



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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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.

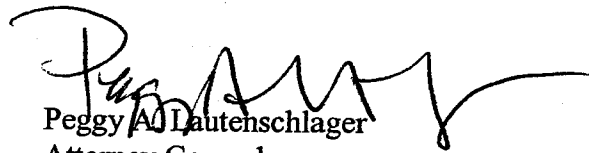
The second major achievement of this legislation is to enable GLIFWC to assist state law enforcement agencies in northern Wisconsin by authorizing GLIFWC to adopt and implement written policies under which its wardens would be allowed to respond to aid requests from state

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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