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# Wisconsin Legislative Council

## MINUTES

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### SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

Room 412 East, State Capitol  
Madison, WI  
December 18, 2024  
11:00 a.m. – 11:45 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 Joey Awonohopay, Nicole Boyd, Michael J. Decorah, Jon Greendeer, Shannon Holsey, and Lisa Liggins.

COMMITTEE MEMBERS EXCUSED: Rep. James Edming, and Public Members Dee Ann Allen, Liz Arbuckle, Brooks A. Boyd, Dylan Jennings, and Bill Trepanier.

TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT: Kathey Bilek, Department of Transportation; Benjamin M. Cornelius, Department of Natural Resources; Julie Halopka, Department of Workforce Development; Chris McKinny, Department of Justice; Stephanie Lozano, Department of Children and Families; Gail Nahwahquaw, Department of Health Services; David O'Connor, Department of Public Instruction (DPI); and Holly Wilmer, Department of Revenue.

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

OTHERS PRESENT: Samantha Linden, Legislative Liaison; Erica Steele, Tribal Liaison; and Matthew Fortney, General Counsel, Wisconsin Housing and Economic Development Authority.

<b>ATTENTION:</b> This was the final meeting of the Special Committee on State-Tribal Relations. Committee members are requested to send any corrections regarding minutes to the Legislative Council staff. After the incorporation of any corrections, these minutes will be considered approved by the committee.
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## **APPROVAL OF THE MINUTES OF THE NOVEMBER 13, 2024 MEETING**

*Representative Rozar moved to approve the meeting minutes from November 13, 2024. The motion was seconded by Senator Smith and the committee approved them by unanimous consent.*

### **PRESENTATION BY SAMANTHA LINDEN, LEGISLATIVE LIAISON, WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY**

Samantha Linden from the Wisconsin Housing and Economic Development Authority (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, expedited review, etc., 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.

## **DISCUSSION OF ITEMS FOR COMMITTEE APPROVAL**

### **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.

*Mr. Greendeer moved, seconded by Senator Felzkowski, that the committee recommend that the Joint Legislative Council introduce LRB-0122/1. The motion passed on 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**

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.

*Ms. Liggins moved, seconded by Mr. Decorah, that the committee recommend that the Joint Legislative Council introduce LRB-0123/1. The motion passed on 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**

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.

*Representative Rozar moved, seconded by Senator Smith, that the committee recommend that the Joint Legislative Council introduce LRB-0124/1. The motion passed on 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**

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.

*Mr. Decorah moved, seconded by Senator Felzkowski, that the committee recommend that the Joint Legislative Council introduce LRB-0585/1. The motion passed on 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**

Ms. Gorzlaneyk 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.

*Representative Rozar moved, seconded by Representative Felzkowski, that the committee recommend that the Joint Legislative Council introduce LRB-0541/1. The motion passed on 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).*

**COMMITTEE DISCUSSION**

Members shared their gratitude for the work that was accomplished this session and wished one another a happy holiday season.

**ADJOURNMENT**

The meeting adjourned at 11:45 a.m.

SM:AG:jal