



WISCONSIN LEGISLATIVE COUNCIL

MEETING MINUTES

SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

Room 411 South
State Capitol
Madison, WI

December 13, 2018
10:00 a.m. – 12:50 p.m.

Call to Order and Roll Call

Chair Mursau called the meeting to order. A quorum was determined to be present.

COMMITTEE MEMBERS PRESENT:	Rep. Jeffrey Mursau, Chair; Sen. Kathleen Vinehout, Vice Chair; Reps. Dave Considine and James Edming; Sens. Janet Bewley, Tim Carpenter, and Lena Taylor; and Public Members Dee Ann Allen, Gary Besaw, Wilfrid Cleveland, Michael Decorah, Richard Peterson, and Jason Weaver.
COMMITTEE MEMBERS EXCUSED:	Sen. Jerry Petrowski; and Public Members Ned Daniels, Jr., Shannon Holsey, Chris McGeshick, and Lisa Summers.
TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT:	Stephanie Lozano, Department of Children and Families; and Gail Nahwahquaw, Department of Health Services.
TECHNICAL ADVISORY COMMITTEE MEMBERS EXCUSED:	Michele Allness, Department of Natural Resources; Tom Bellavia, Department of Justice; Andrew Evenson, Department of Workforce Development; Kelly Jackson, Department of Transportation; David O'Connor, Department of Public Instruction (DPI); and Thomas Ourada, Department of Revenue.
COUNCIL STAFF PRESENT:	David Moore, Senior Staff Attorney, and Rachel Snyder and Ethan Lauer, Staff Attorneys.

<p><u>ATTENTION:</u> This was the final meeting of the Special Committee on State-Tribal Relations. Committee members are requested to send any corrections regarding these minutes to the Legislative Council staff. After the incorporation of any corrections, these minutes will be considered approved by the committee.</p>
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Approval of the Minutes of the October 10, 2018 Meeting, as Amended

Committee staff explained that the minutes of the October 10, 2018 meeting had been amended to correct the attendance.

Senator Carpenter moved, seconded by Senator Vinehout, to approve the minutes of the October 10, 2018 meeting, as amended. The motion was unanimously approved by voice vote.

Approval of the Minutes of the November 15, 2018 Meeting

Senator Carpenter moved, seconded by Representative Edming, to approve the minutes of the November 15, 2018 meeting. The motion was unanimously approved by voice vote.

Discussion of Bill Drafts

Chair Mursau led the committee through a discussion of six bill drafts that had been explained and discussed at the November 15, 2018 meeting, some with modifications, and one new bill draft that had been prepared by direction of the committee at that previous meeting. The committee approved some bill drafts, approved some bill drafts as amended, and approved some modifications to be ratified by mail ballot, as follows.

LRB-0388/1, relating to battery or threat to an officer of the court in a tribal proceeding and providing a penalty

Mr. Moore explained that LRB-0388/1 reflected the change to LRB-0388/P2 discussed at the October 10, 2018 meeting of the committee; namely, the expansion of the definition of “advocate” to include an individual representing the interests of **any person** in a tribal court proceeding, rather than the interests of only **a child** or **a tribe**. Other than that modification, the draft remained the same as LRB-0388/P2 in expanding to a tribal court proceeding the enhanced criminal penalties that apply to a state court proceeding with regard to intentionally causing or threatening to cause bodily harm to an officer of the court, if the harm or threat is in response to an action taken by the officer in his or her official capacity in certain types of court proceedings.

Senator Carpenter moved, seconded by Ms. Allen, that the committee recommend that the Joint Legislative Council introduce LRB-0388/1. The motion passed on a vote of Ayes, 13 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Carpenter, Taylor, and Vinehout; and Public Members Allen, Besaw, Cleveland, Decorah, Peterson, and Weaver; Noes, 0; and Absent, 5 (Sen. Petrowski; and Public Members Daniels, Holsey, McGeshick, and Summers).

LRB-0468/1, relating to model academic standards for American Indian studies

Committee staff explained that LRB-0468/1 directs DPI to develop a separate model academic standard for American Indian studies in Wisconsin. Committee members expressed the hope that DPI would promulgate and disseminate this new standard in the same manner as it does the existing standards in other subject matters.

Senator Vinehout moved, seconded by Representative Edming, that the committee recommend that the Joint Legislative Council introduce LRB-0468/1. The motion passed on a vote of Ayes, 13 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Carpenter, Taylor, and Vinehout; and Public Members Allen, Besaw, Cleveland, Decorah, Peterson, and Weaver; Noes, 0; and Absent, 5 (Sen. Petrowski; and Public Members Daniels, Holsey, McGeshick, and Summers).

LRB-0469/1, relating to required instruction in American Indian studies in the elementary and high school grades and LRB-0935/1, relating to required instruction in American Indian studies in the elementary and high school grades

Committee staff explained that LRB-0469/1 and LRB-0935/1 represent alternate approaches to increasing the frequency of American Indian studies instruction. After discussing LRB-0469/1 at the November 15, 2018 meeting, the committee directed committee staff to prepare a new draft that specified grade bands during which the instruction was to occur in elementary school. In response to that request, LRB-0935/1 mandates instruction once in each of grade bands kindergarten to second, third to fifth, and sixth to eighth. By general consensus, the committee decided to set aside LRB-0469/1 in favor of LRB-0935/1. Mr. Besaw reported that the preference of the Wisconsin Indian Education Association was to increase the frequency in the higher elementary grades (sixth, seventh, and eighth grades). Some committee members favored that change because it would help prepare middle school students for the annual instruction required in high school by the draft. After discussion, Mr. Besaw offered a motion to achieve that goal.

Mr. Besaw moved, seconded by Ms. Allen, that LRB-0935/1 be amended to increase from once to twice the frequency of instruction in grades six to eight. The motion passed on a vote of Ayes, 13 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Carpenter, Taylor, and Vinehout; and Public Members Allen, Besaw, Cleveland, Decorah, Peterson, and Weaver; Noes, 0; and Absent, 5 (Sen. Petrowski; and Public Members Daniels, Holsey, McGeshick, and Summers).

The committee discussed changing “at least” to “at minimum” in SECTION 1 of the draft to make clear that a school district could provide more instruction than that required by the draft, but ultimately decided such a change was unnecessary because the phrases are synonymous.

Senator Vinehout moved, seconded by Ms. Allen, that the committee recommend that the Joint Legislative Council introduce LRB-0935/1, as amended. The motion passed on a vote of Ayes, 13 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Carpenter, Taylor, and Vinehout; and Public Members Allen, Besaw, Cleveland, Decorah, Peterson, and Weaver; Noes, 0; and Absent, 5 (Sen. Petrowski; and Public Members Daniels, Holsey, McGeshick, and Summers).

Chair Mursau notified committee members that they would receive a mail ballot with the revised version of LRB-0935/1.

LRB-0470/1, relating to materials related to a school board's obligations to provide instruction on American Indians

Committee staff explained that LRB-0470/1: (1) directs DPI to develop, and update as necessary, orientation materials to inform school board members, school district administrators, and principals about a school board's responsibilities under 1989 Wisconsin Act 31; (2) requires a school board to distribute these materials to principals, administrators, and school board members; and (3) specifies that the materials be given to a new school board member or new principal or administrator within 30 days of being elected or accepting a position, respectively, as well as anytime the materials are updated by DPI. The committee discussed the bill draft, including whether it would be too onerous for a school board to implement. It discussed but opted not to include any penalties for a school board's failure to comply with its requirements under the bill draft.

The committee directed Legislative Council staff to modify the bill draft in several particulars. First, the committee expressed a desire that the description of the American Indian studies instruction to be included in the orientation materials (contained in proposed s. 115.28 (17m) (a) 2., Stats.) reflect the increased instruction required by LRB-0935/1. Committee staff explained that each bill draft was designed to operate independently and thus reflected current law only, but that replacing the description of current law with a statutory cross-reference could achieve the committee's goal of harmonizing the description with what current law provides at any time. Second, the committee directed that the target audience for the orientation materials include social studies teachers and the individual responsible for curriculum within the school district (in addition to school board members, school district administrators, and principals). Third, the committee asked for the materials to be distributed to school boards annually by DPI. Fourth, the committee asked for the materials to be distributed annually by a school board (instead of by the two 30-day triggers). Fifth, the committee asked that a school board send the materials to social studies teachers and to the individual responsible for curriculum within the school district (in addition to school board members, school district administrators, and principals).

Representative Edming moved, seconded by Senator Taylor, that committee staff be directed to produce a version of LRB-0470/1 that includes each of the five modifications described above for ratification by mail ballot. The motion passed on a vote of Ayes, 13 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Carpenter, Taylor, and Vinehout; and Public Members Allen, Besaw, Cleveland, Decorah, Peterson, and Weaver; Noes, 0; and Absent, 5 (Sen. Petrowski; and Public Members Daniels, Holsey, McGeshick, and Summers).

Chair Mursau notified committee members that they would receive a mail ballot with the revised version of LRB-0470/1.

LRB-0471/1, relating to the American Indian studies requirement for teacher licensure

Committee staff explained that LRB-0471/1 modernizes the description of the instruction that a teaching candidate must receive before being granted a license. The new language maintains the requirement that a candidate receive instruction in the culture and tribal sovereignty of Wisconsin's tribes and bands, and adds a requirement that the instruction include "contemporary and historical significant events" for those tribes and bands. The committee heard testimony from Ms. Kara Besaw, a student in a teacher preparation program at the University of Wisconsin-Madison. Her testimony left the committee desiring more information regarding the sufficiency of the instruction being provided under current law. Before the committee approved LRB-0471/1, Chair Mursau indicated that he and Senator Vinehout would send a letter to the Joint Legislative Audit Committee requesting that the Legislative Audit Bureau conduct an audit of DPI's compliance with s. 118.19 (8), Stats.

Senator Vinehout moved, seconded by Senator Bewley, that the committee recommend that the Joint Legislative Council introduce LRB-0471/1. The motion passed on a vote of Ayes, 11 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Taylor, and Vinehout; and Public Members Allen, Besaw, Cleveland, Decorah, and Weaver; Noes, 0; and Absent, 7 (Sens. Carpenter and Petrowski; and Public Members Daniels, Holsey, McGeshick, Peterson and Summers). Mr. Peterson indicated that he would have voted "Aye" had he been present.

LRB-0472/1, relating to requiring private schools participating in a parental choice program and independent charter schools to provide instruction in American Indian history, culture, and tribal sovereignty

Committee staff explained that LRB-0472/1 applied current law regarding American Indian studies under 1989 Wisconsin Act 31 to parental choice schools and independent charter schools. The committee expressed its desire that these types of schools be treated the same as public schools with regard to Act 31. Therefore, if a bill draft like LRB-0935/1 was enacted and increased the frequency of American Indian studies in the elementary or high school grades, the committee wanted it noted that the frequency requirements in LRB-0472/1 should be congruently modified.

Senator Taylor moved, seconded by Senator Vinehout, that the committee recommend that the Joint Legislative Council introduce LRB-0472/1. The motion passed on a vote of Ayes, 11 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Taylor, and Vinehout; and Public Members Allen, Besaw, Cleveland, Decorah, and Weaver; Noes, 0; and Absent, 7 (Sens. Carpenter and Petrowski; and Public Members Daniels, Holsey, McGeshick, Peterson and Summers). Mr. Peterson indicated that he would have voted "Aye" had he been present.

Adjournment

The meeting adjourned at 12:50 p.m.

DM:RES:EL:jal

[The preceding is a summary of the December 13, 2018 meeting of the Special Committee on State-Tribal Relations, which was recorded by WisconsinEye. The video recording is available in the WisconsinEye archives at <http://www.wiseye.org/Video-Archive>.]