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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2013-14

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on... State Affairs and Government Operations (AC-SAGO)

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... 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: Stefanie Rose (LRB) (December 2014)

Assembly

Record of Committee Proceedings

Committee on State Affairs and Government Operations

Assembly Bill 32

Relating to: tribal treatment facility participation in the intoxicated driver program.

By Joint Legislative Council.

February 18, 2013 Referred to Committee on State Affairs and Government Operations

February 05, 2014 **Public Hearing Held**

Present: (13) Representative Weininger; Representatives Swearingen, Craig, Ripp, Neylon, Kooyenga, Hutton, Nass, Sinicki, Zamarripa, Ringhand, Kahl and Hulsey.

Absent: (1) Representative Knodl.

Excused: (2) Representatives Kleefisch and Kessler.

Appearances For

- Jeff Mursau - Rep. - 36th ASM District
- Janet Bewley - Rep. - 74th ASM District
- Buck Martin - Stockbridge-Munsee Community
- Greg Matson - Oneida Tribe
- Mary Kriescher - Oneida Tribe

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Amy Sue Vruwink - Rep. - 70th ASM District
- John Alberts - Lac du Flambeau Chippewa
- Joe Strohl - Menominee Tribe

Registrations Against

- None.

Registrations for Information Only

- None.

February 12, 2014 **Executive Session Held**

Present: (16) Representative Weininger; Representatives Swearingen, Craig, Kleefisch, Knodl, Ripp, Neylon, Kooyenga, Hutton, Nass, Sinicki, Zamarripa, Ringhand, Kessler, Kahl and Hulsey.
Absent: (0) None.
Excused: (0) None.

Moved by Representative Hulsey, seconded by Representative Nass that **Assembly Amendment 1** be recommended for introduction.

Ayes: (13) Representative Weininger; Representatives Swearingen, Craig, Kleefisch, Ripp, Neylon, Kooyenga, Hutton, Nass, Sinicki, Ringhand, Kessler and Hulsey..

Noes: (0) None.

Absent: (3) Representatives Knodl, Zamarripa and Kahl.

ASSEMBLY AMENDMENT 1 INTRODUCTION
RECOMMENDED, Ayes 13, Noes 0

Moved by Representative Hulsey, seconded by Representative Nass that **Assembly Amendment 1** be recommended for adoption.

Ayes: (16) Representative Weininger; Representatives Swearingen, Craig, Kleefisch, Knodl, Ripp, Neylon, Kooyenga, Hutton, Nass, Sinicki, Zamarripa, Ringhand, Kessler, Kahl and Hulsey.

Noes: (0) None.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,
Ayes 16, Noes 0

Moved by Representative Sinicki, seconded by Representative Ripp that **Assembly Bill 32** be recommended for passage as amended.

Ayes: (16) Representative Weininger; Representatives Swearingen, Craig, Kleefisch, Knodl, Ripp, Neylon, Kooyenga, Hutton, Nass, Sinicki, Zamarripa, Ringhand, Kessler, Kahl and Hulsey.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 16, Noes 0

Alison Zikmund
Committee Clerk

**REMARKS OF REPRESENTATIVE JEFF MURSAU
TO THE ASSEMBLY COMMITTEE ON
STATE AFFAIRS AND GOVERNMENT OPERATIONS
IN SUPPORT OF 2013 ASSEMBLY BILL 32**

February 5, 2014

Good morning Chair Weininger and committee members. As you know, I am Representative Jeff Mursau, and I chair the Special Committee on State-Tribal Relations. I am pleased to testify today in support of legislation developed by that committee.

AB 32 relates to participation of tribal clinics in the Intoxicated Driver Program. The IDP is designed to provide education or treatment to persons convicted of operating a motor vehicle while intoxicated, with the intent of reducing recidivism. In brief, upon conviction, the court orders the offender to be assessed to determine whether the offender should be required to attend a course to promote responsible drinking and driving or should be referred to a facility for treatment of substance abuse. The result of this assessment is termed a "driver safety plan."

Assessments are done by the county or by an agency contracted by the county. If the assessment calls for education, the offender attends a

course offered by the technical colleges. If it calls for treatment, the offender can go to any state-approved facility. An offender must successfully complete his or her driver safety plan in order to get his or her drivers license back. It is the county's responsibility to track the offender through the program and report to the Department of Transportation the offender's status.

As in other places with high poverty rates, Indian reservations have high rates of alcohol and drug abuse. Fighting substance abuse in their communities is a high priority for tribal governments and tribal clinics. You may be hearing from tribal leaders or clinic staff on this later this morning. Tribes would like to engage in all aspects of the IDP. Tribal clinics currently provide treatment services under the program, but would also like to conduct the assessments for their members, among other functions.

While AB 32 does a number of things, its principal provisions authorize a treatment facility that is operated by a tribe and approved by the Department of Health Services to perform an assessment of a

member of an American Indian tribe, or a relative of a member, and to prepare treatment plans for such a person. To have this privilege, the facility must agree to perform all the functions of a treatment facility under the IDP. This means that the tribe would, for each offender for whom it conducts the assessment, track the offender through his or her driver safety plan and report on the offender's status to the DOT.

AB 32 also clarifies current law by specifically stating that a tribal treatment facility may include traditional practices in a treatment plan under the program. The important thing to note here is that any traditional practices used are *in addition to* the conventional elements of all treatment plans, as specified in DHS rules.

The bill also authorizes an accredited tribal college to offer courses for the educational side of the program. There are two such colleges in Wisconsin, operated by the Menominee Tribe and the Lac Courte Oreilles Band of Chippewa.

Finally, I should note the fiscal aspects of the bill. Offenders are required to pay a "driver improvement surcharge." The county retains a

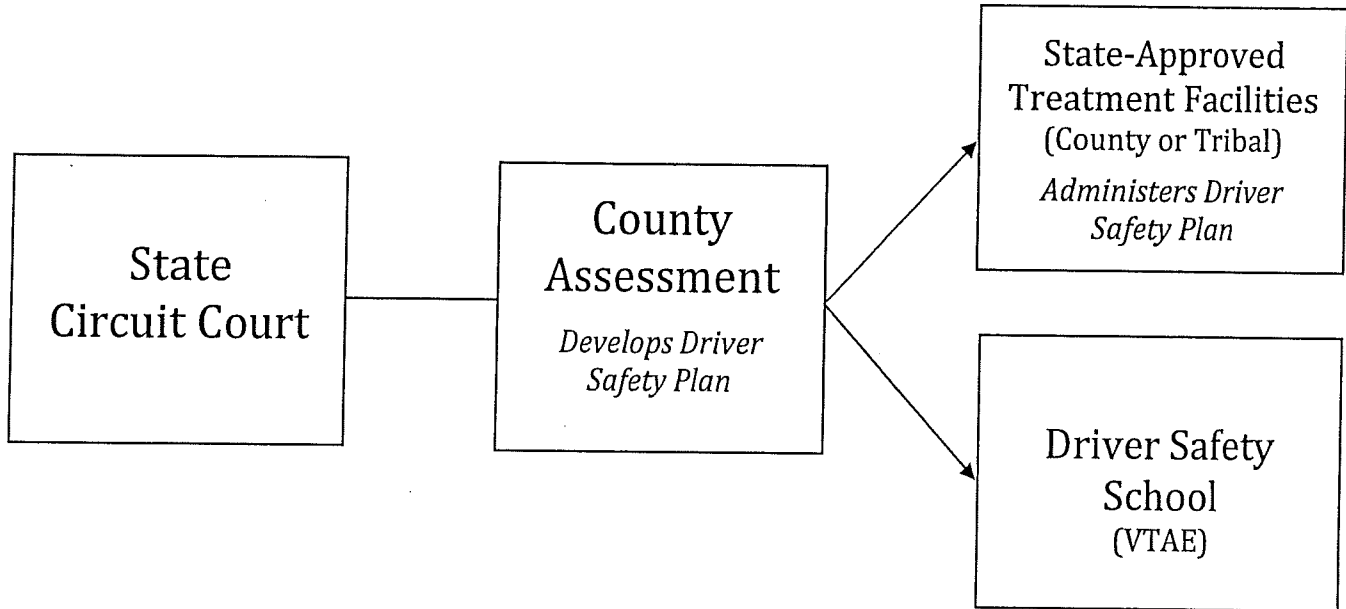
part of this charge, and uses it to help cover the cost of treatment for indigent persons under the program. The rest of the charge is transferred to the state, for various purposes. One of the purposes is "supplemental grants" given to counties to, again, help cover the cost of treatment for indigent persons under the program.

AB 32 specifies that, if a tribal clinic conducts the assessment for an offender, it will receive the county share of that offender's driver improvement surcharge. It also specifies that tribal clinics are eligible for supplemental grants, in proportion to the number of offenders they conduct assessments for.

I would be happy to answer any questions you have regarding AB 32. Also, the Legislative Council staff to the special committee are here, and I understand that DHS staff are here, as well.

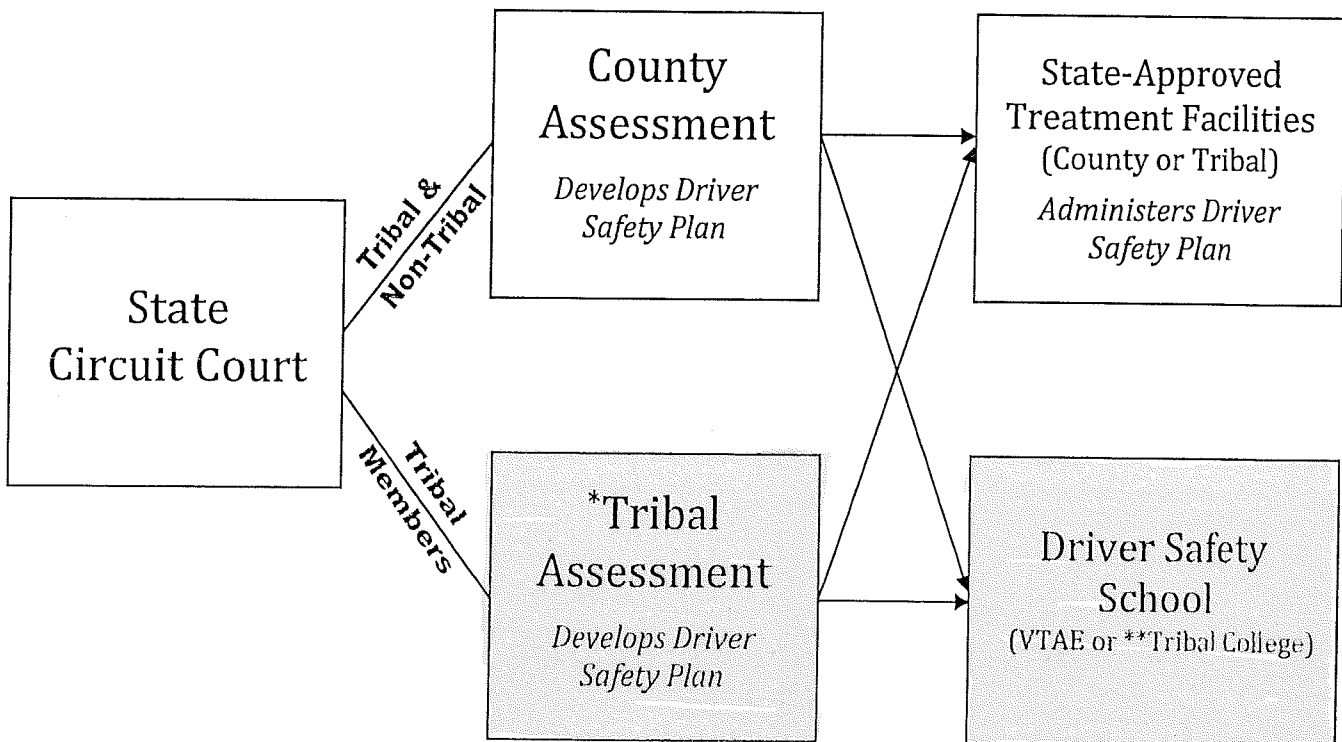
INTOXICATED DRIVER PROGRAM

CURRENT LAW



AB-32 CHANGES

(OPTIONAL FOR TRIBES & TRIBAL MEMBERS)



*If Tribe adopts assessment program

**If tribal college operates program