appropriations of \$111,800 to the new appropriation, thus, providing net increased funding of \$138,200. The bill also increases positions in DPI for this purpose from 1.6 full-time equivalent (FTE) to 3.0 FTE. The bill directs DPI to conduct annual audits of some or all school districts to monitor compliance with the statutory curriculum requirements.

- Votes

At its July 30, 1999 meeting, the AISC voted to recommend WLCS: 0178/2 to the JLC for introduction in the 1999-2000 Session of the Legislature. The draft was later redrafted as LRB-3565/2. The vote was *Ayes*, 8 (Reps. Musser, Ainsworth, Coggs and La Fave; and Public Members Downs, Husby, Martin and Miller); *Noes*, 0; and *Absent*, 5 (Reps. Albers and Boyle; Sen. George; and Public Members Jordan and Newago).

At its November 4, 1999 meeting, the JLC voted to introduce 1999 Assembly Bill 586 (LRB-3365/2) by a vote of *Ayes*, 15 (Sens. Risser, Burke, Erpenbach, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Huber, Jensen, Krug and Schneider); *Noes*, 3 (Sen. Cowles; and Reps. Gard and Stone); and *Absent*, 4 (Sens. Chvala, Ellis and George; and Rep. Seratti).

C. 1999 ASSEMBLY BILL 587. RELATING TO ELIGIBILITY OF SECOND COUSINS FOR PAYMENTS UNDER THE KINSHIP CARE AND LONG-TERM KINSHIP CARE PROGRAMS

- Definition of "Kinship Care Relative"

Expands the definition of "relative" under the kinship care and long-term kinship care programs to include second cousins, thus, making them eligible to receive kinship care and long-term kinship care payments.

- Votes

By a mail ballot, dated October 15, 1999, the AISC voted to recommend WLCS: 0204/1 to the JLC for introduction in the 1999-2000 Session of the Legislature. The draft was later redrafted as LRB-3795/1. The vote was *Ayes*, 13 (Reps. Musser, Ainsworth, Boyle, Coggs, La Fave and Spillner; Sen. George; and Public Members Downs, Husby, Jordan, Martin, Miller and Newago); and *Noes*, 0.

At its November 4, 1999 meeting, the JLC voted to introduce 1999 Assembly Bill 587 (LRB-3795/1) by a vote of *Ayes*, 15 (Sens. Risser, Burke, Erpenbach, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Huber, Jensen, Krug and Schneider); *Noes*, 3 (Sen. Cowles; and Reps. Gard and Stone); and *Absent*, 4 (Sens. Chvala, Ellis and George; and Rep. Seratti).

PART II

COMMITTEE ACTIVITY

A. ASSIGNMENT

The AISC is a permanent committee of the JLC established under s. 13.83 (3), Stats. The Committee is directed by statute to:

... study the problems and develop specific recommendations and legislative proposals relating to American Indians and the various Indian tribes in this state.

The membership of the AISC, appointed by the JLC, consists of eight legislative members from the Senate and Assembly and six public members appointed from names submitted by the Wisconsin Indian tribes and the Great Lakes Inter-Tribal Council (GLITC). The Committee is assisted by a Technical Advisory Committee (TAC) composed of a representative of each of the following state departments: Health and Family Services; Workforce Development; Justice; Natural Resources; Public Instruction; Revenue; and Transportation. A list of the Committee membership and TAC membership are included as **Appendices 2 and 3**, respectively.

B. SUMMARY OF MEETINGS

The AISC held five meetings during the period covered by this report on the following dates:

March 17, 1999 (State Capitol)
April 19, 1999 (Lac Courte Oreilles Indian Reservation)
May 14, 1999 (Lac du Flambeau Indian Reservation)
July 30, 1999 (Stockbridge-Munsee Indian Reservation)
September 24, 1999 (Menominee Indian Reservation)

At the March 17, 1999 meeting, the Committee was addressed by Tom Maulson, Tribal Chair of the Lac du Flambeau Band of Lake Superior Chippewa Indians and President of the GLITC, regarding state-tribal relations. In addition, gaiashkibos, Tribal Chair of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, and Bob Chicks, Tribal Chair of the Stockbridge-Munsee Band of Mohican Indians, addressed the Committee on this topic. The Committee heard a presentation by Alicia Gibb and Christine Munson, Cochairpersons, Youth "Indian" Mascot and Logo Task Force, regarding school mascots and logos depicting American Indians. The Committee also heard presentations by Mary Husby, Director of Social Services, Menominee Indian Tribe of Wisconsin and public member of the AISC, and from Linda Dawson, Deputy Chief Legal Counsel, Department of Health and Family Services (DHFS), regarding tribal administration of criminal background checks for caregivers. Chairperson Musser asked staff to meet with Ms. Husby, DHFS staff and others to develop options for the Committee to

consider relating to tribal administration of the rehabilitation review process of the caregiver background check. The Committee discussed the name and study assignment of the AISC. Chairperson Musser directed staff to prepare options on this subject for Committee consideration.

At the April 19, 1999 meeting, the Committee heard a presentation from Virginia Nuske, President, Wisconsin Indian Education Association, regarding general Indian education issues. It also heard presentations from J.P. Leary, Consultant, American Indian Studies Program, Equity Mission Team, DPI and a member of the AISC's TAC, and Sharon Cloud, Board of Directors, Wisconsin Indian Education Association, regarding statutory Indian studies curriculum requirements for public schools. The Committee also heard presentations from Mr. Leary; Barbara Munson, Chairperson, "Indian" Mascot and Logo Task Force, Wisconsin Indian Education Association; and Richard Hanson, resident of the Menomonie School District, regarding school mascots and logos depicting American Indian images. Noting that legislation relating to the use of mascots and logos was being proposed for introduction, the Committee voted to direct Chairperson Musser to write to the chairpersons of the standing committees to which the legislation is referred to request that the committees hold public hearings on that legislation. The Committee discussed miscellaneous provisions of the Governor's proposed 1999-2001 biennial budget that relate to American Indian tribes or American Indians. The Committee discussed two bill drafts, WLCS: 0095/1, relating to the American Indian Study Committee, and WLCS: 0097/P1, relating to caregiver background checks.

At the May 14, 1999 meeting, the Committee discussed Memo No. 98-7, *Options Relating to the Statutes Regarding Education About American Indians, Created by 1989 Wisconsin Act 31*, and directed staff to prepare a bill draft that would provide a separate appropriation in DPI's budget for the American Indian studies program. The Committee also directed Chairperson Musser to send a letter to the State Superintendent of Public Instruction requesting that the State Superintendent remind school districts of their obligations to provide instruction about American Indians and asking DPI to conduct a survey of compliance with those obligations. The Committee discussed Memo No. 98-5, *Indian Student Assistance Program*. In addition, the Committee heard a presentation from Christina Rencontre, Education Director, Lac du Flambeau Band of Lake Superior Chippewa Indians, regarding financial assistance for American Indian students attending colleges and universities. The Committee voted to recommend that state funding for the Indian student assistance grant program be increased and funded from tribal gaming revenues, and the Committee directed Chairperson Musser to communicate this recommendation to the Cochairpersons of the Joint Committee on Finance for consideration in the budget deliberations, which were then in progress. The Committee also discussed WLCS: 0097/P1, relating to caregiver background checks, and Memo No. 98-8, *Issues Raised About WLCS: 0097/P1, Relating to Caregiver Background Checks*. The Committee made several changes to the draft and directed Chairperson Musser to seek inclusion of the revised draft in the 1999-2001 biennial budget bill. The Committee discussed WLCS: 0095/1, relating to the American Indian Study Committee. The Committee refined the draft and voted to recommend the draft to the JLC for introduction in the 1999-2000 Legislative Session. The Committee also discussed Memo No. 98-6, *Precedents for a Nonvoting American Indian Delegate to the State Legislature*, and directed Chairperson Musser to form a working group, including additional

tribal representation, to further discuss the concept of nonvoting tribal delegates to the state Legislature.

At the July 30, 1999 meeting, the Committee heard presentations from Lisa Waukau, Tribal Secretary, Menominee Tribal Legislature, and William Kussel, Jr., Program Attorney, Menominee Indian Tribe of Wisconsin; Steven Tinker, Assistant Attorney General and James R. Warren, Administrator, Division of Criminal Investigations, Wisconsin Department of Justice (DOJ); and Robert Schmidt, Sheriff, Shawano County, and Gary Robert Bruno, District Attorney, Shawano and Menominee Counties, regarding extradition and fresh pursuit by law enforcement officers to and from the Menominee Indian Reservation. The Committee urged the DOJ, the tribe and the affected counties to work together to complete an agreement governing these matters. The Committee also heard presentations regarding the cooperative county-tribal law enforcement program from Kelly Kennedy, County-Tribal Law Enforcement Program Coordinator, DOJ, Paul Stenzel, Staff Attorney and Tribal Prosecutor, and Rick Church, Director of Public Safety, Stockbridge-Munsee Band of Mohican Indians; Sheriff Schmidt; and District Attorney Bruno. The Committee discussed Memo No. 98-9, *Enforcement of the Statute Requiring School Districts to Provide Instruction About American Indians* and WLCS: 0178/1, relating to education about American Indians. The Committee voted to recommend WLCS: 0178/1, as modified in Committee discussion, to the JLC for introduction in the 1999-2000 Legislative Session. The Committee also heard a status report about the July 21, 1999 meeting of the Working Group on Tribal Delegates to the State Legislature. The Committee meeting was preceded by a tour of the Stockbridge-Munsee Indian Reservation.

At the September 24, 1999 meeting, the Committee heard presentations by Mark Mitchell, Manager, Child Welfare Services Section, Bureau of Programs and Policies, Division of Child and Family Services, DHFS, and from Dale Wolf, Deputy Director, Health and Human Services, GLITC, regarding a proposal by the DHFS to initiate a program to develop the capacity of American Indian tribes to provide child welfare services, including assigning a DHFS position to this program. The Committee also heard presentations from Mr. Mitchell and Mary Husby, Director of Social Services, Menominee Indian Tribe of Wisconsin and member of the AISC, regarding the definition of "relative" under the kinship care-program and long-term kinship care program. In addition, the Committee heard presentations by Mr. Mitchell and Ms. Husby regarding funding for assessments under the kinship care program administered by American Indian tribes. The Committee discussed a proposal to increase the membership of the AISC to allow representation of all tribes on the Committee. The Committee meeting was preceded by a tour of the Menominee Indian Reservation.

C. STAFF MATERIALS AND OTHER MATERIALS

Appendix 4 lists all of the materials received by the AISC in the period covered by this report. In addition to these materials, the Legislative Council Staff prepared several bill drafts for the AISC and a summary of each of the AISC's meetings. The following documents may be of particular interest to persons interested in the work of the AISC:

- Memo No. 98-1, *Statutory Basis of the American Indian Study Committee* (March 10, 1999).
- Memo No. 98-4, *Statutes Relating to Education About American Indians, Created by 1989 Wisconsin Act 31* (April 9, 1999).
- Memo No. 98-14, *Definition of "Relative" Under the Kinship Care Program and Long-Term Kinship Care Program; and Funding for Assessments Under the Kinship Care Program* (September 17, 1999).

PART III

BACKGROUND: DESCRIPTION OF BILLS

This Part of the report provides background information on, and a description of, the bills recommended by the AISC and introduced by the JLC.

A. 1999 ASSEMBLY BILL 585, RELATING TO THE AMERICAN INDIAN STUDY COMMITTEE

1. Background

The JLC is required to create the AISC in each biennium to study the problems of American Indians and American Indian tribes in this state in various subject areas and to develop specific recommendations and legislative proposals for the JLC in these areas. [s. 13.83 (3), Stats.]

The statutes provide that the AISC shall be composed of the following 14 members, appointed by the JLC:

- a. Six members selected from names submitted by the American Indian tribes and bands in this state or GLITC.
- b. Eight legislator members, including at least one member of the majority party and at least one member of the minority party from each house.

2. Description of the Bill

The bill changes the name of the AISC to the Special Committee on State-Tribal Relations. It also increases the number of members that the JLC may appoint on the basis of the recommendations of American Indian tribes and bands, directing the JLC to appoint not fewer than six nor more than 11 such members. It prohibits the JLC from appointing more than one member based on the recommendation of any one tribe or band or of GLITC. Under this proposal, each of the 11 tribes and bands in this state could be represented on the Special Committee.

In addition, the bill updates the statute under which the Special Committee functions, consolidating the provisions of that statute and directing the Special Committee to study "issues related to American Indians and the American Indian tribes and bands in this state," rather than "the problems of American Indians and Indian tribes in this state."

B. 1999 ASSEMBLY BILL 586, RELATING TO EDUCATION ABOUT AMERICAN INDIANS AND MAKING AN APPROPRIATION

1. Background

1989 Wisconsin Act 31 created s. 121.02 (1) (L) 4., Stats., which requires that each school board, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands in Wisconsin at least twice in the elementary grades and at least once in the high school grades. Act 31 also created s. 115.28 (17) (d), Stats., which requires the State Superintendent of Public Instruction to develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty-based, off-reservation right to hunt, fish and gather.

In addition, Act 31 provided \$100,000 GPR in state fiscal year 1989-90 and \$200,000 GPR in state fiscal year 1990-91 and authorized 3.0 FTE positions in DPI for those purposes. Act 31 also provided \$50,000 GPR in each of those years to DPI to conduct educational conferences on American Indian treaty rights. These amounts were included in DPI's appropriation for educational leadership--general program operations, i.e., were not a separate line item in DPI's budget.

In response to general budget cuts and staff reductions in the mid-1990's, allocations for this purpose were reduced. In state fiscal year 1998-99, DPI allocated 1.6 FTE positions to the American Indian studies program and expended a total of \$111,744 (\$63,334 for salaries; \$24,741 for fringe benefits; \$20,144 for supplies and services; and \$3,525 for conferences and projects) for the program.

2. Description of the Bill

The bill creates a separate appropriation to DPI specifically for continued implementation of the Act 31 requirements and restores the funding and DPI position authorizations to the levels originally established in Act 31 for the American Indian studies program, as follows:

a. Transfers \$111,800 GPR from an existing appropriation to DPI for educational leadership--general program operations and provides new funding of \$138,200 GPR to create a separate annual appropriation to DPI of \$250,000 GPR beginning in state fiscal year 2000-01 to: (1) develop curriculum relating to Chippewa Indians' treaty-based, off-reservation right to hunt, fish and gather as required under s. 115.28 (17) (d), Stats.; (2) assist school boards in complying with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin; and (3) annually audit some or all school districts to determine compliance with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin. In addition, the appropriation will fund educational conferences and projects relating to providing instruction about American Indian tribes and bands in Wisconsin.

b. Transfers 1.6 FTE positions in DPI funded by the educational leadership--general program operations appropriation and adds 1.4 FTE positions for a total of 3.0 FTE positions to be funded by the separate annual appropriation described in item a., above.

In addition, the bill:

a. Requires DPI, in each school year (that is, between July 1 and June 30), to audit some or all school districts to monitor compliance with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin. Under the bill, DPI determines the number of school districts to audit each year. The bill does not require an on-site audit.

b. Requires DPI to annually report the results of the audits to the AISC.

C. 1999 ASSEMBLY BILL 587, RELATING TO ELIGIBILITY OF SECOND COUSINS FOR PAYMENTS UNDER THE KINSHIP CARE AND LONG-TERM KINSHIP CARE PROGRAMS

1. Background

a. General background about the kinship care and long-term kinship care programs

Under current law, the kinship care program and the long-term kinship care program provide that a county department of social services, county department of human services or, in Milwaukee County, the DHFS, must make payments to a relative of a child, other than the child's parents, who provides care and maintenance for the child if certain conditions are met. Some children are placed in the care of a relative by court order; in other cases, the living arrangement is made on an informal basis without a court order. Current law provides that DHFS may enter into an agreement with the governing body of an American Indian tribe to administer the kinship care program or the long-term kinship care program.

Currently, for purposes of the kinship care and long-term kinship care programs, a "relative" means a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any of these persons, even if the marriage is terminated by death or divorce. This means that a child's *second cousin* is not considered a relative for purposes of these programs and is not entitled to a kinship care or long-term kinship care payment.

b. General background about the Federal Indian Child Welfare Act

The Federal Indian Child Welfare Act (ICWA) relates to "child custody proceedings" involving American Indian children, that is, "foster care placements," "termination of parental rights" proceedings, "preadoptive placements" and "adoptive placements," as defined in ICWA. The general goal of ICWA is to have American Indian children remain in the Indian community. ICWA provides that in foster care, preadoptive and adoptive placements, preference must be

given, in the absence of good cause to the contrary, to placement of the child with certain categories of individuals. Unless a tribe establishes a different order of preference by resolution, in general, the first placement preference is "a member of the Indian child's extended family." [25 U.S.C. s. 1915.] Under ICWA, a child's *second cousin* is considered to be a member of the child's extended family. This means that, among others, preference may be given to having an Indian child placed with his or her second cousin.

c. Committee discussion

Technically, the kinship care program and the long-term kinship care program are payment mechanisms, not "child custody proceedings" under ICWA. Therefore, ICWA does not appear to require that all individuals who may be defined as "extended family members" under ICWA be eligible for kinship care payments or long-term kinship care payments.

The Committee discussed the situation which occurs when a court orders placement of an Indian child with a second cousin who is an extended family member under ICWA, or if arrangements are made on an informal basis to have an Indian child live with a relative who is a second cousin of the child, rather than filing a petition in court, but the second cousin is not eligible for kinship care payments or long-term kinship care payments.

The Committee recommended that second cousins be included in the definition of a "relative" for purposes of the kinship care program and the long-term kinship care programs. In order to avoid possible constitutional issues, the Committee recommended changing the definition for all children, not just American Indian children.

2. Description of the Bill

The bill adds second cousins to the list of persons who are defined as a kinship care relative or long-term kinship care relative and, thus, permits them to receive payments for providing care and maintenance to a child under these programs.

DLL:JLK:jal:tl;rv

APPENDIX I

JOINT LEGISLATIVE COUNCIL

s. 13.81, Stats.

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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the cochairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

AMERICAN INDIAN STUDY COMMITTEE,
SPECIAL COMMITTEE ON

OFFICERS

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STUDY ASSIGNMENT: The Committee is directed to study the problems and develop specific recommendations and legislative proposals relating to American Indians and the various Indian Tribes in this state.

Established biennially, pursuant to s. 13.83 (3), Stats. Membership of the Committee appointed by a December 10, 1998 mail ballot.

13 MEMBERS: 1 Senator; 6 Representatives and 6 Public Members.

LEGISLATIVE COUNCIL STAFF: Joyce Kiel, Senior Staff Attorney; David Lovell, Senior Analyst; and Tracey Uselman, Administrative Staff.

- (1) Appointed by a March 4, 1999 mail ballot to fill the vacancy created by the completion of Rep. Rebecca Young's legislative term.
- (2) Appointed by an April 8, 1999 mail ballot as the Vice Chairperson of the Committee.
- (3) Appointed by an October 12, 1999 mail ballot to replace Rep. Sheryl Albers, who resigned from the Committee on September 15, 1999.

AMERICAN INDIAN STUDY COMMITTEE

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ASSIGNMENT: Established pursuant to s. 13.83 (3) (f), Stats., to assist the American Indian Study Committee in performing its statutory functions.

7 MEMBERS: One representative designated by the following Departments: Health and Family Services; Justice; Natural Resources; Public Instruction; Revenue; Transportation; and Workforce Development.

COMMITTEE MATERIALS

Staff Materials

1. Memo No. 98-1, *Statutory Basis of the American Indian Study Committee* (March 10, 1999).
2. Memo No. 98-2, *Reports Regarding Cooperative County-Tribal Law Enforcement Programs* (March 10, 1999).
3. Memo No. 98-3, *Caregiver Background Checks* (March 10, 1999).
4. Memo No. 98-4, *Statutes Relating to Education About American Indians, Created by 1989 Wisconsin Act 31* (April 9, 1999).
5. Memo No. 98-5, *Indian Student Assistance Program* (May 7, 1999).
6. Memo No. 98-6, *Precedents for a Nonvoting American Indian Delegate to the State Legislature* (May 7, 1999).
7. Memo No. 98-7, *Options Relating to the Statutes Regarding Education About American Indians, Created by 1989 Wisconsin Act 31* (May 7, 1999).
8. Memo No. 98-8, *Issues Raised About WLCS: 0097/P1, Relating to Caregiver Background Checks* (May 7, 1999).
9. Memo No. 98-9, *Enforcement of the Statute Requiring School Districts to Provide Instruction About American Indians* (July 14, 1999).
10. Memo No. 98-10, *Status of the American Indian Study Committee's Recommendations Regarding Tribal Administration of the Rehabilitation Review Process for Caregiver Background Checks* (July 21, 1999).
11. Memo No. 98-11, *Background Information Relating to Extradition From and To the Menominee Reservation and Fresh Pursuit by Law Enforcement Officers To and From the Menominee Reservation* (July 23, 1999).
12. Memo No. 98-12, *Tribal Delegates to the State Legislature; Discussion of Issues* (August 27, 1999).
13. Memo No. 98-13, *Proposal of the Department of Health and Family Services to Initiate a Program to Develop the Capacity of American Indian Tribes to Provide Child Welfare Services* (September 17, 1999).
14. Memo No. 98-14, *Definition of "Relative" Under the Kinship Care Program and the Long-Term Kinship Care Program; and Funding for Assessments Under the Kinship Care Program* (September 17, 1999).

Other Materials

1. Handout, *Appendix A Crimes List*, submitted by Linda Dawson, Department of Health and Family Services (DHFS) (February 1999).
2. Handout, *Summary of Changes to Chapters HFS 12 & 13 Emergency Rules Effective February 28, 1999*, submitted by Linda Dawson, DHFS (undated).
3. Handout, *People as School Mascots, Honorable Tradition or Institutional Bigotry?*, submitted by Alicia Gibb and Christine Munson, Youth "Indian" Mascot and Logo Taskforce (undated).
4. LRB-0195/3, relating to the use of ethnic names, nicknames, logos and mascots by school boards, granting rule-making authority and providing a penalty, submitted by Alicia Gibb and Christine Munson, Youth "Indian" Mascot and Logo Taskforce. (Distributed to Committee members only.)
5. Packet of materials submitted by Barbara E. Munson, Chair, Wisconsin Indian Education Association "Indian" Mascot and Logo Taskforce:
 - a. *Wisconsin Indian Education Association "Indian" Mascot and Logo Taskforce Invites You to Join the Effort to Stop the Use of "Indian" Mascots and Logos in Wisconsin Schools By the Year 2000* (undated).
 - b. *Common Themes and Questions About the Use of "Indian" Logos* (1997).
 - c. *Chronology of Attempts to Remove Indian Mascots and Logos From Wisconsin Schools* (undated).
 - d. Great Lakes Inter-Tribal Council, Inc., Resolution No. 99-01.05 (undated).
6. Handout, *The Role of the Wisconsin Department of Public Instruction With Regard to School Nicknames, Mascots, and Logos*, Department of Public Instruction (DPI) (April 19, 1999).
7. Packet of materials submitted by Regina Dahms, Resident, Menomonie School District:
 - a. Letter, from Lewis Taylor, St. Croix Tribal Chairman, to Larry Sylte (October 7, 1996).
 - b. Menomonie School Board Policy on Use of Indian Logo (August 10, 1998).
 - c. Wisconsin Court of Appeals Unpublished Decision, *Barbara Munson and Students A, B, and C v. State Superintendent of Public Instruction and School District of Mosinee*, No. 97-1450 (February 17, 1998).
 - d. Example of Indian Logo (undated).

8. Excerpt from Informational Paper #79, *Legal Gambling in Wisconsin*, pp. 34-36, relating to the intended use of additional state revenues from the gaming compacts, Legislative Fiscal Bureau (LFB) (January 1999).
9. Excerpt from *1999-01 Wisconsin State Budget, Summary of Governor's Budget Recommendations*, pp. 67-71, relating to tribal gaming revenue allocations, LFB (March 1999).
10. Letter, from Representative Terry Musser, Chairperson, American Indian Study Committee (AISC), to Attorney General James E. Doyle, regarding the proposed Indian law initiative at the Department of Justice (DOJ) (March 29, 1999).
11. Letter, from Representative Terry Musser, Chairperson, AISC, to Secretary Cate Zeuske, Department of Revenue, and Secretary Mark Bugher, Department of Administration, regarding provisions in the 1999-2001 Biennial Budget Bill relating to cigarette and tobacco products taxes (March 29, 1999).
12. Letter, from Attorney General James E. Doyle, to Representative Terry Musser, Chairperson, AISC, regarding Indian-related litigation at the DOJ (April 15, 1999).
13. Letter, from Secretary Mark Bugher, Department of Administration, to Representative Terry Musser, Chairperson, AISC, regarding provisions in the 1999-2001 Biennial Budget Bill relating to cigarette and tobacco products taxes (April 19, 1999).
14. Letter, from Representative Terry Musser, Chairperson, AISC, to Representative John Gard and Senator Brian Burke, Cochairpersons, Joint Committee on Finance (JFC), regarding certain provisions of the 1999-2001 Biennial Budget Bill (April 27, 1999).
15. Memorandum, *Certain Provisions of the 1999-01 Biennial Budget Bill of Interest to Indian Tribes*, from Representative Terry Musser, Chairperson, AISC (April 27, 1999).
16. Packet of materials submitted by J.P. Leary, DPI:
 - a. *A Brief History of the American Indian Studies Program at the Department of Public Instruction, 1987-Present* (April 19, 1999).
 - b. *Responsibilities and Tasks Assigned to the DPI American Indian Studies Program* (April 19, 1999).
 - c. Letter, from John Benson, State Superintendent of Public Instruction (April 1, 1994).
 - d. *American Indian Studies Program Information Packet* (April 1999).
17. Handout, *W.I.E.A. Issues to be Presented to American Indian Studies Committee*, submitted by Sharon Cloud, Board of Directors, Wisconsin Indian Education Association (April 19, 1999).
18. Handout, *Testimony of Robert Chicks, Chairman, Stockbridge-Munsee Community Band of Mohican Indians*, submitted by Leah Miller (March 26, 1999).

19. Letter from Robert Chicks, Tribal President, Stockbridge-Munsee Band of Mohican Indians, to Representative John Gard, Cochairperson, JFC, government-to-government relations and the 1999-2001 Biennial Budget Bill, submitted by Leah Miller (March 30, 1999).

20. Letter from Representative Terry Musser, Chairperson, AISC, to Representative John Gard and Senator Brian Burke, Cochairpersons, JFC, relating to Indian Student Assistance Grants (May 18, 1999).

21. Great Lakes Inter-Tribal Council Resolution No. 99-05.07, relating to supporting retention of programs within the consolidated Family Services Program (May 12, 1999).

22. Letter, to John Benson, State Superintendent of Public Instruction, from Representative Terry Musser, Chairperson, AISC, relating to education about American Indians (July 14, 1999).

23. Handout, *American Indian Study Committee*, submitted by Kelly Kennedy, County-Tribal Law Enforcement Program Coordinator, DOJ, regarding the county-tribal law enforcement program (July 30, 1999).

24. *Legislative Report on 1989 Wisconsin Act 31*, submitted by Virginia Nuske, Wisconsin Indian Education Association (September 25, 1996).

25. Handout, *LdF Higher Education Stats*, submitted by Christina Rencontre, Education Director, Lac du Flambeau Band of Lake Superior Chippewa Indians (February 24, 1998).

26. Letter, to John Benson, State Superintendent of Public Instruction, from Representative Terry Musser, Chairperson, AISC, relating to education about American Indians (July 14, 1999).

27. Letter, from John Benson, State Superintendent of Public Instruction, to Representative Terry Musser, Chairperson, AISC, regarding education about American Indians in public schools (July 30, 1999).

28. Letter, from Representative Terry Musser, Chairperson, AISC, to Representative Stephen Nass, Chairperson of the Assembly Committee on Education Reform, and Senator Richard Grobschmidt, Chairperson of the Senate Committee on Education, regarding legislation relating to the use of ethnic names, nicknames, logos and mascots by school boards (August 24, 1999).

29. Letter, from Representative Stephen Nass, Chairperson of the Assembly Committee on Education Reform, to Representative Terry Musser, Chairperson, AISC, regarding legislation relating to the use of ethnic names, nicknames, logos and mascots by school boards (August 24, 1999).

30. Letter, from Senator Gary George to Representative Terry Musser, Chairperson, AISC, regarding legislation relating to the use of ethnic names, nicknames, logos and mascots by school boards (August 25, 1999).

31. Letter, from John Benson, State Superintendent of Public Instruction, to Chairperson Terry Musser, Chairperson, AISC, regarding education about American Indians in public schools (September 14, 1999).

32. Section 13.83 (3), Stats., relating to the American Indian Study Committee.

33. Letter, to Attorney General James E. Doyle, from Representative Terry Musser, Chairperson, AISC, regarding extradition and fresh pursuit from and to the Menominee Reservation (August 4, 1999).

34. Letters, from Attorney General James E. Doyle, to Representative Terry Musser, Chairperson, AISC, and to Apesanahkwat, Chairperson, Menominee Indian Tribe of Wisconsin, regarding extradition and fresh pursuit from and to the Menominee Reservation (September 1, 1999).

35. Memorandum, from Kelly Kennedy, Coordinator, County-Tribal Law Enforcement Program, DOJ, *Review of county-tribal law enforcement program activities* (September 15, 1999).

36. Letter, from Michael W. Allen, Sr., Executive Director, Great Lakes Inter-Tribal Council, relating to the proposal of the DHFS to initiate a program to develop the capacity of American Indian tribes to provide child welfare services (September 13, 1999) (without attachment).

37. Handout from Kelly Kennedy, County-Tribal Law Enforcement Program Coordinator, DOJ (July 30, 1999).

38. Materials submitted by Rick Church, Director of Public Safety (DPS) and Tribal Councilman, Stockbridge-Munsee Tribe of Mohican Nation:

a. Letter from Rick Church to Attorney General Janet Reno, U.S. DOJ (February 24, 1999).

b. Memorandum to Gary Ehman, Editor Mohican News, from Rick Church, DPS, *Increase In Request For Police Services* (September 23, 1998).

39. Handout, *Tribal Gaming Revenue Allocations*, prepared by the Legislative Fiscal Bureau (September 21, 1999).

40. Handout, *Cooperative Tribal/County Law Enforcement Agreement Shawano County and Stockbridge-Munsee Community*, submitted by Rick Church, DPS, Stockbridge-Munsee Band of Mohican Indians (January 1, 1999).

41. Handout, *County-Tribal Law Enforcement Funding Program*, submitted by Mary Husby (September 24, 1999).

42. Handout, submitted by Dale Wolf, Great Lakes Inter-Tribal Council, relating to DHFS proposal to develop the capacity of American Indian tribes to provide child welfare services (September 24, 1999).