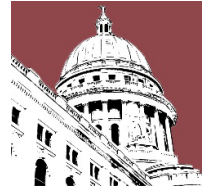

Wisconsin Legislative Council

MINUTES



SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

411 South, State Capitol
Madison, WI
August 22, 2024
10:00 a.m. – 11:55 a.m.

CALL TO ORDER AND ROLL CALL

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

COMMITTEE MEMBERS PRESENT: Rep. Jeffrey Mursau, Chair; Sen. Mary Felzkowski, Vice Chair; Reps. Sue Conley and Donna Rozar; Sen. Jeff Smith; and Public Members Dee Ann Allen, Liz Arbuckle, Joey Awonohopay, Brooks A. Boyd, Nicole Boyd, Michael J. Decorah, Shannon Holsey, and Lisa Liggins.

COMMITTEE MEMBERS EXCUSED: Rep. James Edming; and Public Members Jon Greendeer, Dylan Jennings, and Bill Trepanier.

TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT: Kathey Bilek, Department of Transportation; Benjamin M. Cornelius, Department of Natural Resources; Stephanie Lozano, Department of Children and Families; David O'Connor, Department of Public Instruction; and Holly Wilmer, Department of Revenue.

TECHNICAL ADVISORY COMMITTEE MEMBERS EXCUSED: Katie Jaeger, Department of Workforce Development; Chris McKinny, Department of Justice; and Gail Nahwahquaw, Department of Health Services.

COUNCIL STAFF PRESENT: Anne Sappenfield, Director; Steve McCarthy, Senior Staff Attorney; and Abby Gorzlancyk, Staff Attorney.

OPENING REMARKS

Anne Sappenfield, Director, Legislative Council Staff

Anne Sappenfield, Director of the Legislative Council staff, welcomed committee members, thanked them for their service, and introduced the Legislative Council staff assigned to the committee. She then presented a video featuring remarks from Wisconsin legislators regarding the work of interim study committees. In closing, Ms. Sappenfield briefly described the procedures followed throughout the study committee process.

Representative Jeffrey Mursau, Chair, Special Committee on State-Tribal Relations

Chair Mursau introduced himself and welcomed the committee members.

INTRODUCTION OF COMMITTEE MEMBERS AND DISCUSSION OF COMMITTEE ASSIGNMENT

Committee members introduced themselves and briefly explained their backgrounds and interest in the committee's topic.

DESCRIPTION AND DISCUSSION OF DISTRIBUTED MATERIALS BY LEGISLATIVE COUNCIL COMMITTEE STAFF

LC Study Committee Memo No 1, "Topics of Committee Discussion," August 13, 2024

Steve McCarthy, Legislative Council Senior Staff Attorney, and Abby Gorzlancyk, Staff Attorney, provided an overview of information provided in LC Study Committee Memo No. 1. Specifically, Mr. McCarthy noted that the memo describes three bill drafts and three new ideas for legislation put before the committee by Chair Mursau to prompt discussion to determine whether there is committee consensus to advance any of the bills or ideas or whether the committee would like to request modifications or additional information on any or all of the items for discussion.

At the beginning of the discussion of each of the bill drafts and new ideas for consideration, Mr. McCarthy and Ms. Gorzlancyk provided relevant background material, described the bill drafts and ideas, and identified issues and questions that the committee may wish to take into consideration in its discussion.

2023 Assembly Bill 210/2023 Senate Bill 199, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event

Mr. McCarthy noted that all three bills on the committee's agenda for discussion are identical to versions recommended unanimously by the committee last session, and though all three passed the Assembly, all failed to pass the Senate.

After hearing a description of the bill's provisions, committee members, including Mr. Decorah, Mr. Awonohopay, Ms. Liggins, and Ms. Arbuckle expressed broad support for once again recommending introduction of the bill. Members said that the protections offered in the bill are still needed as this is an ongoing issue at some graduation ceremonies.

Chair Mursau directed a redrafted version of the bill be brought before the committee at a future meeting for committee action.

2023 Assembly Bill 211/2023 Senate Bill 200, relating to authorization for tribal governments to copy certified copies of vital records for administrative use

After hearing a description of the bill's provisions, Ms. Liggins and Mr. Decorah noted that tribal governments and the people they serve would benefit from a tribe being able to make copies of certified copies of vital records for administrative use.

Chair Mursau directed a redrafted version of the bill be brought before the committee at a future meeting for committee action.

2023 Assembly Bill 214/2023 Senate Bill 203, 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. Awonohopay noted this bill was originally an idea of the Menominee Nation, and that they still hope to get it enacted. He also thanked staff from the Department of Public Instruction for their work on the bill last session.

Chair Mursau directed a redrafted version of the bill be brought before the committee at a future meeting for committee action.

Discussion of Ideas for Legislation Submitted by Members to the Chair

Tribal Impact Statements

Mr. McCarthy briefly described the idea of requiring a “tribal impact statement” attached to any introduced bill or administrative rule, and outlined certain questions that would need to be answered about the scope and potential unintended consequences of implementing such an idea.

Ms. Liggins noted that Mr. Greendeer, who submitted the idea but was excused from the meeting, asked her to pass along to the committee that the idea is intended to be more narrow in scope, but advised that Mr. Greendeer could best provide context for the request.

Senator Smith asked to learn whether any other states include requirements for a statement of tribal impact on legislation, and Chair Mursau cautioned that a broad and burdensome requirement would be difficult to get enacted into law.

Other members, including Mr. Decorah, Ms. Allen, and Ms. Arbuckle generally expressed their support for proactive measures to recognize tribal sovereignty, and technical advisory staff described some of the actions their individual agencies take to consider tribal impacts in their work.

Chair Mursau directed Legislative Council staff to conduct research and further outreach and then update the committee with more information at a future meeting.

Tribal Office in Madison

Ms. Gorzlanzyk described the request to consider establishing a state-tribal resource office at or near the State Capitol in Madison by requiring the Department of Administration (DOA) to maintain a state-tribal relations office and enter into agreements with federally recognized tribes and bands to access the office space. The stated goal of the office would be to provide space for tribal leaders to conduct business, particularly with state agencies and officials, in Madison. The space would include workstations for each tribe and access to meeting and conference room space.

Ms. Gorzlanzyk noted that there may be ways to accomplish this request without enacted legislation, and asked if any members knew whether any conversations between tribal officials and DOA have taken place. Ms. Liggins again noted that this idea came from the Ho-Chunk Nation, but that she was not sure if outreach to DOA has yet occurred.

Mr. Awonohopay, Mr. Decorah, and Ms. Arbuckle noted their general support of the idea, highlighting the value in having a dedicated meeting space for reasons of both practicality and recognizing tribal sovereignty.

Chair Mursau directed Legislative Council staff to conduct further outreach and update the committee with more information at a future meeting.

Tribal Law Enforcement Officers as Deputy Conservation Wardens

Ms. Gorzlancyk described the request by committee members for consideration is to add tribal law enforcement officers and Great Lakes Indian Fish and Wildlife Commission (GLIFWC)-certified conservation commission wardens to the definition of deputy conservation wardens.

Ms. Arbuckle stated that the goal of the request generally relates to tribal sovereignty, but that she can follow up with additional information about the scope of the request.

Chair Mursau directed Legislative Council staff to conduct further outreach and update the committee with more information at a future meeting.

COMMITTEE DISCUSSION AND PLANS FOR FUTURE MEETINGS

Senator Smith suggested that the committee think about expanding on the work currently underway by the Department of Justice Task Force on Murdered and Missing Indigenous Women, and look into whether any suggestions for legislation by that group could be worked on by the Special Committee.

Mr. Awonohopay raised an issue in regards to 2023 Wisconsin Act 14, which related to a residential housing infrastructure revolving loan fund and program administered by the Wisconsin Housing and Economic Development Authority (WHEDA). Specifically, it appears the act has effectively excluded tribal government participation in many cases because of a requirement that any eligible land be subject to state property tax. Ms. Gorzlancyk provided some background information on Act 14 and noted that WHEDA guidance on the grant program appears to confirm that any land not subject to state property tax is not eligible for the program.

Mr. Decorah expressed support for legalization of a state medical marijuana program, noting that some action on that issue is a top priority for his tribe.

Mr. McCarthy noted that the Oneida Nation has offered to host a future committee meeting, and that Chair Mursau and Legislative Council staff will reach out with more information about future meetings in the coming weeks.

ADJOURNMENT

The meeting adjourned at 11:55 a.m.

SM:AG:jal