



---

---

## WISCONSIN LEGISLATIVE COUNCIL

---

---

### STATE-TRIBAL RELATIONS

Room 411 South  
State Capitol

August 1, 2016  
10:00 a.m. – 1:00 p.m.

[The following is a summary of the August 1, 2016 meeting of the Special Committee on State-Tribal Relations. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.wisconsin.gov/lc>.]

---

#### Call to Order and Roll Call

Chair Mursau called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Rep. Jeffrey Mursau, Chair; Sen. Kathleen Vinehout, Vice Chair; Reps. James Edming and Beth Meyers; Sens. Tim Carpenter and Mary Lazich; and Public Members Dee Ann Allen, Russell “Rusty” Barber, Gary Besaw, Michael Decorah, Shannon Holsey, Chris McGeshick, and Lisa Summers.

COMMITTEE MEMBER EXCUSED: Public Members Bryan Bainbridge, Wilfrid Cleveland, and Harold “Gus” Frank.

TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT: Andrew Evenson, Department of Workforce Development; Stephanie Lozano, Department of Children and Families; and Gail Nahwahquaw, Department of Health Services.

TECHNICAL ADVISORY COMMITTEE MEMBERS ABSENT: Michelle Allness, Department of Natural Resources; Tom Bellavia, Department of Justice; Kelly Jackson, Department of Transportation; David O’Connor, Department of Public Instruction; and Thomas Ourada, Department of Revenue.

COUNCIL STAFF PRESENT: David Moore, Senior Staff Attorney, Jessica Ozalp, Staff Attorney, and Julie Learned, Support Staff.

APPEARANCES:

Senator Mary Lazich, Co-Chair, Joint Legislative Council; Terry Anderson, Director, Legislative Council Staff; John DeBacher, Director of Public Library Development, Department of Public Instruction; and Gary Besaw, Tribal Legislator, Menominee Indian Tribe of Wisconsin.

### **Opening Remarks**

Senator Mary Lazich, Co-Chair, Joint Legislative Council, welcomed the committee. Director Terry Anderson, Legislative Council Staff, thanked the members for serving on the committee and described the committee's origins and structure. Representative Jeff Mursau, Chair, opened the proceedings.

### **Introduction of Committee Members**

Committee members introduced themselves and made brief statements.

### **Update on, and Implementation of, 2015 Act 306, Relating to Tribal College Libraries and County Joint Libraries**

#### **John DeBacher, Director of Public Library Development, Department of Public Instruction**

Mr. DeBacher described 2015 Wisconsin Act 306, and the historical development of state law regarding membership of tribal libraries in the public library system. He highlighted benefits of belonging to the public library system, and stated that the Department of Public Instruction (DPI) has worked with tribes on ways to bring tribal libraries into compliance with state statutes applicable to public libraries. Nevertheless, challenges persist in meeting certain statutory conditions of membership. Mr. DeBacher noted that Act 306 addressed issues specific to the Menominee Nation and Menominee County. He expressed the department's interest in continuing to work with the committee to modify the statutes to enable other tribal libraries to participate in the state's public library system without having to meet the same requirements as apply to municipal libraries. Members expressed the need for any future legislation to be sensitive to the differing circumstances of each tribe.

### **Eligibility of Tribes for Treatment Alternatives and Diversion Grants**

#### **Memo No. 16-1, *Grants for Treatment Alternatives and Diversion (TAD) (July 25, 2016)***

Jessica Ozalp summarized the history of Wisconsin's grant program for funding treatment alternatives and diversion (TAD) initiatives. The Wisconsin TAD grant program funds TAD projects providing case management, substance abuse treatment, and community services to offenders as alternatives to incarceration. The grant program is described in Memo No. 16-1.

**Gary Besaw, Tribal Legislator, Menominee Indian Tribe of Wisconsin**

Mr. Besaw pointed out that current law can already be interpreted to permit DOJ to award TAD grants to tribes, and it has done so in the past. However, the bill would explicitly clarify the eligibility of tribes for TAD grants.

**LRB-5025/P1, Relating to Grants for Treatment and Diversion Programs**

Ms. Ozalp described LRB-5025/P1 (the bill), which specifies that TAD grants given to counties may also be given to tribes for the same purposes. Under the bill, the same requirements and conditions that apply to counties receiving TAD grants would also apply to tribes.

Members discussed the requirement for grantees to provide 25% matching funds. Members decided to vote on the bill as is, without any changes to the requirements.

*Mr. McGeshick moved, seconded by Vice Chair Vinehout, that the committee recommend the bill to the full Legislature. The motion passed on a unanimous vote.*

**Safe Haven Law and Indian Child Welfare Act**

**LRB-2058/P5, Relating to the Collection and Sharing of Information Regarding an Indian Child Relinquished Under the Safe Haven Law and Restoration of Physical Custody of an Indian Child Less Than 11 Days of Age to a Parent**

David Moore gave a brief summary of LRB-2058/P5 and explained that this draft is the product of work the committee began in the prior interim. He also provided general background information regarding the Indian Child Welfare Act (ICWA) and the Wisconsin safe haven law. There was discussion among committee members about the draft, in particular, and the topic of the interaction of the safe haven law and ICWA, in general. Mr. Besaw proposed amending the provision in LRB-2058/P5 that requires a person taking custody of a relinquished infant to make a reasonable effort to read aloud an explanation of the importance to an Indian child of maintaining a social and cultural connection to the Indian child's tribe and clan and the potential benefits of tribal enrollment. He proposed that this provision require a person taking custody of a relinquished infant to make a reasonable effort to either read aloud or play a recording of this explanation.

*Mr. McGeshick moved, seconded by Ms. Holsey, to amend the bill to add "or play a recording of" on page 6, line 24, after "aloud." The motion passed on a unanimous vote.*

*Mr. McGeshick moved, seconded, by Ms. Holsey, that the committee recommend the bill as amended to the full Legislature. The motion passed on a unanimous vote.*

## **Discussion of Committee Assignment**

Vice Chair Vinehout proposed developing a resolution honoring native “code talkers” and their contributions to the country, and setting aside a day for the state to commemorate their service. She asked that the tribal leaders consult their tribes and, if interested, gather historical information about the specific military service accomplishments of Wisconsin tribal members.

Mr. Besaw requested that the committee revisit the tribal ID bill from the 2014 State Tribal Relations committee. He also suggested revisiting the implementation of the American Indian Studies law, or Wisconsin Act 31. Finally, he proposed that the committee look at ways to ensure all tribal law enforcement service would be recognized by the Law Enforcement Standards Board for purposes of eligibility for waiver of training requirements for recertification.

Mr. Barber proposed an examination of the role of tribal health officials in Chapter 51 involuntary commitment proceedings involving tribal members. He also proposed that the law recently modified by Wisconsin Act 78<sup>1</sup> be revised to add tribal officials to the protected groups.

## **Other Business**

There was no other business.

## **Plans for Future Meetings**

The next meeting of the committee will be held at the call of the Chair.

## **Adjournment**

The meeting adjourned at 1:00 p.m.

JO:jal

---

<sup>1</sup> 2015 Wisconsin Act 78 expands the crime of causing or threatening bodily harm to a judge to include causing or threatening to cause bodily harm to a prosecutor or law enforcement officer.