



# Report to the Joint Legislative Council

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JLCR 2021-02

July 9, 2021

## Joint Legislative Council's Report of the Special Committee on State-Tribal Relations

[2021 Assembly Bill 426 and 2021 Senate Bill 419;  
2021 Assembly Bill 427 and 2021 Senate Bill 420; and  
2021 Assembly Bill 428 and 2021 Senate Bill 421]



# SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

Prepared by:  
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July 9, 2021

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# PART I

## EXECUTIVE SUMMARY

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State law requires the Joint Legislative Council to create a Special Committee on State-Tribal Relations each biennium. The special committee is then required to report its findings and its legislative recommendations to the Joint Legislative Council.

The special committee met three times through the fall and winter of 2020 and 2021. The committee discussed numerous policy options spanning an array of substantive areas of law, including items from the committee's work last session that did not pass the Legislature, ideas proposed by the committee chair, and other items proposed by committee members.

Additionally, based on discussion and consensus from a majority of committee members, Chair Mursau and Vice-Chair Bewley co-authored a letter to the Governor asking for inclusion in the Governor's budget proposal of a state grant program to assist school districts that choose to retire American Indian mascots, images, symbols, and personalities with offsetting potential costs. In concluding its work, the committee recommended five bill drafts for introduction by the Joint Legislative Council.

On June 3, 2021, the Joint Legislative Council voted to introduce three of the bills in the 2021-23 Legislative Session<sup>1</sup>. Each of the bills has been introduced in both houses as companion legislation. For clarity, this report refers to them in singular form as "the bill."

The remainder of this report includes the following parts:

**Part II** provides a summary of the committee discussion at each meeting and a description of the bill drafts recommended by the Special Committee on State-Tribal Relations for introduction.

**Part III** provides background information on, and a detailed description of, the following bills as introduced by the Joint Legislative Council:

- 2021 Assembly Bill 426 and 2021 Senate Bill 419, relating to notification to tribal chairs and tribal law enforcement agencies for a sexually violent person being placed on supervised release in a county in which the tribe is located.
- 2021 Assembly Bill 427 and 2021 Senate Bill 420, relating to battery or threat to an officer of the court in a tribal proceeding.
- 2021 Assembly Bill 428 and 2021 Senate Bill 421, relating to membership of the Higher Educational Aids Board.

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<sup>1</sup> LRB-0025/1, 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, and LRB-0386/1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refunds, did not receive a vote for introduction by the Joint Legislative Council.



# PART II

## COMMITTEE ACTIVITY

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### ASSIGNMENT

The Joint Legislative Council established the Special Committee on State-Tribal Relations and appointed the chairperson by a June 18, 2020 mail ballot. **Appendix 2** identifies the membership of the Joint Legislative Council at the time the mail ballot was approved. The committee was directed to study issues relating to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues. [s. 13.83 (3), Stats.]

Membership of the special committee was appointed by a July 24, 2020 mail ballot. The final committee membership consisted of three representatives, three senators and 10 public members. A list of committee members is included as **Appendix 3** to this report.

### SUMMARY OF MEETINGS

The committee held three virtual meetings on the following dates:

- October 19, 2020
- December 1, 2020
- January 25, 2021

#### October 19, 2020

At the first meeting on October 19, 2020, the special committee reviewed and discussed four preliminary bill drafts prepared by Chair Mursau, and members offered other priorities for the special committee to consider in future meetings.

Anne Sappenfield, Director of the Legislative Council staff, welcomed committee members and thanked them for their service. She remarked upon the history of the Legislative Council and the procedures followed throughout the study committee process.

Chair Mursau introduced himself and welcomed the committee members. At the invitation of the chair, committee members introduced themselves and provided brief explanations of their backgrounds and interest in the committee's topic.

#### LC Study Committee Memo No. 1, "Topics for Committee Discussion," October 12, 2020

Steve McCarthy, Legislative Council Senior Staff Attorney, provided an overview of information provided in LC Study Committee Memo No. 1. Specifically, Mr. McCarthy noted that the memo describes four bill drafts prepared by Chair Mursau, provides relevant background information,

and identifies issues that the committee may wish to take into consideration when discussing the bill drafts.

Mr. McCarthy explained that Chair Mursau put the bill drafts before the committee to prompt discussion to determine where there is committee consensus and if the committee would like to request modifications or additional information on any or all of the bill drafts.

At the beginning of the discussion of each of the four bill drafts, Mr. McCarthy provided relevant background material and described the bill drafts.

**LRB-0213/P1, relating to battery or threat to an officer of the court in a tribal proceeding and providing a penalty**

Mr. McCarthy explained that 2019 Assembly Bill 104, which was recommended by the committee last session and is identical to LRB-0213/P1, 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.

Vice-Chair Bewley asked about the history of LRB-0213/P1, and Chair Mursau responded that the bill draft expands to a tribal court proceeding the enhanced criminal penalties that apply to a state court proceeding with regard to intentionally causing or threatening to cause bodily harm to an officer of the court, or a member of that officer's family.

Mr. Besaw, Chair Mursau, and others voiced support for renewing the committee's recommendation of the bill draft, and members agreed to vote on recommending the bill draft at the committee's next meeting.

**LRB-0216/P1, relating to the membership of the Higher Educational Aids Board**

Mr. McCarthy noted that LRB-0216/P1 is identical to 2019 Senate Bill 905, which was introduced by Vice-Chair Bewley on March 26, 2020. However, the Legislature took no action on that bill.

Vice-Chair Bewley noted that the bill draft's proposed expansion of the membership of the Higher Educational Aids Board so that three new board members would represent the interests of the state's tribal colleges closely mirrors current board membership that represents other interests.

Mr. Besaw and Ms. Gouge expressed support for the bill, noting that the board currently has nonvoting members that represent the interests of the state's tribal colleges.

Chair Mursau and Senator Smith raised concerns that the bill draft would lead to an even number of board members, and asked whether state law addresses how the board must manage a situation with a tie vote. Mr. McCarthy responded that, as a general matter of legislative procedure, a tie vote is a failed vote. Senator Jacque, who has previously been a board member, noted that the board is able to request legislation and could request a change to the law if the board is unable to resolve issues that may arise with an even-numbered board membership. Per the committee's request, Mr. McCarthy offered to follow up with the board to ask whether an even-numbered board membership would in any way inhibit the board's ability to conduct its business. The committee agreed to keep the bill draft in its current form pending receipt of more

information, and the Chair may decide to schedule the bill for more discussion or for a vote at the committee's next meeting.

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

Mr. Decorah, Ms. Gouge, and others acknowledged the serious impact of sexual assault and violent crime on tribal communities, and voiced support for providing tribal representation on these temporary committees.

Mr. Besaw objected to the structure of the bill draft, requesting that it 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. Mr. Besaw also said that principals of tribal sovereignty make it inappropriate for the state to require anything of the tribe without its affirmative consent. Other members noted that the law would not require any particular level of involvement from a tribe that is on the temporary committee. The committee discussed the merits of the proposal, and Mr. McCarthy described certain aspects of the law relating to the creation and duties of the temporary committees. The committee requested more information about current temporary committee operation and practices.

The committee agreed to keep the bill draft in its current form pending receipt of more information, and that the Chair could decide to schedule the bill draft for more discussion or for a vote at the committee's next meeting.

**LRB-0025/P2, relating to a 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 requested that the bill draft be 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 period competency recertification. The committee requested that the Department of Public Instruction (DPI) be consulted on whether they object to this proposal. Depending on outreach to DPI, the committee agreed that the bill draft could be modified and returned to the committee for its review at its next meeting.

Chair Mursau invited members to share issues of concern they want the committee to address this session.

Vice-Chair Bewley and other members discussed the feasibility of modifying state law such that the interests of tribes are always included by the Legislature when it considers legislation, noting that many items the committee discusses have to do with adding tribal interests to statutes that do not address applicability to tribes. The committee requested a list of state grant programs and committees so it can review whether and where tribal interests could be added to state law.

Ms. Liggins raised two issues: school funding relating to the use of tribal mascots and logos, and modifying state statutes to allow a tribe to pass certain alcohol and tobacco enforcement ordinances.



Ms. Gouge and Mr. Decorah raised the issue of removing a state statutory limitation on tribal lands that are eligible to receive certain tobacco sale refunds from the Department of Revenue.

Mr. Besaw raised the issue of updating state law to clarify the responsibilities of Menominee County under the state Children's Code in light of updates to certain tribal laws related to children.

## **December 1, 2020**

At the December 1, 2020 meeting, the special committee voted to recommend two bill drafts, reviewed two bill drafts that were modified based on discussion at the committee's previous meeting, and discussed two new bill drafts.

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

Mr. McCarthy 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 noted in its discussion that it 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. The committee approved a motion to recommend introduction of the bill draft.

### **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. The committee approved a motion to recommend introduction of the bill draft.

### **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 (DPI)**

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.

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 Indian Child 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.

## **January 25, 2021**

At the final meeting of the committee, the special committee voted to recommend introduction of two bill drafts, agreed to modify one bill draft and vote on it by mail ballot, and discussed other issues that the committee did not have time to address this session.

### **LRB-0025/1, 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. McCarthy reminded the committee that the bill is in the same form as discussed at the committee's previous meeting. The committee agreed to proceed to a vote without further discussion and approved a motion to recommend introduction of the bill draft.

### **LRB-0386/1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refunds**

Mr. McCarthy reminded the committee that the bill is in the same form as discussed at the committee's previous meeting. Mr. Greendeer and Mr. Decorah spoke in favor of the legislation, noting that the bill is a key priority for their tribes. The committee approved a motion to recommend introduction of the bill draft.

### **LRB-0227/1, relating to composition of temporary committee identifying residential options for a sexually violent person being placed on supervised release**

Mr. McCarthy advised the committee that some members were interested in amending LRB-0227/1, given feedback received from the Wisconsin Counties Association since the committee's

last meeting. Specifically, the committee discussed whether the bill should be modified such that a tribe in a county where a sexually violent person being placed on supervised release would not be appointed to the temporary committee identifying residential options, but rather, would receive certain notice of related proceedings and activity.

Ms. McGeshick and her staff asked questions about the rights of victims in cases where a sexually violent person is being placed on supervised release. Ms. Gouge expressed interest in keeping the bill as is, but others, including Mr. Besaw, noted that the bill had little chance of becoming law if it was not modified. The committee agreed to have committee staff modify the bill as discussed and vote on recommending the bill by mail ballot at a later time.

#### **Recommendations for tribal representation on certain state boards and councils**

Chair Mursau indicated that a bill draft specifying tribal representation on dozens of state boards and councils was received the morning of the meeting. Chair Mursau indicated that his office was still reviewing the draft, and that it was not yet ready for committee discussion. However, Chair Mursau indicated his intent to introduce the bill on his own during the current legislative session so that action may be taken on it before the committee is formed again next year.

Mr. Besaw indicated his support for acting on the bill draft as soon as possible, noting that tribal representation and input on these boards and councils is a key priority that would improve the work of the identified boards and councils.

#### **Recommendation for tribal eligibility for certain grants from DPI**

Mr. McCarthy advised members that DPI indicated concerns with moving on the idea as proposed. Specifically, DPI was concerned that the suggested bill language was too broad, and could lead to confusion over whether DPI must allocate funds that were not intended to be included. Mr. McCarthy advised committee members that DPI indicated its willingness to work with committee members on crafting a bill that more precisely identified DPI grant programs that could be opened up to tribal schools. Chair Mursau also indicated a willingness to continue to work on this topic. The committee took no further action on this item.

Numerous committee members made concluding remarks and mentioned priorities that tribes will continue to work on, including Act 31 changes, ch. 51 reform, tobacco and alcohol ordinance enforcement, rural broadband expansion, and a bill that addresses “paddle wheel” raffles.



# **PART III**

## **RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL**

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This Part of the report provides background information on, and a description of, the bills as recommended by the Special Committee on State-Tribal Relations and introduced by the Joint Legislative Council.

### **2021 ASSEMBLY BILL 426 AND 2021 SENATE BILL 419**

#### **Background**

Under current law, a person who has been found to be a sexually violent person may be involuntarily committed to the Department of Health Services for control, care, and treatment. If a person is committed and placed in institutional care, the person may periodically petition the court for supervised release to the community. If a court approves the petition, the court must order the person's county of residence to prepare a report that identifies one appropriate residential option for the person.

Among other requirements, when preparing the report, the county must consult with a local law enforcement agency having jurisdiction over the residential option and include in its report any report prepared by the local law enforcement agency. Current law also requires that, before a person is placed on supervised release by the court, the court notify the municipal police department and county sheriff for the municipality and county in which the person will be residing unless the municipal police department or county sheriff waives its notification rights.

#### **Description**

The bill requires that the court notify the tribal chair of any tribe with tribally owned lands located within any county that has been ordered to prepare a residential option report. The bill also requires that the county consult with any tribal law enforcement agency located within the county and include in its report any report prepared by the tribal law enforcement agency.

The bill also provides that, unless waived by a tribal law enforcement agency, the court must also notify any tribal law enforcement agency located in the county in which the person will be residing of the placement.

### **2021 ASSEMBLY BILL 427 AND 2021 SENATE BILL 420**

#### **Background**

2021 Assembly Bill 427/Senate Bill 420 is identical to 2019 Assembly Bill 104, which was recommended by the special committee last session. The bill passed the Assembly and was

recommended for approval by the Senate Committee on Insurance, Financial Services, Government Oversight and Courts, but was not acted upon by the Senate.

Under current law, s. 940.203, Stats., it is a Class H felony<sup>2</sup> to intentionally cause bodily harm or threaten to cause bodily harm to certain legal professionals if the harm or threat of harm is in response to an action taken by the legal professional in his or her official capacity in a proceeding under ch. 48, 51, 54, 55, 767, 813, or 938, Stats. The legal professionals addressed by this law are a current or former guardian ad litem (GAL), corporation counsel, or attorney, or a family member of such a person.

## **Description**

The bill modifies s. 940.203, Stats., in two respects. First, it expands the set of proceedings that may trigger the penalties to include any tribal court proceeding that is similar to a state court proceeding under one of the seven specified chapters. Second, it adds an “advocate” to the list of covered legal professionals. As defined by the bill draft, an “advocate” is an individual who represents the interests of a child, the tribe, or another party in a tribal court proceeding.

Thus, under the bill, a person who intentionally causes or threatens to cause bodily harm to the advocate or a family member of an advocate, as defined by the bill, is guilty of a Class H felony if: (1) the person causing or threatening to cause the harm knows or should have known the person is an advocate or a member of the advocate’s family; and (2) the act or threat is in response to an action taken by the advocate in his or her official capacity in a tribal court proceeding similar to the state court proceedings described above.

## **2021 ASSEMBLY BILL 428 AND 2021 SENATE BILL 421**

### **Background**

2021 Assembly Bill 428/Senate Bill 421 is identical to 2019 Senate Bill 905, which was introduced by Special Committee Vice-Chair Bewley on March 26, 2020. The Legislature took no action on that bill.

HEAB is a part-time independent policy-making board that, among other responsibilities, administers a number of state student aid programs. Under current law, the board consists of 11 voting members that represent certain interests, including public institutions of higher education, private, nonprofit institutions of higher education, and the general public. The board, however, does not include voting members that represent the interests of the state’s tribal colleges.

During the committee’s discussion of the bill, HEAB staff noted their 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.

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<sup>2</sup> A Class H felony is punishable by a fine of up to \$10,000, imprisonment up to six years, or both. [s. 939.50 (3) (h), Stats.]

## **Description**

2021 Assembly Bill 428/Senate Bill 421 adds the following three members to the board to represent the state's tribal colleges:

- One member of a tribal college's governing body;
- One tribal college financial aid administrator; and
- One tribal college student.





## COMMITTEE AND JOINT LEGISLATIVE COUNCIL VOTES

### SPECIAL COMMITTEE VOTE

On December 1, 2020, the special committee voted to recommend the following bill drafts to the Joint Legislative Council for introduction in the 2021-22 session of the Legislature. The votes on the bill drafts were as follows:

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

On January 25, 2021, the special committee voted to recommend the following bill drafts to the Joint Legislative Council for introduction in the 2021-22 session of the Legislature. The votes on the bill drafts were as follows:

- LRB-0025/1, 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, passed on a vote of Ayes, 14 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Jacque, and Smith; and Public Members, Besaw, Decorah, Gouge, Greendeer, Holsey, Liggins, McGeshick, and Peterson); Noes, 0; and Absent, 2 (Public Members Allen and Daniels).
- LRB-0386/1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refunds, passed on a vote of Ayes, 14 (Reps. Mursau, Considine, and Edming; Sens. Bewley, Jacque, and Smith; and Public Members, Besaw, Decorah, Gouge, Greendeer, Holsey, Liggins, McGeshick, and Peterson); Noes, 0; and Absent, 2 (Public Members Allen and Daniels).

The special committee voted by a February 17, 2021 mail ballot to recommend the following bill draft to the Joint Legislative Council for introduction in the 2021-22 session of the Legislature. The vote on the bill draft was as follows:

- LRB-0227/2, relating to notification to tribal chairs and tribal law enforcement agencies for a sexually violent person being placed on supervised release in a county in which the tribe is located, passed on vote of Ayes, 14 (Reps. Mursau, Considine, and Edming; Sens. Bewley,

Jacque, and Smith; and Public Members Allen, Besaw, Decorah, Gouge, Holsey, Liggins, McGeshick, and Peterson); and Noes, 0; and Not Voting, 2 (Public Members Daniels, Jr., and Greendeer, Jr.).

## JOINT LEGISLATIVE COUNCIL VOTE

At its March 17, 2021 meeting, the Joint Legislative Council received the recommendations of the Special Committee. Subsequently, by a June 3, 2021 mail ballot, the Joint Legislative Council voted to introduce the following recommendations of the Special Committee:

***LRB-0227/2, relating to notification to tribal chairs and tribal law enforcement agencies for a sexually violent person being placed on supervised release in a county in which the tribe is located, passed on vote of Ayes, 22 (Reps. Vorpapel, August, Billings, Born, Duchow, Goyke, Hesselbein, Hintz, Spiros, Steineke, and Vos; and Sens. Kapenga, Bewley, Darling, Erpenbach, Johnson, LeMahieu, Marklein, Ringhand, Roth, Testin, and Wimberger); and Noes, 0. [LRB-0227/2 was introduced as 2021 Assembly Bill 426 and 2021 Senate Bill 419.]***

***LRB-0213/1, relating to battery or threat to an officer of the court in a tribal proceeding and providing a penalty, passed by a vote of Ayes, 22 (Reps. Vorpapel, August, Billings, Born, Duchow, Goyke, Hesselbein, Hintz, Spiros, Steineke, and Vos; and Sens. Kapenga, Bewley, Darling, Erpenbach, Johnson, LeMahieu, Marklein, Ringhand, Roth, Testin, and Wimberger); and Noes, 0. [LRB-0213/1 was introduced as 2021 Assembly Bill 427 and 2021 Senate Bill 420.]***

***LRB-0216/1, relating to the membership of the Higher Educational Aids Board, passed by a vote of Ayes, 22 (Reps. Vorpapel, August, Billings, Born, Duchow, Goyke, Hesselbein, Hintz, Spiros, Steineke, and Vos; and Sens. Kapenga, Bewley, Darling, Erpenbach, Johnson, LeMahieu, Marklein, Ringhand, Roth, Testin, and Wimberger); and Noes, 0. [LRB-0216/1 was introduced as 2021 Assembly Bill 428 and 2021 Senate Bill 421.]***

The Joint Legislative Council did not vote on introduction of both LRB-0386/1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refunds, and LRB-0025/1, 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.

## APPENDIX 2

### JOINT LEGISLATIVE COUNCIL

<u>SENATE MEMBERS</u>	<u>ASSEMBLY MEMBERS</u>
<b>Chris Kapenga, Co-Chair</b> Senate President Delafield	<b>Tyler Vorpapel, Co-Chair</b> Plymouth
<b>Janet Bewley</b> Minority Leader Mesa	<b>Tyler August</b> Speaker Pro Tempore Lake Geneva
<b>Alberta Darling</b> River Hills	<b>Mark Born</b> JFC Co-Chair Beaver Dam
<b>Jon Erpenbach</b> JFC Ranking Minority Middleton	<b>Jill Billings</b> La Crosse
<b>LaTonya Johnson</b> Milwaukee	<b>Cindi Duchow</b> Pewaukee
<b>Devin LeMahieu</b> Majority Leader Oostburg	<b>Evan Goyke</b> JFC Ranking Minority Milwaukee
<b>Howard Marklein</b> JFC Co-Chair Spring Green	<b>Dianne Hesselbein</b> Assistant Minority Leader Middleton
<b>Janis Ringhand</b> Assistant Minority Leader Evansville	<b>Gordon Hintz</b> Minority Leader Oshkosh
<b>Roger Roth</b> Appleton	<b>John Spiros</b> Marshfield
<b>Patrick Testin</b> Stevens Point	<b>Jim Steineke</b> Majority Leader Kaukauna
<b>Eric Wimberger</b> Green Bay	<b>Robin Vos</b> Speaker Rochester

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.



## COMMITTEE LIST

**Chair Jeffrey Mursau**, Representative  
4 Oak Street  
Crivitz, WI 54114

**Dee Ann Allen**  
Lac du Flambeau Band of Lake Superior Chippewa  
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Specialist  
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**Lorraine Gouge**, Vice-Chairwoman  
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Red Cliff Band of Lake Superior Chippewa Indians  
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**Vice Chair Janet Bewley**, Senator  
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**Gary Besaw**, Tribal Legislator  
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**Ned Daniels, Jr.**, Chairman  
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**André Jacque**, Senator  
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**Carmen McGeshick**, Council Member  
Sokaogon Chippewa Community  
3196 Indian Settlement Road  
Crandon, WI 54520

**Jeff Smith**, Senator  
S7747 Norrish Road  
Eau Claire, WI 54701

**STUDY ASSIGNMENT:** The Special Committee is directed to study issues relating to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues. [s. 13.83 (3), Stats.]

**16 MEMBERS:** 3 Representatives; 3 Senators; and 10 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Steve McCarthy Senior Staff Attorney, and Julie Learned, Administrative Staff.



## COMMITTEE MATERIALS LIST

*[Copies of documents are available at [www.legis.wisconsin.gov/lc](http://www.legis.wisconsin.gov/lc)]*

### **October 19, 2020 Meeting**

- Memo No. 1, “Topics for Committee Discussion” (October 12, 2020).
- LRB-0213/P1, relating to battery or threat to an officer of the court in a tribal proceeding and providing a penalty.
- LRB-0216/P1, relating to membership of the Higher Educational Aids Board.
- LRB-0227/P1, relating to composition of temporary committee identifying residential options for a sexually violent person being placed in supervised release.
- LRB-0025/P2, relating to a 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.

### **December 1, 2020 Meeting**

- Memo No. 2, “Items for Committee Recommendation and Discussion” (November 24, 2020).
- LRB-0213/1, relating to battery or threat to an officer of the court in a tribal proceeding and providing a penalty.
- LRB-0216/1, relating to membership of the Higher Educational Aids Board.
- Draft letter to the Speaker’s Task Force on Racial Disparities.
- LRB-0227/P1, relating to composition of temporary committee identifying residential options for a sexually violent person being placed in supervised release.
- 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.
- LRB-0386/P1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refunds.

### **January 25, 2021 Meeting**

- LRB-0025/1, 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.
- LRB-0227/1, relating to composition of temporary committee identifying residential options for a sexually violent person being placed on supervised release.



LRB-0386/1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refunds.

- Letter to Governor Evers from Rep. Mursau, Chair, and Sen. Bewley, Vice-Chair, Special Committee on State-Tribal Relations.
- Proposal from Certain Committee Members Regarding LRB-0227/P1.
- Proposal from Certain Committee Members Regarding Tribal Eligibility for Certain DPI Grants.
- Recommendations by Certain Committee Members for Tribal Representation on State Boards and Councils.

#### **February 17, 2021 Mail Ballot**

- LRB-0227/2, relating to notification to tribal chairs and tribal law enforcement agencies for a sexually violent person being placed on supervised release in a county in which the tribe is located.

#### **Recommendations to the Joint Legislative Council**

- LCR-2021-02, Special Committee on State-Tribal Relations (March 9, 2021).
- LRB-0025/1, 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.
- LRB-0213/1, relating to battery or threat to an officer of the court in a tribal proceeding and providing a penalty.
- LRB-0216/1, relating to membership of the Higher Educational Aids Board.
- LRB-0227/2, relating to notification to tribal chairs and tribal law enforcement agencies for a sexually violent person being placed on supervised release in a county in which the tribe is located.
- LRB-0386/1, relating to removing the tribal lands designation deadline for cigarette, tobacco products, and vapor products tax refunds.

#### **Joint Legislative Council Recommendations to the 2021-22 Legislature**

- JLCR 2021-02, Joint Legislative Council's Report of the Special Committee on State-Tribal Relations.
- 2021 Assembly Bill 426 and 2021 Senate Bill 419.
- 2021 Assembly Bill 427 and 2021 Senate Bill 420.
- 2021 Assembly Bill 428 and 2021 Senate Bill 421.