



WISCONSIN LEGISLATIVE COUNCIL

STATE-TRIBAL RELATIONS

Room 411 South
State Capitol

November 29, 2016
10:00 a.m. – 11:45 a.m.

[The following is a summary of the November 29, 2016 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.wisconsin.gov/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. James Edming and Beth Meyers; Sen. Tim Carpenter; and Public Members Dee Ann Allen, Russell “Rusty” Barber, Gary Besaw, Wilfrid Cleveland, Michael Decorah, Shannon Holsey, Chris McGeshick, and Lisa Summers.
COMMITTEE MEMBER EXCUSED:	Sen. Mary Lazich; and Public Members Bryan Bainbridge and Harold “Gus” Frank.
TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT:	Michelle Allness, Department of Natural Resources; Stephanie Lozano, Department of Children and Families; Gail Nahwahquaw, Department of Health Services; David O’Connor, Department of Public Instruction (DPI); and Thomas Ourada, Department of Revenue.
TECHNICAL ADVISORY COMMITTEE MEMBERS ABSENT:	Tom Bellavia, Department of Justice; Andrew Evenson, Department of Workforce Development; and Kelly Jackson, Department of Transportation.
COUNCIL STAFF PRESENT:	David Moore, Senior Staff Attorney, and Jessica Ozalp, Staff Attorney.
APPEARANCE:	Brian Jackson, President, Wisconsin Indian Education Association Board.

Approval of the Minutes of the August 1, 2016 Meeting

Ms. Allen moved, seconded by Representative Meyers, that the minutes of the August 1, 2016 meeting be approved. The motion was approved by voice vote.

Presentations on American Indian Studies Curriculum, Including Requirements Related to 1989 Wisconsin Act 31

David O'Connor, American Indian Studies Consultant, DPI

Mr. O'Connor summarized the following five statutory requirements that require instruction on the history, culture, and tribal sovereignty of American Indian tribes and bands:

- Section 115.28 (17) (d), Stats., requires the State Superintendent of Public Instruction to develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty-based off-reservation rights to hunt, fish, and gather.
- Section 118.01 (2) (c) 8., Stats., requires each school to provide an instructional program designed to give pupils at all grade levels an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics.
- Section 118.19 (8), Stats., provides that the State Superintendent of Public Instruction may not grant to any person a license to teach unless the person has received instruction in the study of minority group relations, including instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.
- Section 121.02 (1) (h), Stats., requires each school board to provide adequate instructional materials, texts, and library services which reflect the cultural diversity and pluralistic nature of American society.
- Section 121.02 (1) (L) 4., Stats., requires each school board to, as part of the social studies curriculum, include instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades. [s. 121.02 (1) (L) 4., Stats.]

Mr. O'Connor then answered questions from the committee about the implementation of these requirements.

Brian Jackson, President, Wisconsin Indian Education Association Board

Mr. Jackson provided the committee with background information about initiatives to incorporate education on American Indians and American Indian tribes into school curricula. He also told the committee about how he has partnered with DPI to develop and encourage model programs on this topic.

Discussion of Topics for Committee Study

LRB-0410/P1, relating to battery of a tribal judge, tribal prosecutor, or tribal law enforcement officer and providing criminal penalties

Mr. Moore explained that LRB-0410/P1 was drafted in response to Mr. Barber's request, during the August 1, 2016 meeting, that the committee consider drafting legislation that would include tribal judges, tribal prosecutors, and tribal law enforcement officers within the statute that criminalizes causing bodily harm or threatening to cause bodily harm to judges, prosecutors, law enforcement officers, or the family members of judges, prosecutors, and law enforcement officers.

Senator Carpenter moved, seconded by Representative Edming, that the committee recommend introduction of LRB-0410/P1. The committee then voted unanimously to recommend introduction of the bill draft.

Memo No. 2, "Inclusion of Tribal Identification Cards in Statutes Requiring Proof of Identity" (November 22, 2016)

Ms. Ozalp explained that the committee developed and recommended legislation during the last interim on the topic of tribal identification cards and that the bill, introduced as 2015 Assembly Bill 150, had received a public hearing, but was not enacted due to concerns raised during and after the public hearing. Ms. Ozalp explained that, in response to committee members' requests during the August 1, 2016 meeting to develop legislation on this topic that was responsive to the concerns raised about Assembly Bill 130, Chair Mursau had directed committee staff to prepare Memo No. 2 as background information for the committee's discussion.

Ms. Ozalp then led the committee in a discussion of Memo No. 2. During this discussion, the committee requested draft legislation that would list tribal identification cards as proof of identity in statutes requiring proof of identity for the following: proof of residency for the purposes of voting; proof of age for purchasing alcohol beverages; proof of identity for purchasing controlled substances; proof of identity for purchasing tobacco products; and proof of identity for certain types of sales described in ch. 134, Stats.

Plans for Future Meetings

The next meeting of the committee will be held at the call of the Chair.

Adjournment

The meeting adjourned at 11:45 a.m.

DM:jal