
Wisconsin Legislative Council

STUDY COMMITTEE MEMO



Memo No. 3

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

FROM: Steve McCarthy, Senior Staff Attorney, and Benjamin Kranner, Staff Analyst

RE: Items for Committee Approval and Discussion

DATE: October 26, 2022

This memo describes items for approval and discussion for the November 2, 2022 meeting of the Special Committee on State-Tribal Relations. Specifically, Chair Mursau has included in the meeting agenda two bill drafts discussed at previous committee meetings to be considered for recommendation by the full committee. In addition, he has included two bill drafts from the committee's last meeting and one new bill draft for further committee discussion.

Where relevant, the memo provides background material and information requested by the committee at its last meeting. For more detail regarding the bill drafts discussed at the committee's first and second meetings, see "[Memo No. 1, "Topics for Committee Discussion," \(August 10, 2022\)](#)," and "[Memo No. 2, "Items for Committee Discussion \(September 20, 2022\)](#)," also available on the committee's website.

ITEMS FOR COMMITTEE APPROVAL

2021 LRB-6467/1, Relating to the Membership of the Higher Educational Aids Board

The bill draft adds one member to the Higher Educational Aids Board (HEAB) to represent the state's tribal colleges. Specifically, the HEAB member representing the state's tribal colleges must be alternating appointees consisting of one member of the governing body of the Lac Courte Oreilles Ojibwe University for a two-year term, followed by one member of the governing body of the College of Menominee Nation for the next two-year term, and continuing this alternation of two-year terms thereafter.

At its first meeting, the committee agreed to proceed with this version of the bill draft, which is identical to one amended in the Assembly last session. Chair Mursau is presenting the bill draft for a vote for recommendation by the full committee.

2023 LRB-0014/1, Relating to Requiring School Districts to Report Information Related to American Indian Children Attending School in the School District

Current law requires each school district to submit an annual school district report to the Department of Public Instruction (DPI). This report must include various information related to the school district, including the number of children taught in the schools of the school district and the names of all teachers employed by the school district during the school year. The bill draft expands the requirements of this report, requiring each school district to report the numbers, ages, and tribal affiliation of American Indian children attending the schools of the school district.

At its second meeting, the committee agreed to proceed with this version of the bill draft. Additionally, representatives of DPI did not suggest any changes to the bill draft language. Chair Mursau is presenting the bill draft for a vote for recommendation by the full committee.

ITEMS FOR COMMITTEE DISCUSSION

2023 LRB-0393/P1, Relating to Indigenous Peoples' Day

At the committee's last meeting, members discussed 2023 LRB-0265/P1, relating to Indigenous Peoples' Day. Following discussion, members suggested changes to the bill draft that would provide for the observance of both Columbus Day and Indigenous Peoples' Day, rather than the replacement of Columbus Day with Indigenous Peoples' Day under state law.

2023 LRB-0393/P1¹ provides that the second Monday in October must be "appropriately observed" in schools as Indigenous Peoples' Day. The bill draft maintains existing law that provides for the observance of Columbus' birthday on October 12 (or the school day immediately preceding or following this date, if the date falls on a Saturday or Sunday). The bill draft also omits language included in 2023 LRB-0265/P1 that would replace a reference to Columbus Day in the list of days that are exempt from consideration as a business day for the purpose of certain state laws.

2023 LRB-0012/P2, Relating to Pupils Wearing Traditional Tribal Regalia at a Graduation Ceremony or School-Sponsored Event

At the committee's last meeting, members discussed 2023 LRB-0012/P1, relating to pupils wearing traditional tribal regalia at a high school graduation ceremony. The committee requested a number of changes to the bill draft, and the following changes are incorporated into LRB-0012/P2 for the committee's review:

- Expands the bill draft's definition of a "tribe" to include tribes not located in this state, and the Brothertown Indian Nation by including any "American Indian tribe or band that was previously a federally recognized American Indian tribe or band."
- Expands the events the bill draft applies to from "a high school graduation ceremony" to "graduation ceremonies and school-sponsored events."

¹ 2023 LRB-0393/P1 received a new LRB number as its content is substantially different from 2023 LRB-0265/P1, the bill draft discussed at the second meeting of the committee.

- Expands eligibility to include a pupil who is a “descendent” of a member of a tribe or a person who is eligible to be enrolled as a member of a tribe.

Therefore, the bill draft now provides that school boards and charter schools may not prohibit a pupil who is a member of, a descendent of a member of, or eligible to be enrolled in, a federally recognized, whether currently or in the past, American Indian tribe or band from wearing traditional tribal regalia at a graduation ceremony or school-sponsored event.

2023 LRB-0013/P1, Relating to Authorization for Tribal Governments to Copy Certified Copies of Vital Records for Administrative Use

Under current law, a financial institution, state agency, county department, Wisconsin Works agency, service office, or long-term care district or an employee of any of these entities are exempt from penalties that would otherwise apply for copying a certified copy of a vital record if the copy is for use by the authorized entity and the copy is marked for administrative use.

At the committee’s first meeting, committee member Conroy Greendeer, Jr., suggested modifying the above law to include tribes in the list of entities not subject to certain penalties for copying a certified copy of a vital record for administrative use. The bill draft adds tribal governments and employees of tribal governments to the list of entities and persons who are authorized to copy a certified copy of a vital record for administrative use by the authorized entity.

SM:BK:jal