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# Wisconsin Legislative Council

## COMMITTEE RECOMMENDATIONS

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### SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

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January 29, 2025

CR-2025-02

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The Wisconsin Legislative Council is a nonpartisan legislative service agency. Among other services provided to the Wisconsin Legislature, staff of the Wisconsin Legislative Council conduct study committees under the direction of the Joint Legislative Council.

Established in 1947, the Joint Legislative Council directs study committees to study and recommend legislation regarding major policy questions facing the state. Study committee members are selected by the Joint Legislative Council and include both legislators and citizen members who are knowledgeable about a study committee's topic.

This document summarizes committee activity and presents study committee recommendations to the Joint Legislative Council.

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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. [s. 13.83 (3), Stats.]

### BACKGROUND

The special committee, chaired by Representative Jeffrey Mursau, discussed numerous policy options spanning an array of substantive areas of law, but with particular focus this biennium on ideas related to K-12 education and housing. Ideas proposed for committee action include items from the committee's work in previous legislative session that did not pass the Legislature, ideas proposed by the committee chair, and other items proposed by committee members and executive agency staff assigned to the committee as technical advisors.

The committee completed its assignment in December 2024 and recommends five bills for introduction in the 2025-26 legislative session.

### STUDY COMMITTEE'S MEETINGS AND RECOMMENDATIONS

The special committee met four times from August through December of 2024, including one meeting in the Oneida Nation that followed a tour of various Oneida Nation sites for committee members and staff.

In concluding its work, the committee recommends the following five bill drafts for introduction by the Joint Legislative Council:

- **LRB-0122/1** 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.
- **LRB-0123/1** adds tribal governments of a federally recognized American Indian tribe or band in this state 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.
- **LRB-0124/1** provides an option for a tribe to decide whether each individual applicant for a lifetime license to teach the American Indian language associated with the tribe in an American Indian language program is qualified to receive the lifetime license.
- **LRB-0541/1** changes the criteria for the tribal teacher member of the Professional Standards Council for Teachers by removing the requirement that the teacher be licensed by the Department of Public Instruction (DPI).
- **LRB-0585/1** requires each school district to report the numbers, ages, and tribal affiliation of American Indian children attending the schools of the school district.



## PART II | COMMITTEE ACTIVITY

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### ASSIGNMENT

The Joint Legislative Council appointed the chairperson of the Special Committee on State-Tribal Relations by an April 19, 2024 mail ballot. 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 June 25, 2024 and August 12, 2024 mail ballots. The final committee membership consisted of four representatives, two senators and 11 public members. A list of committee members is included as **Appendix 1** to this report.

### SUMMARY OF MEETINGS

The committee held four meetings on the following dates:

August 22, 2024.

September 24, 2024.

November 13, 2024.

December 18, 2024.

#### August 22, 2024

At the first meeting 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 no. 1 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 DPI 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 narrower 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. Gorzlaneyk 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. Gorzlancyk 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 could 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**

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.

### **September 24, 2024**

At the September 24, 2024 meeting, Mr. McCarthy and Ms. Gorzlancyk provided an overview of information provided in LC Study Committee Memo No. 2. Specifically, Mr. McCarthy noted that the memo describes three bill drafts and four ideas for legislation put before the committee by Chair Mursau 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 discussed.

At the beginning of the discussion of each of the bill drafts and ideas for consideration, Mr. McCarthy and Ms. Gorzlancyk briefly summarized the idea from the first committee meeting, provided additional information and research obtained since the first meeting, and identified issues and questions the committee may wish to consider in its discussion.

### **2025 LRB-0122/P1, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event**

Mr. McCarthy noted that all three bill drafts on the committee's agenda for discussion are identical to the versions the committee recommended unanimously last session and discussed at the first committee meeting. Each of the bill drafts was redrafted with updated numbers for the 2025-26 legislative session.

After hearing a description of the bill draft's provisions, Representative Rozar asked if the committee had received any complaints about students not being allowed to wear tribal regalia at school events since the bill was considered last session.

Mr. Greendeer noted that these issues would likely not be brought to the committee, but each year during graduation season issues relating to wearing tribal regalia at graduation arise at all tribal levels. He stated that tribal governments also do not have specific data on which districts allow students to wear tribal regalia at school events and which do not, and that this issue would likely continue to occur until legislation is passed. He further noted that, generally speaking, these issues arise with little time to be resolved, and result in students not being allowed to wear their regalia or deciding not to walk at graduation.

Mr. McCarthy noted that comments made at the first meeting indicate that this is still an ongoing issue for tribal members.

Mr. O'Connor stated that DPI receives comments and contacts about this issue each year around graduation time, noting that those are just the issues that are raised with the department so there are likely more examples than the department knows about. He also noted that the State Superintendent sent out a letter to all school districts this past year asking the districts to review their policies on tribal regalia at graduation ceremonies and other school-sponsored events.<sup>1</sup>

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

### **2025 LRB-0123/P1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use**

After hearing a description of the bill draft's provisions and a summary of comments made at the last committee meeting about the reason tribal governments utilize copies of certified copies of vital records, Senator Felzkowski asked why the legislation has not been passed or been previously enacted.

Chair Mursau agreed that this is a common-sense legislative change and stated that it was likely an oversight in the original legislation. He also noted the bill draft did not get a vote on the Senate floor last session.

Mr. Greendeer also agreed that this is a common-sense legislative change that just extends an exemption that already exists to tribal governments.

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<sup>1</sup> See the [letter from State Superintendent Jill Underly \(May 16, 2024\)](#).

Mr. McCarthy added that the penalty for copying a certified vital record without an exemption is a felony, even if enforcement of the punishment against tribal governments for making these records under current law is unlikely.

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

**2025 LRB-0124/P1, 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**

After hearing a description of the bill draft's provisions, Mr. Awonohopay expressed broad support for recommending introduction of the bill draft.

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

**Discussion of Ideas for Legislation Submitted by Committee Members to the Chair**

Mr. McCarthy noted that committee members submitted helpful information on the ideas for legislation prior to this meeting which was appreciated. Also, that in the last week, committee staff received some additional information from executive agency counterparts that has changed some of the substance of the ideas since the publication of Memo No. 2.

**Tribal Impact Statements**

Mr. McCarthy reviewed the idea of requiring tribal impact statements to be attached to any introduced bill in the Legislature and outlined certain questions that would need to be answered about the scope and potential unintended consequences of such an idea.

Mr. Greendeer stated that there are often oversights in legislation regarding tribes and tribal members, and stated that tribal impact statements could avoid those oversights in the future.

Chair Mursau explained that historically tribes were often overlooked during bill drafting, but that during his time in the Legislature this has gotten better. However, he supported a formal process for notifying and including tribes regarding legislation that may impact them.

Mr. Greendeer noted that representatives and senators, particularly those that represent tribal communities, do work hard to ensure the inclusion of tribes in legislation.

Representative Rozar asked if there was any consideration of the fiscal impacts of tribal impact statements. Mr. McCarthy stated that there have been previous proposals to add tribal impact statements, and in those cases, DOA and Legislative Reference Bureau (LRB) both filed fiscal estimates where the cost would be indeterminate but could be absorbed.

Mr. McCarthy then explained that it would be helpful to discuss the specifics of what a tribal impact is for purposes of notifying the tribes. Mr. Greendeer suggested a broader standard that would include any legislation that might impact Indian country, such as land issues, jurisdiction issues, and financial issues. He also noted that a broader standard like this would likely include more legislation that is not included in the proposal being discussed. He also stated that there is a cost to not having tribal impact statements, including the time and energy spent to fix legislation after it is enacted.

Senator Felzkowski voiced concerns about slowing down the legislative process, along with concerns about creating expectations that the statement would be taken into consideration before passing all legislation, when that may not be the case. Additionally, she noted that other

levels of government and interest groups employ lobbyists to track legislation and advocate on their behalf.

Chair Mursau proposed creating a system that notifies the tribes of legislation that may impact tribes and tribal members, and then leave it up to the tribes to do the advocacy themselves or through the elected officials that represent their communities. Senator Felzkowski responded that all legislation could have an impact on the tribes and bands, rendering a general notification ineffective.

Mr. Greendeer responded that the request was not intended to create additional bureaucracy and acknowledged that the statements may not be reviewed by all legislators or change the outcome of the legislation. However, he explained that the idea would be important as an intentional step to include tribes in the legislative process.

Chair Mursau noted that the state already has a notification system for introduced legislation generally, with the ability to specify notifications to key terms or words. Mr. Greendeer responded that the notification system is a good tool for information, but it is not useful in identifying legislation that may impact tribes.

Representative Conley asked who would be required to notify the tribes about bills that may impact tribes. Mr. Greendeer suggested either LRB or other staff that understands what legislation is moving in either chamber or in key committees. Representative Conley noted that it might be good to centralize communication to make it easier to reach out to all of the tribes and bands. Mr. McCarthy stated that in previously proposed legislation, LRB along with the chair of the Special Committee on State-Tribal Relations could request a tribal impact statement, and then DOA would assign an agency to complete the report. The committee could consider requiring LRB to notify each of the tribes and bands and leaving it up to each tribe to formally submit a statement that is part of the record similar to fiscal impact statements.

Chair Mursau directed committee staff to draft a bill draft that requires LRB to notify the tribes of introduced bills that may have a tribal impact, using previous legislation as a starting point.

### **Tribal Office in Madison**

Ms. Gorzlaneyk reviewed the idea of requesting DOA to allow tribal leaders and staff to utilize office space in Madison and outlined certain questions that would need to be answered about the scope and potential unintended consequences of such an idea.

Representative Rozar asked how DOA would treat a request from another sovereign nation to use office space owned and maintained by the state. Mr. McCarthy responded by deferring to DOA, and stated that there are ways to differentiate the 11 federally recognized tribes and bands in Wisconsin and their relationship with the federal government from other sovereign nations.

Representative Rozar also asked how tribal governments and tribal members are taxed and support the state government. Mr. Greendeer responded that trust property is exempt from property tax, unlike fee land that is taxed. Also, he stated that tribal governments are employers, whose employees pay income tax. He said the only way an individual is not paying any taxes would be if they lived and worked on the reservation and never left, and for tribes like Ho-Chunk, which is not contiguous, this is not possible.

Chair Mursau asked how much space the tribes are looking for and whether the space would be permanent or requested as needed. Senator Felzkowski said she hopes that DOA can enter into an agreement for the use of their surplus office space in Madison without legislation. Ms. Gorzlaneyk noted that committee staff is still working to learn from DOA whether this request can be accomplished without a legislative change. Mr. Greendeer responded that DOA should

have enough extra space post-COVID, but will come back with the exact amount of space and the ancillary needs, noting that this is different than previous requests to create an embassy type of space.

Chair Mursau directed committee staff to continue communicating with DOA and for tribal members to work on a consensus about the amount and permanence of the space.

### **Tribal Law Enforcement Officers as Deputy Conservation Wardens**

Ms. Gorzlancyk reviewed the idea of adding tribal law enforcement officers and GLIFWC conservation wardens as other law enforcement officers for purposes of s. 29.941, Stats. She also mentioned staff was able to speak to the Department of Natural Resources (DNR) and learned that the department does consider tribal law enforcement officers as other law enforcement officers for purposes of specifically requested mutual aid.

Representative Rozar asked whether it is DNR's understanding that tribal law enforcement officers are considered other law enforcement officers for purpose of requested mutual aid, so the requested amendment would not change the law but instead be codifying current practice. Ms. Gorzlancyk confirmed that adding tribal law enforcement officers specifically to s. 29.941, Stats., would not change DNR's current practice of requesting mutual aid from tribal law enforcement as needed.

Ms. Arbuckle stated that in the past, this law is not always interpreted in the manner DNR stated. She asked if there is any data about historical and current use of tribal law enforcement officers to assist conservation wardens. Ms. Gorzlancyk said that she did not ask about this data and was not sure if there is data on how many mutual aid requests DNR makes and to whom they are made. Ms. Arbuckle stated that there appears to be some discrepancy in the implementation of this statute.

Senator Felzkowski, Representative Rozar, and Ms. Arbuckle spoke about differences in when mutual aid requests are made and to whom, likely based on personal relationships. Chair Mursau commented that even if the statute was changed to explicitly include tribal law enforcement officers as other law enforcement officers, that would not require conservation wardens to make mutual aid requests to tribal law enforcement officers.

Representative Conley commented that one solution may be explicitly adding tribal law enforcement officers to the definition of other law enforcement officers, so there is no confusion that tribal law enforcement officers are included in s. 29.941, Stats. Ms. Arbuckle agreed.

Representative Rozar asked if there was documentation of specific instances where tribal law enforcement officers were not called upon by DNR conservation wardens to assist. Ms. Arbuckle responded that she would follow up with that information.

Chair Mursau directed committee staff and committee members to continue to work through this idea.

### **Bipartisan Housing Package**

Ms. Gorzlancyk reviewed four of the bills passed last session as part of the Bipartisan Housing Package. Specifically, she noted that three of the acts, 2023 Wisconsin Acts 14, 15, and 18, create loan programs with requirements that explicitly exclude housing projects on tribal trust land, while the loan program under 2023 Wisconsin Act 17 does not have those requirements. However, after consulting with WHEDA, there is a practical limitation in implementing these loan funds for housing projects on tribal trust land, due barriers in obtaining a security interest in the property. This is because trust land is owned by the U.S. government for the benefit of the

tribe, so it cannot be the subject of a security interest like fee land or other land subject to property taxes.

Chair Mursau commented that tribal governments often make developments that better their entire community, not just tribal members. However, he noted that not being able to obtain a security interest on the trust land is an issue that tribes encounter when obtaining loans. Chair Mursau supported changing the requirements of the loan programs so that housing developments on trust land could be eligible.

Ms. Liggins commented that tribes take out loans from banks with some frequency, even for projects on trust land. She also noted that there is an upcoming consultation between the tribes and WHEDA where they may be able to discuss this issue. In the meantime, she supported the committee continuing to work on making the loan funds available to projects on trust land.

Senator Felzkowski commented that the infrastructure loan program, 2023 Wisconsin Act 14, would likely be the most important program to change.

Chair Mursau directed committee staff and committee members to continue to work through this idea, especially with the tribes' upcoming WHEDA consultation.

## **November 13, 2024**

At the November 13, 2024 meeting, members of the Special Committee on State-Tribal Relations, the Technical Advisory Committee, and Legislative Council staff participated in a shuttle tour of various Oneida Nation sites. Sites visited included various tribal government buildings, including human services and court complexes, an Oneida long house, and Oneida log homes.

Ms. Gorzlancyk and Mr. McCarthy provided an overview of information provided in LC Study Committee Memo No. 3. At the beginning of the discussion of each of the bill drafts and ideas for consideration, Ms. Gorzlancyk and Mr. McCarthy provided relevant background material, provided additional information and research obtained since the committee's last meeting, and identified issues and questions the committee may wish to consider in its discussion.

### **2025 LRB-0520/P1, relating to eligibility for the main street housing rehabilitation revolving loan fund and loan program**

Ms. Gorzlancyk described the loan program and bill draft, noting that the bill draft modifies the main street housing rehabilitation revolving loan fund and program to replace the term "political subdivisions" with "governmental units," and includes American Indian tribes and bands as governmental units, and it creates an exception to the general program requirement that the housing be taxable under ch. 70, Stats., for reservation and trust land.

Mr. Awonohopay noted that this bill draft is less of a priority for the Menominee Nation, but thought it might be useful if made available to other tribes through the changes proposed in the bill draft.

Representative Rozar and Senator Felzkowski asked about, and discussed whether, a tribe interested in utilizing this loan program and the loan programs addressed in the next two bill drafts under consideration by the committee would still be unable to utilize the programs if there is no way for a lender to get a security interest in untaxable reservation or trust land. Ms. Gorzlancyk noted that while the bill drafts do not address the security interest issue, the bill drafts would provide the legal framework for a tribe to utilize the program if it is able to solve the security interest issue with WHEDA.

### **2025 LRB-0521/P1, relating to eligibility for the commercial-to-housing conversion revolving loan fund and loan program**

Ms. Gorzlancyk described the commercial-to-housing conversion revolving loan fund and accompanying bill draft, noting that the bill draft clarifies that a tribal housing authority created by a tribal council meets the definition of a “developer” under the program, and that the same changes to the term “governmental units” and the exceptions to the taxable land requirement for reservation and trust land in the previous bill draft are also included in this bill draft.

A representative of Lac Courte Oreilles attending the meeting on behalf of Mr. Trepanier stated this type of program might be useful for his tribe since it just created its own tribal housing authority.

### **2025 LRB-0518/P1, relating to eligibility for tribal housing authorities and tribal lands for the residential housing infrastructure revolving loan program**

Ms. Gorzlancyk described the residential housing infrastructure revolving loan program as, very generally, aimed at providing loans to developers and the governmental units for infrastructure costs relating to building housing developments. She then described that the changes made to the program in the bill draft included the same changes in previously described bill drafts relating to specifying that a tribal housing authority created by a tribal council meets the definition of a “developer” under the program, and creating an exception to the general program requirement that the housing be taxable under ch. 70, Stats., for reservation and trust land.

Ms. Liggins noted that the bill draft’s definition of “developer” appears to be appropriately broad. The committee again discussed the security interest issue, with Ms. Liggins and Senator Felzkowski expressing interest in having a representative of WHEDA possibly appear before the committee to describe the agency’s efforts to assist tribes with this issue.

Mr. Awonohopay stated there would be value in using the committee as a venue for pursuing legislation important to the state’s tribes, noting that the changes to these housing programs modified by the bill drafts would be necessary regardless of when the security interest issue is resolved.

Representative Rozar asked generally for a description of the barriers tribes face when looking to acquire and develop land. Mr. Greendeer gave a number of examples, including the disposition of the land, time and resources required to take land from fee to trust, objections from local governments, and time and resources it takes dealing with the federal government.

### **2025 LRB-0541/P1, relating to membership of the Professional Standards Council for Teachers**

Ms. Gorzlancyk described the bill draft, noting that it was requested by DPI. Specifically, DPI has struggled to fill a membership spot on the Professional Standards Council for Teachers (PSCT), which advises the state superintendent on standards for the licensure of teachers, for a *licensed* teacher who teaches in a tribal school. DPI suggested the bill draft to remove the licensure requirement because many tribal school teachers are not licensed by the state, and doing so may open the pool of eligible tribal candidates to achieve the goal of having consistent tribal representation on the council.

The committee, including Ms. Liggins, Mr. Awonohopay, and Senator Felzkowski, discussed whether DPI has done enough to solicit a member for the Council, and whether tribal representation could be better achieved in other ways. Staff from DPI noted their outreach efforts to the state’s three tribal schools, and mentioned that they have had willing candidates

who would have qualified to serve but for the statutory licensure requirement. The committee agreed the bill draft as drafted should proceed and be voted on at the committee's last meeting.

### **2025 LRB-0585/P1, relating to requiring school districts to report information related to American Indian children attending school in the school district**

Mr. McCarthy described the bill draft, noting that it is identical, but for a delayed effective date, to a bill recommended by the committee last session.

Representative Rozar asked how DPI uses demographic data it collects. DPI staff stated that the data assists the department with its federal data reporting obligations, and it is currently difficult to get accurate data from American Indian children because the data collection forms do not have a specific place for a parent to designate a tribal affiliation. DPI stated that roughly two-thirds of school districts voluntarily collect tribal affiliation data currently, and noted that the bill would make such data collection uniform across the state.

Chair Mursau noted that he did not think this data collection requirement would be very burdensome for school districts to meet.

The committee generally discussed federal funding for schools that serve children with tribal affiliation. Ms. Liggins and Mr. Awonohopay noted that this data collection could assist DPI with identifying school districts with minimal or no tribal affiliation among its students, which could help DPI target its efforts to encourage and enforce compliance with Act 31 requirements, requiring public schools to teach about the history, culture, and tribal sovereignty of Wisconsin's American Indian nations. Representative Rozar asked tribal members of the committees if tribal nations collect data on their members in tribal schools, and a number of tribes, including Menominee Nation, Lac Courte Oreilles, and Oneida Nation, indicated that they do.

### **Committee Discussion**

The committee discussed the feasibility of getting the bill drafts the committee has worked on this session enacted by the Legislature next session. Senator Felzkowski expressed her concern about moving forward with the housing package bill drafts before ensuring the security interest issue is resolved so that the bill drafts will be effective and useful upon enactment.

Representative Conley urged the committee to still act on the bill drafts at its last meeting since there will be time next session for the tribes to work with WHEDA on the security interest issue before asking for public hearings and votes on those bill drafts in the Legislature.

Mr. Awonohopay mentioned that he is still working on identifying boards and councils in state government that may benefit from tribal membership, as that issue is still a priority.

The committee engaged in a lengthy discussion about enforcement of Act 31. Mr. Greendeer noted that compliance is a concern, and that he would like to see school districts incentivized to better teach Act 31 curriculum, and for tribal teachers and speakers to be compensated for their time and expertise when utilized by a school district for Act 31 lessons. He noted that Act 31 is not for the benefit of the tribes, but rather, for the benefit of the entire state.

Ms. Liggins noted that bill drafts approved by the committee to update Act 31, including relating to model academic standards by DPI, have not passed the Legislature. Representative Conley and Senator Felzkowski noted the inherent difficulty in enforcement of such mandates.

### **December 18, 2024**

At the final meeting of the committee, Samantha Linden from WHEDA, along with Erica Steele, Tribal Liaison, and Matthew Fortney, General Counsel, presented remarks regarding the



agency's position on the housing bill drafts the committee discussed last meeting. Very generally, WHEDA supports the changes in the definition of political subdivision, developer, and residential housing in the bill drafts. WHEDA requested more information from tribal governments and potential adjustments to the bill drafts regarding applicability of the comprehensive planning and cost-reduction analysis requirements to tribal governments. Lastly, they suggested reviewing the bill drafts to ensure there was no barrier to the requirement in all three loan programs of either an unlimited personal guarantee or a loan-to-value ratio of 75 percent or less as confirmed by an appraisal.

Representative Rozar asked if there are federal programs that may assist with the problems raised by the committee in previous meetings. Mr. Fortney responded that using housing tax credits as an example, it is possible to obtain security interests, but the timeline is significantly extended due to the time it takes to having items recorded by the Bureau of Indian Affairs.

Representative Conley asked if the changes WHEDA suggested can be made now or whether the bill drafts will be stalled until next interim. Chair Mursau responded that he is willing to work with WHEDA and interested tribal governments in sorting out these issues and introducing the bill drafts himself next session.

Representative Mursau asked about any updates on where talks about the security interests issue flagged in the last two meetings are. Mr. Awonohopay responded that Menominee Nation's attorney, Kris Goodwill, is meeting with Mr. Fortney this week, and they are hoping to make progress towards solving that issue. Mr. Fortney stated that the personal guarantee requirement is statutory but there is an exception to that requirement that could be utilized.

Ms. Goodwill, speaking on behalf of Mr. Awonohopay, asked for clarification on questions WHEDA had for tribal governments about the applicability of the comprehensive planning, housing element, and cost-reduction analysis requirements of the current loan programs. Mr. Fortney responded that one of the stated goals of the legislation was to reduce the time and cost related to developing housing imposed by local governments. The loan programs address this goal in two ways. The first is to require a housing plan and comprehensive planning (which municipalities are required to complete outside of these loan programs) be updated in the last five years. WHEDA is interested in whether there is a corollary to these requirements for tribal governments to create parity between municipal and tribal governments under the bill draft. The second is to require municipal governments to submit an analysis of all the steps taken to reduce the cost of housing through changes in zoning, such as expedited review, that have saved money for housing developers and how much money has been saved. WHEDA is interested in whether there is a corollary to these requirements for tribal governments. Not having a corollary may make it harder for tribal governments to win loans as the program becomes more competitive, as the amount of money saved is one factor WHEDA considers.

Ms. Goodwill stated that Menominee does have a tribal housing authority with corollaries that can be compared to these requirements, and is looking forward to a productive meeting with WHEDA.

Mr. Awonohopay requested that the definition of developer be changed in the bill drafts to include the various forms tribal housing authorities and tribal governments may take, by changing the current language regarding tribal housing authorities to instead be "a tribal housing authority or other business entity created by a tribal council."

Chair Mursau stated his goal was to make the necessary fixes to the bill drafts and introduce them himself in the upcoming session.

**2025 LRB-0122/1, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event**

Mr. McCarthy provided a brief explanation of the bill draft, indicating that it was unchanged relative to the version recommended by the committee last session.

Ms. Liggins recognized the work of DPI on this topic and their support of this legislation.

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

**2025 LRB-0123/1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use**

Mr. McCarthy provided a brief explanation of the bill draft, indicating that the bill draft was unchanged relative to the version recommended by the committee last session.

Chair Mursau noted that this bill draft seemed like common sense and should have been changed some time ago. Members generally agreed with this sentiment.

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

**2025 LRB-0124/1, 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 provided a brief explanation of the bill draft, indicating that the bill draft was unchanged relative to the version recommended by the committee last session.

Kevyn Ratcliffe, Legislative Liaison, DPI, commented that under current law, only DPI can issue teacher licenses, but the bill draft prevents DPI from issuing licenses unless the corresponding tribal government approves the license.

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

**2025 LRB-0585/1, relating to requiring school districts to report information related to American Indian children attending school in the school district**

Mr. McCarthy provided a brief explanation of the bill draft, indicating that the bill draft was unchanged relative to the version recommended by the committee last session.

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

**2025 LRB-0541/1, relating to the membership of the Professional Standards Council for Teachers**

Ms. Gorzlancyk provided a brief explanation of the bill draft, indicating that the bill draft was unchanged relative to the version discussed at the previous meeting of the committee.

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

## PART III | RECOMMENDATIONS

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This Part of the report provides background information on, and a description of, the bill drafts as recommended by the Special Committee on State-Tribal Relations.

### **LRB-0122/1, RELATING TO PUPILS WEARING TRADITIONAL TRIBAL REGALIA AT A GRADUATION CEREMONY OR SCHOOL-SPONSORED EVENT**

#### **Background**

LRB-0122/1 is identical to 2023 Assembly Bill 210 and 2023 Senate Bill 199, which were recommended by the special committee and introduced by the Joint Legislative Council last session. This bill passed unanimously out of the Assembly Education Committee and passed the Assembly on a voice vote, but was not heard in the Senate.

Currently, Wisconsin law contains some general protections for a pupil's sincerely held religious beliefs with regard to all examinations and other academic requirements. Additionally, no student may be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational, or other program or activity because of race, religion, national origin, ancestry, or creed. However, current law does not explicitly address an American Indian student's rights to wear traditional regalia at a graduation ceremony or school-sponsored event.

#### **Description**

The bill draft provides that school boards and charter schools may not prohibit a pupil who is a member of, 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. The bill draft defines "traditional tribal regalia" as a tribe's traditional dress or recognized objects of religious or cultural significance, including tribal symbols, beads, and feathers.

### **LRB-0123/1, RELATING TO AUTHORIZATION FOR TRIBAL GOVERNMENTS TO COPY CERTIFIED COPIES OF VITAL RECORDS FOR ADMINISTRATIVE USE**

#### **Background**

LRB-0123/1 is identical to 2023 Assembly Bill 211 and 2023 Senate Bill 200, which were recommended by the special committee and introduced by the Joint Legislative Council last session. This bill passed unanimously out of the Assembly Committee on State Affairs and passed the Assembly on a voice vote, but was not heard in the Senate.

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 is exempt from penalties that would otherwise apply for copying a certified copy of a vital record if the use copy is for use by the authorized entity and the copy is marked "FOR ADMINISTRATIVE USE."

#### **Description**

The bill draft adds tribal governments of a federally recognized American Indian tribe or band in this state 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

## **LRB-0124/1, 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**

### **Background**

LRB-0124/1 is identical to 2023 Assembly Bill 214 and 2023 Senate Bill 203, which were recommended by the special committee and introduced by the Joint Legislative Council last session. This bill passed unanimously out of the Assembly Education Committee and passed the Assembly on a voice vote, but was not heard in the Senate.

Under current law, an individual who holds any provisional teaching license is eligible for a tier III lifetime license upon successfully completing six semesters of teaching experience. One such provisional teaching license is for a teacher participating in American Indian language programs. Current law also requires DPI to establish standards certifying the abilities of these teachers. Those standards require, among other things, that the applicant for the license must be certified as competent in the American Indian language by the applicable tribal council, tribal language division, or local American Indian parent advisory committee.

### **Description**

The bill draft provides an option for a federally recognized American Indian tribe or band to decide whether each applicant for a lifetime license to teach the American Indian language associated with the tribe or band in an American Indian language program is qualified to receive the lifetime license. To exercise this option, an American Indian tribe or band must notify DPI in writing. If an American Indian tribe or band exercises this option, DPI may not issue a lifetime license to teach the associated American Indian language to an individual unless the tribe or band notifies the department that it has determined that the individual is qualified for a lifetime license to teach the American Indian language in an American Indian language program. Under the bill draft, if an American Indian tribe or band opts to review individual applicants for a lifetime license, DPI must notify the tribal government whenever an individual applies for a tier III lifetime license in the language that is associated with the tribal government. Upon receiving the notice from DPI, the tribal government must determine whether the applicant is highly skilled in the language, and notify the department of one of the following:

- If the associated tribal government determines that the individual is highly skilled in the language, that the tribal government endorses the individual for a tier III lifetime license in the language.
- If the associated tribal government determines that the individual is not highly skilled in the language, that the tribal government does not endorse the individual for a tier III lifetime license in the language but does endorse the individual to renew a tier II license in the language.

The bill draft also provides that DPI may grant a tier III lifetime license in an American Indian language only if the applicant satisfies certain other requirements needed for a tier III lifetime

license and is endorsed for the tier III lifetime license by the tribal government associated with that language.

## **LRB-0541/1, RELATING TO MEMBERSHIP OF THE PROFESSIONAL STANDARDS COUNCIL FOR TEACHERS**

### **Background**

Under current law, one member of the Professional Standards Council for Teachers (PSCT), which advises DPI, must be a person licensed as a teacher by DPI, employed in a tribal school, and recommended by a federally recognized American Indian tribe or band in Wisconsin that has a tribal school.

### **Description**

The bill draft removes the requirement that this PSCT member be licensed by DPI, instead requiring the member to be employed as a teacher in a tribal school and recommended by a federally recognized American Indian tribe or band in Wisconsin that has a tribal school.

## **LRB-0585/1, RELATING TO REQUIRING SCHOOL DISTRICTS TO REPORT INFORMATION RELATED TO AMERICAN INDIAN CHILDREN ATTENDING SCHOOL IN THE SCHOOL DISTRICT**

### **Background**

LRB-0585/1 is identical to 2023 Assembly Bill 212 and 2023 Senate Bill 201, which were recommended by the special committee and introduced by the Joint Legislative Council last session. This bill passed unanimously out of the Assembly Education Committee but was not voted on by the Assembly and was not heard in the Senate.

Under current law, the state superintendent of public instruction must conduct a statewide, biennial assessment of the need for American Indian language and culture education programs. Various information must be included in this assessment, including information on the numbers, ages, location, and tribal affiliation of American Indian pupils. While certain school districts began voluntarily reporting tribal affiliation data to DPI during the 2021-2022 academic school year, current law does not explicitly require school districts to collect this information and report it to DPI. Current law also requires each school district to submit an annual school district report to 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, the number of hours of direct pupil instruction provided in each school of the school district, and the names of all teachers employed by the school district during the school year.

### **Description**

The bill draft expands the requirements of the annual report that each school district must provide to DPI, requiring the report to include the numbers, ages, and tribal affiliations of American Indian children attending the schools of the school district.



## PART IV | SPECIAL COMMITTEE VOTES

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At the December 18, 2024 meeting, the Special Committee on State-Tribal Relations voted unanimously to recommend the following bill drafts for introduction by the Joint Legislative Council in the 2025-26 legislative session:

- 2025 LRB-0122/1, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event, passed by a vote of Ayes, 11 (Reps. Mursau, Conley, and Rozar; Sens. Felzkowski and Smith; and Public Members Awonohopay, Nicole Boyd, Decorah, Greendeer, Holsey, and Liggins); Noes, 0; and Not Voting, 6 (Rep. Edming; and Public Members Allen, Arbuckle, Brooks A. Boyd, Jennings, and Trepanier).
- 2025 LRB-0123/1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use, passed by a vote of Ayes, 11 (Reps. Mursau, Conley, and Rozar; Sens. Felzkowski and Smith; and Public Members Awonohopay, Nicole Boyd, Decorah, Greendeer, Holsey, and Liggins); Noes, 0; and Not Voting, 6 (Rep. Edming; and Public Members Allen, Arbuckle, Brooks A. Boyd, Jennings, and Trepanier).
- 2025 LRB-0124/1, 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 by a vote of Ayes, 11 (Reps. Mursau, Conley, and Rozar; Sens. Felzkowski and Smith; and Public Members Awonohopay, Nicole Boyd, Decorah, Greendeer, Holsey, and Liggins); Noes, 0; and Not Voting, 6 (Rep. Edming; and Public Members Allen, Arbuckle, Brooks A. Boyd, Jennings, and Trepanier).
- 2025 LRB-0585/1, relating to requiring school districts to report information related to American Indian children attending school in the school district, passed by a vote of Ayes, 10 (Reps. Mursau, Conley, and Rozar; Sens. Felzkowski and Smith; and Public Members Awonohopay, Nicole Boyd, Decorah, Greendeer, and Liggins); Noes, 0; and Not Voting, 7 (Rep. Edming; and Public Members Allen, Arbuckle, Brooks A. Boyd, Holsey, Jennings, and Trepanier).
- 2025 LRB-0541/1, relating to the membership of the Professional Standards Council for Teachers, passed by a vote of Ayes, 10 (Reps. Mursau, Conley, and Rozar; Sens. Felzkowski and Smith; and Public Members Awonohopay, Nicole Boyd, Decorah, Greendeer, and Liggins); Noes, 0; and Not Voting, 7 (Rep. Edming; and Public Members Allen, Arbuckle, Brooks A. Boyd, Holsey, Jennings, and Trepanier).





## APPENDIX 1 | LIST OF COMMITTEE MEMBERS

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### Special Committee on State-Tribal Relations

**Chair Jeffrey Mursau**, Representative  
Crivitz, WI 54114

**Dee Ann Allen**  
Lac du Flambeau Band of Lake Superior  
Chippewa  
Indians  
Lac du Flambeau, WI 54538

**Joey Awonohopay**, Secretary  
Menominee Tribal Legislature  
Keshena, WI 54135

**Nicole Boyd**, Chairwoman  
Red Cliff Band of Lake Superior Chippewa  
Indians  
Bayfield, WI 54814

**Michael Decorah**, Senior Intergovernmental  
Affairs Specialist  
St. Croix Chippewa Indians of Wisconsin  
Webster, WI 54893

**Jon Greendeer, Jr.**, President  
Ho-Chunk Nation  
Black River Falls, WI 54615

**Dylan Jennings**  
Sokaogon Chippewa Community  
Crandon, WI 54520

**Donna Rozar**, Representative  
Marshfield, WI 54449

**Bill Trepanier**, Secretary/Treasurer  
Lac Courte Oreilles Tribal Governing Board  
Hayward, WI 54843

**Vice Chair Mary Felzkowski**, Senator  
Tomahawk, WI 54487

**Liz Arbuckle**, Tribal Council Member  
Bad River Band of the Lake Superior Tribe of  
Chippewa Indians  
Ashland, WI 54806

**Brooks A. Boyd**, Tribal Councilman  
Forest County Potawatomi Community  
Crandon, WI 54520

**Sue Conley**, Representative  
Janesville, WI 53545

**James Edming**, Representative  
Glen Flora, WI 54526

**Shannon Holsey**, President  
Stockbridge-Munsee Community  
Bowler, WI 54416

**Lisa Liggins**, Secretary  
Oneida Nation  
Oneida, WI 54155

**Jeff Smith**, Senator  
Brunswick, 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.]

**17 MEMBERS:** 4 Representatives; 2 Senators; and 11 Public Members.

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



## APPENDIX 2 | LIST OF COMMITTEE MATERIALS

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### **August 22, 2024**

- Memo No. 1, “Topics of Committee Discussion” (August 13, 2024).
- Minutes of the August 22, 2024 meeting.

### **September 30, 2024**

- Memo No. 2, “Topics of Committee Discussion” (September 23, 2024).
- 2025 LRB-0122/P1, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event.
- 2025 LRB-0123/P1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use.
- 2025 LRB-0124/P1, 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.
- Memorandum from the Ho-Chunk Nation, “Tribal Impact Statements,” by Ryan Greendeer, Executive Government Relations Officer (September 16, 2024).
- 2001 Assembly Bill 772, relating to preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.
- 2003 Assembly Bill 399, relating to preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.
- Memorandum from the Ho-Chunk Nation, “Establishing a State-Tribal Resource Office at/near the Capitol in Madison,” by Ryan Greendeer, Executive Government Relations Officer (July 17, 2024).
- Minutes of the September 30, 2024 meeting.

### **November 13, 2024**

- Memo No. 3, “Topics of Committee Discussion” (November 6, 2024).
- 2025 LRB-0520/P1, relating to eligibility for the main street housing rehabilitation revolving loan fund and loan program.
- 2025 LRB-0521/P1, relating to eligibility for the commercial-to-housing conversion revolving loan fund and loan program.
- 2025 LRB-0518/P1, relating to eligibility for tribal housing authorities and tribal lands for the residential housing infrastructure revolving loan program.
- 2025 LRB-0541/P1, relating to the membership of the Professional Standards Council for Teachers.
- 2025 LRB 0585/P1, relating to requiring school districts to report information related to American Indian children attending school in the school district.
- Minutes of the November 13, 2024 meeting.

## **December 18, 2024**

- Memo No. 4, “Items for Committee Approval” (December 11, 2024).
- LRB-0122/1, relating to pupils wearing traditional tribal regalia at a graduation ceremony or school-sponsored event.
- LRB-0123/1, relating to authorization for tribal governments to copy certified copies of vital records for administrative use.
- LRB-0124/1, 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-0541/1, relating to the membership of the Professional Standards Council for Teachers.
- LRB-0585/1, relating to requiring school districts to report information related to American Indian children attending school in the school district.
- Letter to Members of the 2024 Special Committee on State-Tribal Relations, from Samantha Linden, Legislative Liaison, Wisconsin Housing and Economic Development Authority (December 18, 2024).
- Minutes of the December 18, 2024 meeting.