



WISCONSIN LEGISLATIVE COUNCIL

STATE-TRIBAL RELATIONS

Rib Mountain Town Hall
3700 N. Mountain Road (County Hwy. NN)
Wausau, Wisconsin

March 23, 2015
1:00 p.m. – 4:00 p.m.

[The following is a summary of the March 23, 2015 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; and Public Members Dee Ann Allen, Aimee Awonohopay, Rusty Barber, Gary Besaw, Melinda Danforth, Jon Greendeer, Chris McGeshick, and Wallace Miller.

COMMITTEE MEMBERS EXCUSED: Sen. Janet Bewley; Rep. Nick Milroy; and Public Members Bryan Bainbridge and Harold (Gus) Frank.

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

TECHNICAL ADVISORY COMMITTEE MEMBERS EXCUSED: Michelle Allness, Department of Natural Resources; 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.

Approval of the Minutes of the December 4, 2014 Meeting

Mr. Besaw moved and Mr. Barber seconded that the minutes of the December 4, 2014 meeting of the Special Committee on State-Tribal Relations be approved. The motion passed on a voice vote.

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

At the committee's October 16, 2015 in Shawano, the committee was briefed by staff from the Department of Public Instruction (DPI) on issues related to the application of state statutes governing public libraries to libraries operated by tribes or tribal entities. The briefing focused on 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 the county.

Mr. Moore summarized these issues and told the committee that subsequent to the October 16 meeting, Chair Mursau and committee staff met with representatives of DPI, the College of the Menominee Nation, and Menominee County to discuss legislative options for addressing these issues. He reported that committee staff was drafting legislation that would authorize a tribal college library to be considered a public library, for the purposes of the public libraries chapter of the Wisconsin Statutes, if the library meets certain requirements and establishes a three-person advisory board, consisting of one member appointed by each of the following entities: the tribal college, the tribe, and the county in which the tribal college is located. He also told the committee that because the deadline had passed for the Joint Legislative Council to vote on introducing legislation this session, Chair Mursau would introduce the legislation himself.

Safe Haven Law and Indian Child Welfare Act

WLC: 0051/1, relating to the collection and sharing of information regarding an American Indian child relinquished under the safe haven law and restoration of parental custody to an Indian child less than 11 days of age

Mr. Lovell told the committee that he and Chair Mursau had met with stakeholders and interested parties to discuss WLC: 0051/1, and that input from that meeting was reflected in draft amendments that were distributed to the committee prior to the meeting. He also told the committee that, as with the tribal college libraries legislation, Chair Mursau would introduce WLC: 0051/1, as modified by the committee's discussion, himself.

Mr. Lovell then summarized a letter submitted by Sara Buschman, Assistant Deputy Secretary, Department of Children and Families, which contained modifications the department suggested be made to the bill draft. There was general agreement among the committee members to modify the bill draft to include these suggestions and other refinements of the draft.

The committee also agreed to incorporate into the bill draft the following draft amendments:

- WLC: 0054/1, which requires the information packet provided for by the bill draft to include an explanation that a county department is required to restore custody of a relinquished Indian child under 11 days of age to the child's biological parent if the parent provides evidence to the county department's satisfaction of all of the following: (1) the parent is the child's biological parent; (2) the child is an Indian child; and (3) the child has not attained the age of 11 days.
- WLC: 0055/1, which broadens the scope of the defined term "Indian child's tribe" as applied to authorizing the release of information regarding an Indian child relinquished under the safe haven law.
- WLC: 0056/1, which removes from the bill draft a requirement that the person taking custody of a child explain to the relinquishing parent the importance to an American Indian child of a social and cultural connection to the child's tribe and clan and the potential benefits of tribal enrollment.

Melissa Blom, Manager, Division of Children, Youth, and Families, Outagamie County, expressed some concerns to the committee about the bill draft's omission of procedures for county departments to follow when restoring a child to a relinquishing parent. She urged the committee to provide more guidance for county staff on how to proceed with restorations of custody. There was general agreement among the committee members that this should be incorporated within the bill draft. Chair Mursau directed committee staff to work with stakeholders to develop these procedures.

Ms. Danforth and Kyle O'Brien, Wisconsin Hospital Association, raised separate concerns regarding the completion of birth certificates in the case of a safe haven relinquishment. Chair Mursau directed committee staff to work with stakeholders and with vital records officials of the Department of Health Services to develop further revisions to the draft to address these concerns.

Other Business

There was no other business.

Plans for Future Meetings

Chair Mursau informed the committee that because Joint Legislative Council has already met to vote on whether to introduce study committee bills this session, the committee is unlikely to meet again this year.

Adjournment

The meeting was adjourned at 4:00 p.m.

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