



# TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

**Testimony on Senate Bill 717 and Assembly Bill 704**  
**Senate Committee on Elections and Local Government**  
**March 1, 2016**

Mr. Chairman and members of the committee, thank you for hearing testimony on Senate Bill 717 and Assembly Bill 704 this afternoon.

This issue was brought forward jointly by the College of Menominee Nation and Menominee County, both of which I represent in the 12<sup>th</sup> Senate District.

Menominee County maintained a public library located in Keshena through December 2012, at which point it transferred ownership to the College of Menominee Nation to provide improved library services to the Menominee Tribe and residents of Menominee County. However, current state statutes governing the public library system are inconsistent with this sort of partnership.

This legislation would explicitly allow a joint partnership between a tribal college and a county to participate in the public library system, provided the two entities enter an agreement to maintain a public library. This legislation would require the county-tribal library to establish a three-member library board with one member from the tribal college, respective American Indian tribe or band, and the county board. The joint library would also be required to provide an annual report of expenditures to the public library board and make its library use free to county residents.

I want to thank the Department of Public Instruction, Legislative Council, the College of Menominee Nation, Menominee County, and Representative Mursau for the collaboration that resulted in this solution.



# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

Senate Committee on Elections and Local Government

AB 704/SB 717: Tribal Colleges and Joint County Libraries

Good morning Mr. Chairman and members of the committee. Thank you for taking the time to hear my testimony today.

I represent Menominee County and the College of Menominee Nation (CMN), which is located in Menominee County. Menominee County is unique, among Wisconsin's counties, because much of the county consists of the Menominee reservation and the county has no incorporated municipalities.

Until about 2012, the county maintained a public library in Keshena. In 2012, the county closed that library and turned all of the materials over to the College of the Menominee Nation, which is also located in Keshena, and signed a memorandum of understanding with the tribe to provide library service to residents of the tribe and other residents of Menominee County. This arrangement has generally worked very well for both the county and the college. However, under current state law, libraries must be established under chapter 43 of the statutes to be considered public libraries for various purposes, such as membership in public library systems. This bill would establish a framework for the College of the Menominee Nation's library to be considered a public library, under chapter 43 of the statutes, so that the tribe and the county can continue to partner with each other to provide high-quality library services and fully participate in the Nicolet Federated Library System.

We worked for months with the County, the CMN, Legislative Council, and the Department of Public Instruction to craft a bill that would allow this change to occur while also adhering to the requirements under current law for membership in a public library system. Specifically, the tribal college must submit annually to the public library board an accounting of expenditures of any funding received from the county and make library use free to county residents. An additional requirement of the bill, is a tribal college-library must create a three member library board with one member each from the college, the county, and the American Indian Tribe or band that controls the college.

The bill passed the Assembly Committee on Urban and Local Affairs and the full Assembly unanimously. I hope we will have Senate support as well.

Thank you again for holding this hearing today. I'm happy to take any questions you may have.

# ***College of the Menominee Nation***

March 1, 2016

Good Morning,

My name is Verna Fowler. I am an enrolled member of the Menominee Indian tribe and a resident of the Reservation for the past 36 years. In 1992, I graduated from the University of North Dakota-Grand Forks with a Ph.D. in Educational Leadership at the Post-Secondary level. It was then that the Menominee Tribal Legislature, my tribe's governing body, asked me to return home to start a Tribal College. The legislators and others in the tribe were concerned about the number of Menominee who were entering Wisconsin colleges and universities only to drop out because they were not well prepared for the academic experience.

Thank you for the opportunity to enter my planned testimony addressing SB-717 and AB-704 into today's record. This is an important issue for the Menominee Tribe, Menominee County, and the College of Menominee Nation,

For years Library service for our County residents has been the bare minimum. The Menominee Tribe provided facilities, an unlicensed librarian and building fixtures, while Menominee County, to whom the responsibility belonged, contributed \$15,000.

Three years ago our Tribe was facing budget issues and having difficulty keeping the Library open. The facility was closed evenings, weekends and often during the day. Internet access and computers were not available for patrons until the College donated several PCs and paid for the Library's internet access.

In the meantime, the College built a new \$4 million Academic Library on its Keshena campus with state-of-the-art technology. Considering the financial issues of the Tribe and County, I approached both entities and requested that we enter into a partnership. This partnership permits the County and Tribe to control the Library and retain responsibility for it, but permits the College to manage and operate it. In short order we reached total agreement and in a spirit of cooperation entered into a Memorandum of Agreement to that effect

(see Attachment). Following that, the County was notified it was out of compliance with State law. We then started discussion with the State Tribal Relations Committee to determine how we could address the compliance issue.

I view the situation as a win-win for all entities involved – the Menominee Reservation, Menominee County, the State and the College:

1. Menominee citizens gain access to one the best libraries in the State.
2. Through Library programs, we can actively address the literacy level in Menominee, which is probably the lowest among Wisconsin counties.
3. With vastly improved internet access much more information can be readily available to our residents.
4. With the Library open evening hours, citizens can have a choice of activities/events other than those available in area casinos and taverns.
5. The College has two certified librarians and other staff who are readily able and prepared to help those seeking information.
6. Book clubs for various age levels are now started in the community.
7. The Tribe has pledged to provide \$155,000 per year for operational costs and the County continues its contribution of \$15,000 per year.
8. Staying true to our Tribal values and past practices, we will not and have not charged other Wisconsin residents for use of the Library.
9. Since the public Library is located on a beautiful 57-acre college campus, it instills in the minds of our children and youth that higher education is available to them.
10. Ultimately, it is all about education, empowerment, economic development, and addressing social and health issues. These are goals that the Menominee have long pursued so that our communities are no longer considered and referred to as "Wisconsin's pocket of poverty."

Approving SB-717 and AB-704 does not require additional State appropriations, yet will be a win-win situation for Menominee and move the State of Wisconsin Forward.

Thank you for your time.

**S. Verna Fowler, President  
College of Menominee Nation**

# Menominee County

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March 1, 2016

Senate Elections and Local Gov't Cmte  
Attn: Sen. Devin LeMahieu, Chairman  
State Capitol  
Madison, WI 53708

**SUBJECT: SUPPORT FOR AB704/SB-717**

Dear Senate Committee Members:

I want to thank the members of the committee for considering AB704/SB-717, which is a bill introduced by Rep. Mursau in the Assembly and Senators Tiffany, Wanggaard, and Bewley in the Senate, that will enable counties to partner with tribal colleges to operate a joint public library. With this important piece of legislation, Menominee County will be able to continue offering its residents a one of a kind library experience and expose them to the world of learning on the College of Menominee Nation campus. I believe the opportunities for adults, children and families as a result of this unique merger are varied and many.

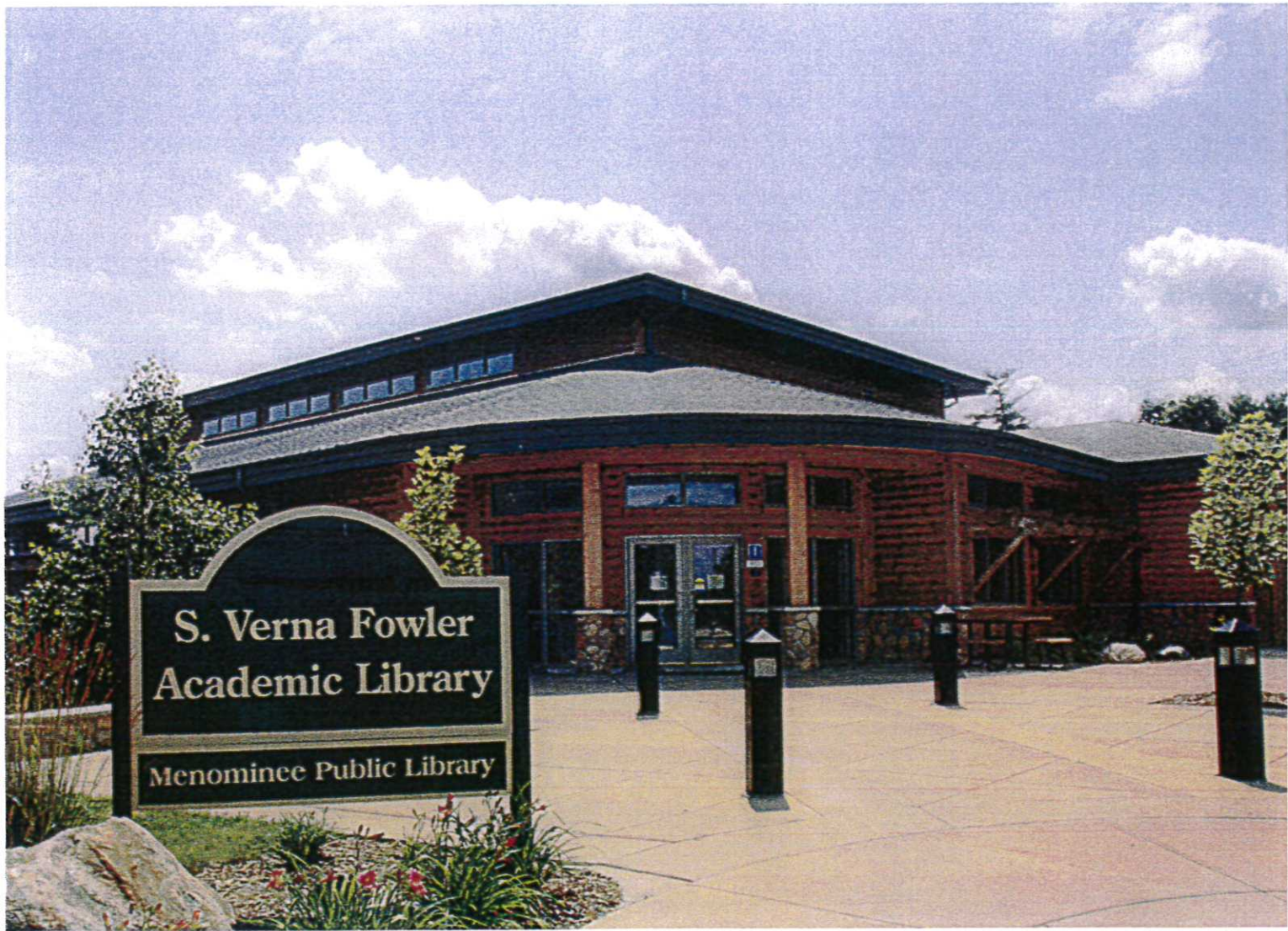
This partnership between the County, College of Menominee Nation and the Menominee Tribe began a few years ago. Prior to this, Menominee County had no viable way to offer its residents library services, complete with a library board, director and staff, facility and location. With only 1.26% of the County's land base being taxable, tough decisions on whether and to what extent we can fund anything come too frequently and at a very heavy cost. Likewise, the Menominee Tribe had—and continues to have—fiscal limitations of its own. Fortunately, the College of Menominee Nation had the ability to tap into resources the County and Tribe could not. As a result, what we have for library services now compared to five years ago is truly remarkable and testament to the great work and resolve local leadership can muster during uncommon hardship. The Committee's passage of this bill will affirm this fact.

On behalf of Menominee County, I want to again thank Rep. Mursau, Sen. Tiffany, Dr. Verna Fowler, and Menominee Tribal Leadership for their aggressive efforts on this legislation. I also apologize to the Committee for not being present at the hearing due to the weather conditions limiting safe travel.

Sincerely,

  
Jeremy C. Weso  
Administrative Coordinator

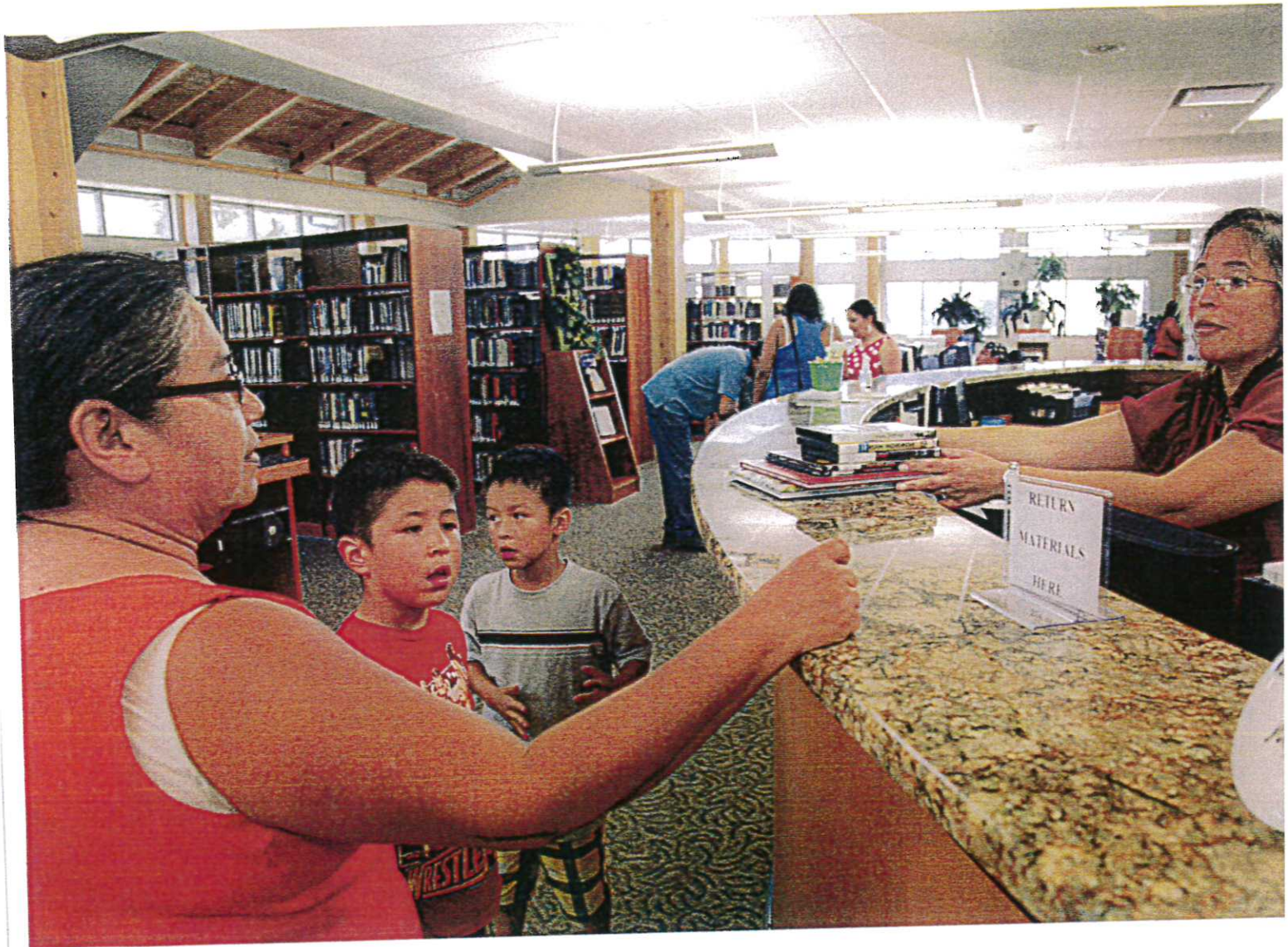
cc: Menominee County Board of Supervisors  
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Testimony of Julia Sherman  
AB864, March 1, 2016

Thank you for the opportunity to testify in opposition to AB 864.

Since 2001 I have worked in alcohol policy on projects funded and supported by the Robert Wood Johnson Foundation, the Pew Trusts and, government agencies in more than 10 states and the District of Columbia. One theme that consistently runs through efforts to prevent and reduce underage drinking is the effectiveness of alcohol age compliance checks.

In 2004, the National Academy of Science Institute of Medicine recommended regular alcohol age compliance check programs with significant fines, citations for licensees and license suspension for first offenses to increase deterrence.<sup>i</sup> The Surgeon General's Call to Action, in 2007 recommended increased enforcement of minimum legal drinking age laws using approaches that reduce youth access to alcohol.<sup>ii</sup> AB 864 limits the impact of alcohol age compliance checks, a valuable, proven tool.

This proposal prohibits citing the licensee as a result of an alcohol age compliance check, allowing only the clerk to be cited. Citations for selling to underage citations are often the result of alcohol age compliance checks. This bill places another limitation on local governments making it ever harder for them to hold licensee accountable and reduce youth access to alcohol.

Two points illustrate why the licensee should be cited:

1. Most municipalities that operate regular alcohol age compliance checks only cite the licensee after repeatedly citing the clerks.
2. Ill-managed establishments may simply terminate the employee who receives a citation and replace them with another untrained, unsupervised individual. Without the ability to cite the licensee, municipal options are limited.

At least 69 Wisconsin communities currently operate alcohol age compliance checks.<sup>iii</sup> This proposal reduces the ability of those communities to hold licensees accountable for the actions of their employees. This change is not necessary because protections for the licensee are built into the statutes.

1. Wisconsin law enforcement may prosecute just one citation per incident, although more than one citation may be written. The City of La Crosse cites both licensee and clerk, investigates and then dismisses one citation prior to the court date.
2. An establishment's license can't be suspended or revoked as result of a single violation in 12 months.

Some communities allow a licensee to provide or permit responsible beverage server for all servers, suspend the citation and dismiss it if no additional offenses occur in 12 months.

In addition, this proposal carries unintended consequences that could prove embarrassing over time. In the last session, the Brown Jug bill created a \$1,000 “recovery” when an underage youth attempts to purchase alcohol from a licensee. That recovery goes to the licensee. The amount is approximately twice the forfeiture for selling to an underage customer. The rationale was that parents and young people need to be held responsible for actions. This proposal bill bars licensees from being held responsible for the illegal actions of their employees.

Parents must be held responsible for their children and can be forced to pay \$1,000 when their children act irresponsibly; but licensees cannot be held responsible for the illegal actions of their clerks. It is a contradiction that could prove uncomfortable for some.

Since 1999, binge drinking among Wisconsin Youth has dropped from 34.4% (among the highest in the nation) to 18.4%, below the national average. During this period, communities implemented alcohol age compliance checks and adopted social host ordinances to reduce both the commercial and non-commercial access to alcohol.<sup>iv</sup>

Objective 1 for Healthiest Wisconsin 2020 is to: “Reduce unhealthy and risky alcohol and other drug use changing attitudes, knowledge, and policies, and by supporting services for prevention, screening, intervention, treatment and recovery.”<sup>v</sup> AB 864 is contrary to that goal.

AB 864 undermines the ability of law enforcement to sanction retailers who violate the laws and the progress made by communities and parents that has successfully reduced underage drinking in Wisconsin.

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<sup>i</sup> National Research Council and Institute of Medicine (2004), *Reducing Underage Drinking: A Collective Responsible Responsibility*. Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, Richard J, Bonnie and Mary Ellen O’Connell, Editors. Recommendation 9-2, page 169.

<sup>ii</sup> U.S. Department of Health and Human Services. The Surgeon General’s Call to Action to Prevent and Reduce Underage Drinking, U.S. Department of Health and Human Services., 2007. Page 58.

<sup>iii</sup> List of jurisdictions conducting alcohol age compliance checks compiled by the Wisconsin Alcohol Policy Project December, 2015, listed below. Alcohol Age Compliance Check Communities - December 2015

1. Altoona
2. Appleton
3. Augusta
4. Barron County
5. Beloit (city)
6. Beloit (town)
7. Birchwood
8. Black Creek
9. Columbia (county)
10. Combined Locks
11. Dunn (county)
12. Eau Claire
13. Eau Claire County (towns)
14. Edgerton
15. Evansville
16. Fall Creek

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17. Fairchild
  18. Fond du Lac (county, Class A only)
  19. Fond du Lac (city)
  20. Germantown
  21. Gilman
  22. Green Bay
  23. Hartford
  24. Holman
  25. Hortonville
  26. Jackson
  27. Janesville
  28. Kaukauna
  29. Kiel
  30. Kimberly
  31. Kewaskum
  32. La Crosse (city)
  33. La Crosse (county)
  34. Little Chute
  35. Lodi
  36. Manitowoc
  37. Marinette (city)
  38. Marinette (county)
  39. Marshfield
  40. Marquette (county)
  41. Medford
  42. Menomonie (city)
  43. Middleton
  44. Minong
  45. Mishicot
  46. Monroe (county)
  47. New London
  48. North Fond du Lac
  49. Onalaska
  50. Oregon
  51. Oshkosh
  52. Outagamie (county)
  53. Plover
  54. Racine (city)
  55. Racine (county)
  56. Reedsville
  57. Rib Lake
  58. Ripon
  59. Seymour
  60. Slinger
  61. Sparta
  62. Spooner
  63. Stevens Point
  64. Stoughton
  65. Taylor (county)
  66. Tomah
  67. Two Rivers
  68. Waupun
  69. Wausau

<sup>iv</sup> Wisconsin Department of Health Services Wisconsin Substance Abuse Needs Assessment, 2015 Update. May 1, 2015.

<sup>v</sup> <https://www.dhs.wisconsin.gov/hw2020/baseline.htm>, accessed 2/24/16

# Key “Friend of Grocers” Issue



WISCONSIN  
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ASSOCIATION

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## WGA Position Paper LIQUOR BANS AND INVOICING

### WGA Position: Support

The Assembly Committee on Ways and Means recently conducted a Red Tape Review of Wisconsin’s Tax Code. Rep. Dave Steffen (R-Green Bay) chaired a Ways and Means subcommittee responsible for reviewing Chapters 7-9 of the Tax Code related to Department of Revenue alcohol regulations.

The WGA shared several member concerns related to liquor bans and liquor invoicing with Rep. Steffen, who authored a proposal to address the two issues. AB 624 was introduced by Rep. Steffen and Senator Luther Olsen (R-Berlin), and does the following:

- Currently, retailers must keep two years of paper invoices for the purchase/sale of beer or liquor. This bill would allow for invoices to be kept in electronic form, should the retailer choose to do so; and
- Current law includes a provision that allows municipalities to eliminate every liquor license in their jurisdiction through a referendum. This bill repeals this provision.

#### Liquor Invoices

Current law, which requires retailers to keep two years of paper invoices from alcohol purchases, is archaic and needs to be updated to reflect electronic invoicing and recordkeeping. Maintaining paper copies of transactions is extremely burdensome, inefficient and space-consuming for retailers. Due to the high volume of products, grocery stores do not have much extra space to keep boxes of records containing invoices. Allowing retailers to scan in these documents, helps them to maintain and organize records, makes retrieval and searching easier and gets the boxes out of the backroom. Considering the digital age we live in, this provision is long overdue and the statutes need to be updated.

#### Liquor Bans

This outdated, prohibition-era statute allows municipalities to eliminate all licenses in their community by referendum. According to the bill authors, this option supersedes the ability and control of local governments to regulate alcohol licensing. Should a referendum to eliminate alcohol licensing in a community pass, local businesses lose their licenses for two years before being given an opportunity to gain them back via referendum. WGA was made aware of this provision by a retailer in a community where organizers attempted to petition for a referendum under this law. The loss of a liquor license to a grocery store could have a significant negative economic impact on the retailer and on the community.

*Status:* AB 624 was passed by the State Assembly on February 12<sup>th</sup> on a voice vote.

Key “Friend of Grocers” Issue

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