



WISCONSIN LEGISLATIVE COUNCIL

STATE-TRIBAL RELATIONS

Room 411 South
State Capitol
Madison, Wisconsin

December 4, 2014
10:00 a.m. – 1:45 p.m.

[The following is a summary of the December 4, 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>.]

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; Sen. Kathleen Vinehout, Vice Chair; Reps. Janet Bewley and Nick Milroy; Sen. Dale Schultz; and Public Members Dee Ann Allen, Rusty Barber, Gary Besaw, and Melinda Danforth.

COMMITTEE MEMBERS EXCUSED: Public Members Aimee Awonohopay, Harold (Gus) Frank, Jon Greendeer, and Chris McGeshick.

TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT: Kelly Jackson, Department of Transportation; Gail Nahwahquaw, Department of Health Services; and Thomas Ourada, Department of Revenue.

TECHNICAL ADVISORY COMMITTEE MEMBERS EXCUSED: Michelle Allness, Department of Natural Resources; Tom Bellavia, Department of Justice; Tristan Cook, Department of Workforce Development; David O'Connor, Department of Public Instruction; and Loa Porter, Department of Children and Families.

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

Approval of the Minutes of the October 16, 2014 Meeting

Mr. Besaw moved and Senator Schultz seconded that the minutes of the October 16, 2014 meeting of the Special Committee on State-Tribal Relations be approved. The motion passed on a voice vote.

Authorizing a Tribal College to Charter a School

WLC: 0020/2, relating to authorizing a tribal college to sponsor a charter school

Mr. Lovell described the draft, WLC: 0020/2. He said that the draft differed from the version presented to the committee in its previous meeting by defining “tribal college” in general terms, rather than by reference to the two existing tribal colleges. He noted that the definition included the option of limiting the definition of “tribal college” to only those colleges eligible to receive funding from the federal Bureau of Indian Education.

Mr. Barber asked that James Schlender, attorney for the Lac Courte Oreilles Band, be recognized. Mr. Schlender presented to the committee a memorandum, dated December 3, 2014, relating to establishment and operation of a charter school by an American Indian tribe or band. The memorandum presented three options: Option 1 represented adoption of WLC: 0020/2; Option 2 added one or more American Indian tribes or bands to the list of entities authorized to charter a school; Option 3 replaced the text of WLC: 0020/2 with the text of 2005 Senate Bill 302, a bill developed by the 2004 Special Committee on State-Tribal Relations.

The committee discussed the options presented by Mr. Schlender and the option of limiting the location of a school chartered under this proposal to Indian country. The committee agreed to add tribal governments to the list of entities that may charter a school. It also agreed to omit from the definition of “tribal college” the language limiting the term to those colleges eligible to receive funding from the federal Bureau of Indian Education.

Representative Bewley moved and Senator Schultz seconded that the committee recommend that the Joint Legislative Council introduce WLC: 0020/2, revised as described above, in the 2015 Legislative Session. The motion passed on a vote of Ayes, 9 (Mursau, Vinehout, Bewley, Milroy, Schultz, Allen, Barber, Besaw, and Danforth); Noes, 0; and Absent, 7 (Awonohopay, Bainbridge, Defoe, Frank, Greendeer, McGeshick, and Miller).

Tribal College Funding

LRB-0359/2, relating to state funding for tribal colleges and making an appropriation

Mr. Moore described the draft LRB-0359/2, relating to state funding for tribal colleges. The committee discussed the draft and agreed to delete the definition of “tribal college” in the draft and use in its place the definition of that term agreed to in the discussion of WLC: 0020/2, described above, except to limit the definition to colleges eligible to receive funding from the federal Bureau of Indian Education.

Representative Bewley moved and Senator Schultz seconded that the committee recommend that the Joint Legislative Council introduce LRB-0359/2, revised as described above, in the 2015 Legislative Session. The motion passed on a vote of Ayes, 9, (Mursau, Vinehout, Bewley, Milroy, Schultz, Allen, Barber, Besaw, and Danforth); Noes, 0; and Absent, 7 (Awonohopay, Bainbridge, Defoe, Frank, Greendeer, McGeshick, and Miller).

Tribal Identification Cards

WLC: 0046/1, relating to tribal identification cards

Mr. Lovell described WLC: 0046/1, relating to tribal identification cards. He said that the draft provides that a tribal identification card that meets specified conditions is sufficient identification in any circumstance in which state law requires a person to present individual identification. He explained that it is drafted this way, rather than by adding such a requirement to the individual laws that require a person to present individual identification, because of the difficulty of identifying every state law that creates such a requirement and the resulting likelihood of inadvertently omitting one or more such laws from the legislation.

Mr. Barber suggested that the phrase “unless specifically prohibited by law” be deleted. Mr. Lovell said that this language was included to address situations in which current law would specifically prevent the use of tribal identification cards, making clear which law would control. He said that the result of this language is that the current law would not be affected. The committee directed that the phrase be deleted, and indicated its intent that the language of the draft supersede any provision of current law.

Senator Vinehout moved and Ms. Allen seconded that the committee recommend that the Joint Legislative Council introduce WLC: 0046/1, revised by deletion of the phrase “unless specifically prohibited by law,” in the 2015 Legislative Session. The motion passed on a vote of Ayes, 9 (Mursau, Vinehout, Bewley, Milroy, Schultz, Allen, Barber, Besaw, and Danforth); Noes, 0; and Absent, 7 (Awonohopay, Bainbridge, Defoe, Frank, Greendeer, McGeshick, and Miller).

Safe Haven Law and Indian Child Welfare Act

Memo No. 14-4, *The Safe Haven Law and the Indian Child Welfare Act: Informal Discussion on November 19, 2014, and Further Options for Legislation* (November 25, 2014)

Mr. Lovell summarized Memo No. 14-4. He said that it presents certain policy options that were discussed in an informal meeting of parties interested in the topic of the safe haven law and the Indian Child Welfare Act, held on November 19, 2014, in Appleton.

Chair Mursau invited Kyle O'Brien and Judy Warmuth, Wisconsin Hospital Association, to the table. Mr. O'Brien presented to the committee a memorandum dated December 4, 2014, relating to a response to State-Tribal Relations Memo No. 14-4. Chair

Mursau also invited Mr. Schlender to return to the table. Mr. Schlender presented to the committee a memorandum from the Chippewa Federation, dated December 4, 2014, relating to the safe haven law and the Indian Child Welfare Act, and recommending policy options to the committee.

The committee engaged in a lengthy discussion of the three memoranda that had been presented to it, the policy options presented in those memoranda, and related matters. However, no specific policy options were advanced, and the committee did not reach agreement on the topic. Noting an interest among committee members in continued discussion of the topic, Chair Mursau directed staff to arrange a second informal meeting of interested parties, similar to the November 19 meeting, for this purpose.

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 1:45 p.m.

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