

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3062/1dn

DAK:lmk:rs

October 12, 2005

To Representative Hines:

In addition to the redraft instructions, in accordance with my conversation with Carolyn Jahnke, I have left in this draft the cross-reference to s. 450.145 (1) in s. 252.02 (7), stats.; required in s. 250.03 (1) (L) that DHFS perform or facilitate the performance of the services and functions under that paragraph; and deleted "empower" under s. 250.03 (1) (L) 3.

Also, after speaking with Joyce Kiehl of the Legislative Council, I have made the following changes to the material proposed for this redraft or contained in the original draft:

1. I have deleted proposed s. 250.03 (1) (k) 2., which would have required agreements entered into under the paragraph to recognize the full faith and credit provided to tribal court orders under s. 806.245, stats., and any full faith and credit given to state court orders by tribal courts. First, requiring recognition of s. 806.245, stats., is unnecessary; that statute applies, regardless of whether it is explicitly mentioned in another statute or not. Second, requiring recognition of any full faith and credit given to state court orders by tribal courts appears also to be unnecessary; if given, that recognition is applicable to a *tribe*, not the state, and applies to the tribe regardless of whether this statute compels recognition of it or not; moreover, the state cannot, by state statute, compel tribal recognition of state court orders.
2. The language proposed and drafted for s. 252.05 (1) required the health agency of a federally recognized American Indian tribe or band to report certain information to the local health officer. Joyce agrees that the state does not have jurisdiction to compel a federal health agency to report; however, she suggested that such an agency be authorized to report, and I have changed the statute accordingly.

Lastly, the redraft instructions are to replace all current references to the 2000 state health plan with "the most recent 10-year state public health plan developed by the department." After a search of the statutes, the only reference I can find is in s. 250.07 (1) (a), stats., and, for this statute, the change seems inapt.

Please do not hesitate to let me know if you have questions or need further assistance with this bill.

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