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## WISCONSIN LEGISLATIVE COUNCIL

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### STATE-TRIBAL RELATIONS

Cooperative Resources International  
117 East Green Bay Street  
Shawano, WI

October 16, 2014  
10:00 a.m. – 3:00 p.m.

[The following is a summary of the October 16, 2014 meeting of the Special Committee on State-Tribal Relations. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

Chair Mursau called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Rep. Jeffrey Mursau, Chair; Rep. Janet Bewley; Sen. Dale Schultz; and Public Members Dee Ann Allen, Aimee Awonohopay, Rusty Barber, Gary Besaw, Melinda Danforth, Jon Greendeer, and Chris McGeshick.

COMMITTEE MEMBERS EXCUSED: Sen. Kathleen Vinehout, Vice Chair; Rep. Nick Milroy; and Public Member Harold Frank.

TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT: Michelle Allness, Department of Natural Resources; Gail Nahwahquaw, Department of Health Services; and Loa Porter, Department of Children and Families.

TECHNICAL ADVISORY COMMITTEE MEMBERS EXCUSED: Tom Bellavia, Department of Justice; Tristan Cook, Department of Workforce Development; Kelly Jackson, Department of Transportation; David O'Connor, Department of Public Instruction; and Thomas Ourada, Department of Revenue.

COUNCIL STAFF PRESENT: David Lovell, Principal Analyst; and David Moore, Staff Attorney.

APPEARANCES: Tricia Burkett, Safe Place for Newborns, Wheaton Franciscan-St. Joseph Hospital; Jodi Johnson, Wisconsin Hospital Association; Melissa Blom, Manager, Division of Children, Youth, and Families, Outagamie County; John DeBacher, Director of Public Library Development, and Rebecca Vail, Director, Content and Learning Team, Department of Public Instruction; and Dr. Verna Fowler, President, College of the Menominee Nation.

### **Approval of the Minutes of the August 13, 2014 Meeting**

*Mr. Besaw moved, seconded by Mr. McGeshick, to approve the minutes of the August 13, 2014 meeting. The motion passed on a voice vote.*

### **Safe Haven Law and Indian Child Welfare Act**

*Tricia Burkett, Safe Place for Newborns, Wheaton Franciscan-St. Joseph Hospital*

Ms. Burkett told the committee about her work as the coordinator for Safe Place for Newborns and provided some statistics about infant relinquishments in Wisconsin since the safe haven law was enacted 2001. Ms. Burkett reported that her research indicates there have been 177 relinquishments since then; on average, there have been 15 to 20 relinquishments per year since 2008.

Ms. Burkett told the committee that she provides education on and awareness about the safe haven law throughout the state. She said that her trainings include education about the Indian Child Welfare Act (ICWA), and told the committee that she is interested in working with the committee to ensure ICWA is carried out to the fullest extent possible in coordination with the safe haven law.

*Jodi Johnson, Wisconsin Hospital Association*

Ms. Johnson described the information that hospitals typically gather when admitting a mother to give birth. Ms. Johnson also told the committee what information hospital staff typically try to glean when an infant is relinquished. She said that when staff receive an infant through the relinquishment process, the first priority is to ascertain when the infant was last fed. The next priority is to conduct a newborn screening to ensure the infant receives the care it needs.

*Melissa Blom, Manager, Division of Children, Youth, and Families, Outagamie County*

Ms. Blom provided the committee with a brief overview of what her county social services department does when an infant is relinquished in the county. She explained that the process begins with a call from the person to whom the infant has been relinquished. A social services access worker takes information from that person, including whether the person relinquishing the infant wants to remain unknown. If the access worker learns the person wishes to remain anonymous, he or she is required to enter "unknown" into the database. After the access worker has taken the information about the relinquishment, the case is

“screened in” as a child welfare report and the social services department sends a social worker to the hospital. The hospital may share information with the social worker about medical issues, such as whether the mother received prenatal care and whether the child was born in a hospital.

Ms. Blom told the committee that the forms used when the social services department screens in a child welfare case ask for information whether a child or his or her family members are members of a tribe. Whenever a report indicates a child or child’s family members may be a member of tribe, Outagamie County social services faxes that information to the Oneida Tribe of Indians of Wisconsin unless the report indicates the child or child’s family member is a member of a different tribe, in which case the county faxes the information to that tribe.

***Memo No. 14-2, The Safe Haven Law and the Indian Child Welfare Act (October 9, 2014)***

The committee did not discuss Memo No. 14-2. Instead, the committee asked that a broader range of interested persons, such as tribal social services and legal staff, be convened to assist the committee in evaluating policy options on this topic.

**Participation of a Tribal College in the Public Library System**

***John DeBacher, Director of Public Library Development, and Rebecca Vail, Director, Content and Learning Team, Department of Public Instruction (DPI)***

Mr. DeBacher and Ms. Vail told the committee that the treatment of public libraries in state statutes has posed problems for integrating public libraries operated by tribes into regional public library systems. Mr. DeBacher distributed an issue paper that describes the law related to Wisconsin’s public libraries, public libraries operated by tribes, and recent issues with the application of Wisconsin’s library laws to tribal libraries. The paper describes issues surrounding the closure of the public library in Keshena and the subsequent agreement between Menominee County and the College of the Menominee Nation for the college to provide library service both to the tribe and to other residents of Menominee County. The paper identifies several options that were outlined at an August 21, 2014 meeting on this topic between representatives of DPI, the college, the library, the tribe, and the county. Mr. DeBacher suggested that resolving the issues presented by the application of current statutes to tribally operated libraries might be an appropriate topic of study for the Special Committee on State-Tribal Relations.

***Dr. Verna Fowler, President, College of the Menominee Nation***

Dr. Fowler distributed a briefing paper and some information about the College of the Menominee Nation. She emphasized the importance of the college’s library to all residents of the county.

## **Impact on Local School Funding of Tribal Participation in the Charter School and Parental Choice Programs**

*Letter, from Jennifer Kammerud, Policy Initiatives Advisor, Department of Public Instruction (October 8, 2014)*

Mr. Lovell summarized a letter Jennifer Kammerud provided to the committee in response to questions that were raised at the August 13, 2014 meeting of the Special Committee about the fiscal effect the charter school and parental choice programs have on other education funding.

### **Authorizing a Tribal College to Charter a School**

*Memo No. 14-3, Establishment and Operation of a Charter School by an American Indian Tribe or Band (October 9, 2014)*

Mr. Lovell told the committee that the Wisconsin Statutes provide three mechanisms to establish a charter school: (1) by petition by teachers; (2) by school board initiative; or (3) by initiative of an independent authorizer. This third mechanism authorizes four "independent authorizers" to charter schools: (1) the common council of the City of Milwaukee; (2) the chancellor of the University of Wisconsin (UW)-Milwaukee; (3) on a pilot basis, the chancellor of the UW-Parkside; and (4) the Milwaukee area technical college district board.

*WLC: 0020/1, Relating to Authorizing a Tribal College to Sponsor a Charter School*

Mr. Lovell told the committee that WLC: 0020/1, relating to authorizing a tribal college to sponsor a charter school adds to the list of independent authorizers: the College of the Menominee Nation and the Lac Courtes Oreilles Ojibwa Community College.

Committee members noted that although the College of the Menominee Nation and the Lac Courtes Oreilles Ojibwa Community College are the only two tribal colleges in the state currently, if another tribal college were to be formed, it would not have authority, under the bill draft, to sponsor a charter school. The committee requested that the bill draft be modified to define "tribal college" and add "any tribal college" to the list of independent authorizers.

### **Tribal College Funding**

*LRB-0359/1, Relating to State Funding for Tribal Colleges and Making an Appropriation*

Mr. Moore described LRB-0359/1, relating to state funding for tribal colleges and making an appropriation. Mr. Moore explained that the bill draft provides state grants to tribal colleges to subsidize the costs the colleges incur educating non-Indian students. The committee requested that the bill draft be amended to more closely parallel a federal grant that subsidizes the costs tribal colleges incur to educate Indian students.

### **Discussion of Topics for Committee Study**

Mr. Barber suggested the committee pursue the topic of expanding the purposes for which a tribal identification card may be used instead of a state issued identification card. He also suggested the committee pursue the topic of giving tribes' authority to issue motor vehicle registration plates to tribal members who reside off reservation.

### **Other Business**

There was no other business.

### **Plans for Future Meetings**

The committee will meet at the call of the chair.

### **Adjournment**

The meeting was adjourned at 3:00 p.m.

DM:jal