



STATE OF WISCONSIN
JOINT LEGISLATIVE COUNCIL

MEETING MINUTES
SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

Virtual

December 1, 2020
10:00 a.m. – 12:20 p.m.

CALL TO ORDER AND ROLL CALL

Chair Mursau called the meeting to order and a quorum was determined present.

**COMMITTEE MEMBERS
PRESENT:**

Rep. Jeffrey Mursau, Chair; Sen. Janet Bewley, Vice Chair; Sens. André Jacque and Jeff Smith; Reps. David Considine and James Edming; and Public Members Dee Ann Allen, Gary Besaw, Lorraine Gouge, Conroy Greendeer, Jr., Shannon Holsey, Lisa Liggins, and Richard Peterson.

**COMMITTEE MEMBERS
EXCUSED:**

Public Members Ned Daniels, Jr., Michael Decorah, and Carmen McGeshick.

**TECHNICAL ADVISORY
COMMITTEE MEMBER
PRESENT:**

Michelle Allness, Department of Natural Resources; Tom Bellavia, Department of Justice; Pam McGillivray, Department of Workforce Development; Sandy Stankevich, Department of Transportation; Stephanie Lozano, Department of Children and Families; Gail Nahwahquaw, Department of Health Services; David O'Connor, Department of Public Instruction; and Holly Wilmer, Department of Revenue.

COUNCIL STAFF PRESENT:

Steve McCarthy, Senior Staff Attorney and Parker Conover, Staff Attorney.

DISCUSSION OF TOPICS FOR COMMITTEE STUDY

LRB-0213/1, relating to battery or threat to an officer of the court in a tribal proceeding and providing a penalty

Steve McCarthy, Legislative Council Senior Staff Attorney, reminded the committee that 2019 Assembly Bill 104, which was recommended by the committee last session and is identical to LRB-0213/1, could still be taken up by the Senate before the end of the year. However, the committee could renew its recommendation of the bill draft for consideration by the Legislature next session if it is the case that the Senate takes no further action this year.

Public Member Allen moved, seconded by Representative Edming, that the committee recommend that the Joint Legislative Council introduce LRB-0213/1. The motion passed on a vote of Ayes, 13 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Jacque, and Smith; and Public Members Allen, Besaw, Gouge, Greendeer, Holsey, Liggins, and, Peterson); Noes, 0; and Absent, 3 (Public Members Daniels, Decorah, and McGeshick).

LRB-0216/1, relating to the membership of the Higher Educational Aids Board

Mr. McCarthy reported that Higher Educational Aids Board (HEAB) staff responded to some questions raised by the committee at its last meeting. Specifically, HEAB staff confirmed that an even-numbered board membership would not pose any problems for the operation of the board, noting that board decisions are very rarely, if ever, contentious. HEAB staff also noted board staff's general support for the bill, and stated that tribal colleges are not currently represented on the board because they did not exist when the board was originally created by statute.

Senator Jacque moved, seconded by Public Member Besaw, that the committee recommend that the Joint Legislative Council introduce LRB-0216/1. The motion passed on a vote of Ayes, 13 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Jacque, and Smith; and Public Members Allen, Besaw, Gouge, Greendeer, Holsey, Liggins, and, Peterson); Noes, 0; and Absent, 3 (Public Members Daniels, Decorah, and McGeshick).

LRB-0227/P1, relating to composition of temporary committee identifying residential options for a sexually violent person being placed on supervised release

Mr. Besaw questioned whether the bill draft could be changed so that a tribe would be invited, but not required, to participate in the temporary committee's work. Mr. Besaw noted both that some tribes may have little interest in the affairs of a county where the tribe has a small presence and that there are some counties where numerous tribes are located, which could bloat the size of the temporary committee.

Senator Smith and others noted that the bill draft would not necessarily require any particular level of involvement from a tribe that is on the temporary committee, and suggested moving forward on the bill as drafted. Chair Mursau agreed, and directed committee staff to research any possible unintended consequences with the bill draft relating to temporary committee quorum issues.

The committee agreed to keep the bill draft in its current form, and the Chair indicated his intent to schedule the bill draft for a vote at the committee's next meeting.

LRB-0025/P3, relating to a lifetime license that authorizes an individual to teach an American Indian language in an American Indian language program and modifying rules promulgated by the Department of Public Instruction

Mr. Besaw, Representative Edming, Ms. Gouge, and Senator Bewley all noted their support for the changes made to the bill draft based on the committee's discussion at its last meeting. Specifically, the bill draft was modified such that each tribe associated with an American Indian language could decide on a teacher-by-teacher basis whether the teacher no longer requires periodic competency recertification.

Mr. McCarthy reported that DPI confirmed it could overcome any administrative issues with teacher-by-teacher competency determinations, and also noted that teacher-by-teacher competency determinations align with the spirit of the memoranda of understanding regarding teacher licensing that DPI has signed with all of the tribes.

The committee agreed to keep the bill draft in its current form, and the Chair indicated his intent to schedule the bill draft for a vote at the committee's next meeting.

LRB-0386/P1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refund

Chair Mursau and Representative Edming made comments about the impact the bill could have on local cigarette and tobacco products retailers. Ms. Gouge stated that the statutory designation deadline has been an issue in the past and removing it would be beneficial. Senator Bewley also noted her support for the bill draft.

The committee agreed to keep the bill draft in its current form, and the Chair indicated his intent to schedule the bill draft for a vote at the committee's next meeting.

Letter from Special Committee on State-Tribal Relations to Speaker's Task Force on Racial Disparities, relating to American Indian mascots and logos

Senator Jacque noted multiple concerns with the letter, including that the Speaker's Task Force on Racial Disparities may not be the appropriate forum for the issue of American Indian mascots and logos and that he has found tribal support of the use of tribal mascots and logos by schools in his legislative district. Senator Jacque stated that he wanted school districts to decide on their own whether tribal mascots and logos should be changed and noted he is not in support of sending the letter at this time.

Senators Smith and Bewley noted their general support for the concept of the letter, but questioned whether sending it to the Speaker's Task Force on Racial Disparities was sufficient or effective action on the issue of American Indian mascots and logos.

Mr. Besaw, Ms. Gouge, and Ms. Liggins also stated their support for the letter and made comments about the seriousness of the issue. Ms. Gouge noted that the Oneida Nation's budget request mentioned in the letter would incentivize, but not require, a school district to change its mascot and logo. Ms. Liggins stated there are multiple efforts tribes are taking on this issue, and that the letter is just one of multiple initiatives. Mr. O'Connor observed that it is important to educate people about first nations' history and people.

Senators Smith and Bewley suggested that the letter may be more properly sent directly to the Governor in support of the budget request on this issue instead of to the Speaker's Task Force on Racial

Disparities. Chair Mursau asked committee staff to work on amending the letter so it could be sent to the Governor by the Chair on behalf of the committee.

COMMITTEE DISCUSSION AND PLANS FOR FUTURE MEETINGS

Ms. Gouge noted current efforts undertaken on issues relating to mental health under ch. 51, Stats., and mentioned that the issue is one the committee could take up in the future.

Mr. Besaw asked for an update on the bills the committee recommended last session relating to Act 31. Chair Mursau noted he is still working with his legislative colleagues to determine whether there is a path forward on some or all of those bills.

Mr. Besaw mentioned current efforts undertaken on a white paper relating to the Child Indian Welfare Act and future plans to engage the Department of Children and Families on that issue. Mr. Besaw also noted current efforts on reviewing state statutes in order to add tribal representation to certain state boards and councils and allowing tribes to participate in certain state grant programs.

Ms. Liggins asked for an update on the materials she sent to committee staff relating to modifying state statutes to allow a tribe to pass certain alcohol and tobacco enforcement ordinances. Mr. McCarthy responded that committee staff is still working on this issue, but that it could conceivably be finished in time for discussion at the committee's next meeting.

Chair Mursau advised members that he will poll members with dates from January for the committee's next meeting.

ADJOURNMENT

The meeting adjourned at 12:20 p.m.

[The preceding is a summary of the December 1, 2020 meeting of the Special Committee on State-Tribal Relations, which was recorded by WiscosnEye. The video recording is available in the WiscosnEye [archives](#).]

SM:jal