



STATE OF WISCONSIN
JOINT LEGISLATIVE COUNCIL

MEETING MINUTES

JOINT LEGISLATIVE COUNCIL

Room 412 East, State Capitol
Madison, WI

March 17, 2021
9:00 a.m. – 10:20 a.m.

CALL TO ORDER AND ROLL CALL

Co-Chair Kapenga called the meeting to order. The roll was taken and it was determined that a quorum was present. Co-Chair Kapenga and Co-Chair Vorpapel welcomed members. Co-Chair Kapenga noted that the committee would be following the agenda, but would not be voting today. He stated he wanted committee members to have enough time to review the recommendations and that a vote would be taken at the Council's next meeting.

**COMMITTEE MEMBERS
PRESENT:**

Sen. Chris Kapenga and Rep. Tyler Vorpapel, Co-Chairs; Sens. Janet Bewley, Jon Erpenbach, LaTonya Johnson, Howard Marklein, Devin LeMahieu, Janis Ringhand, Roger Roth, Patrick Testin, and Eric Wimberger; and Reps. Tyler August, Mark Born, Jill Billings, Cindi Duchow, Evan Goyke, Dianne Hesselbein, Gordon Hintz, John Spiros, Jim Steineke, and Robin Vos.

**COMMITTEE MEMBER
EXCUSED:**

Sen. Alberta Darling.

COUNCIL STAFF PRESENT:

Anne Sappenfield, Director; Melissa Schmidt and Steve McCarthy, Senior Staff Attorneys, Amber Otis, Staff Attorney, and Kelly Mautz, Executive Assistant to the Director.

APPEARANCES: Rep. Patrick Snyder, Chair, and Sen. Kathy Bernier, Vice Chair, Study Committee on Public Disclosure and Oversight of Child Abuse and Neglect Incidents; and Rep. Jeffrey Mursau, Chair, Special Committee on State-Tribal Relations.

APPROVAL OF THE MINUTES OF THE COMMITTEE'S MARCH 6, 2019 MEETING

Co-Chair Kapenga asked for a motion to approve the minutes from the committee's March 6, 2019 meeting. Representative August moved, second by Senator Marklein, to approve the committee's March 6, 2019 minutes. The motion passed by unanimous consent.

REMARKS BY ANNE SAPPENFIELD, DIRECTOR, LEGISLATIVE COUNCIL STAFF

Anne Sappenfield, Director, Legislative Council staff, gave a PowerPoint presentation on the work of the Legislative Council staff from the 2020 interim. She stated that the Joint Legislative Council co-chairs tasked the staff with two study committees, three symposia series, and six research papers. She gave a brief summary of each symposia series and also described the idea behind the research papers. She explained to committee members that they can view the recordings and materials from the symposia series and the research reports at the Legislative Council's [website](#).

REPORT OF STUDY COMMITTEE ON PUBLIC DISCLOSURE AND OVERSIGHT OF CHILD ABUSE AND NEGLECT INCIDENTS

Representative Patrick Snyder, Chair, and Senator Kathy Bernier, Vice Chair, summarized the work of the study committee and the three recommendations before the council today.

LRB-1025/1, Relating to Reports of Sexual Abuse of Children Placed in Out-of-Home Care

Rep. Snyder stated that statutes enacted as 2009 Wisconsin Act 78 (Act 78) require DCF to prepare quarterly reports of sexual abuse of children placed in out-of-home care. DCF includes in these quarterly reports any alleged incident of sexual abuse of the child that was received while that child was in out-of-home care. Thus, these reports may include reported incidents of sexual abuse of a child that occurred while the child was placed in out-of-home care, as well as reported incidents of sexual abuse that occurred when the child was not placed in out-of-home care.

LRB-1025/1 specifies that the quarterly reports of sexual abuse in out-of-home care must include only reported incidents of certain types of sexual abuse of a child who was placed in out-of-home care at the time that the reported incident of abuse was alleged to have occurred. It also requires that DCF specify in the reports whether, in substantiated cases of certain types of sexual abuse, the abuse was caused by the child's out-of-home care provider.

LRB-1026/1, Relating to Requiring Citizen Review Panels to Report Annually to the Appropriate Legislative Standing Committees

Sen. Bernier described LRB-1026/1. She stated that the draft requires DCF to transmit to the appropriate legislative standing committees the annual citizen review panel reports and DCF's written responses to these reports.

LRB-1027/1, Relating to Annual Reports to and Hearings by the Legislature on Child Abuse and Neglect

Rep. Snyder summarized LRB-1027/1 stating that the draft requires DCF's Wisconsin Child Abuse and Neglect Report (CAN Report) to include all of the following information about DCF's summary reports on critical incidents:

- Aggregated information from DCF's summary reports.
- Trend data identified by DCF.
- Trends identified by DCF based on its in-depth practice reviews of certain critical incidents.
- Changes in policies or practices that have been made to address any issues raised in DCF's review of critical incidents in the Act 78 summary reports.

LRB-1027/1 also requires the appropriate legislative standing committees to conduct a hearing at least annually on the CAN Report.

Rep. Snyder stated that Act 78 requires DCF to prepare summary reports on certain information related to certain critical incidents of child abuse or neglect. Among other requirements, DCF must send the summary reports to the appropriate legislative standing committees. Those committees must review the summary reports, conduct public hearings on the reports no less often than annually, and submit recommendations to DCF regarding the reports.

Current law also requires DCF to prepare and submit to the Governor and the Legislature the CAN Report, which includes information on child abuse and neglect in Wisconsin, including the status of child abuse and neglect programs and unborn child abuse programs.

The committee co-chairs acknowledged the CAN Report's value, citing the recent custom to include that report in standing committees' annual Act 78 legislative hearings, despite the absence of any statutory requirement to do so. The co-chairs stated that the committee also agreed that aggregated information on, and trend data from, the summary reports would provide a better mechanism for legislative oversight and policymaking.

After discussion and questions from committee members, Co-Chair Kapenga thanked Rep. Snyder and Sen. Bernier for their work with the study committee. He indicated that he would like to take some more time to review the recommendations before bringing them to a vote.

REPORT OF SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

Rep. Mursau summarized the work of the special committee and gave a brief summary of the special committee. He stated that the special committee is required to be created every biennium to study issues relating to American Indian tribes and bands in this state and to develop legislative proposals. Membership of the study committee consisted of three Senators, three Representatives, and 10 public members representing the interests of the state's tribes. The study committee met three times from October 2020 to January 2021.

Rep. Mursau also noted that, based on discussion and consensus from a majority of committee members, he and Vice-Chair Bewley co-authored a letter to the Governor asking that the Governor include in his budget proposal a state grant program to assist school districts that choose to retire American Indian mascots, images, symbols, and personalities with offsetting potential costs.

Rep. Mursau summarized the five bill drafts recommended by the committee:

- LRB-0213/1 expands 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, or a member of that officer's family, if the harm or threat is in response to an action taken by the officer in his or her official capacity. Rep. Mursau said that the bill draft is identical to a bill recommended by the committee last session that passed the Assembly, but did not receive action from the Senate at the end of session.
- LRB-0216/1 adds the following members to the Higher Educational Aids Board to represent the state's tribal colleges: one member of a tribal college's governing body; one tribal college financial aid administrator; and one tribal college student.
- LRB-0025/1 provides an option for a tribe to decide whether each individual applicant for a lifetime license to teach the American Indian language associated with the tribe in an American Indian language program is qualified to receive the lifetime license.
- LRB-0386/1 modifies the condition for certain tribal cigarette, tobacco, and vapor product refunds that the land on which the sale occurs must have been designated a reservation or trust land on or before January 1, 1983, by providing that the land on which the sale occurs must be designated a reservation or trust land, without reference to any date limitation.
- LRB-0227/2 requires that a tribal chair be notified when a county is ordered by a court to prepare a report recommending a residential option for a sexually violent person being placed on supervised release, that the county consult with any tribal law enforcement agencies in the county when preparing its report, and that a tribal law enforcement agency be notified when a sexually violent person is placed on supervised release.

After questions and discussion from committee members, Co-Chair Vorpapel thanked Rep. Mursau for his remarks and summary of the committee recommendations.

ADJOURNMENT

The meeting was adjourned at 10:20 a.m.

AS:ksm