
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 Abby Gorzlancyk, Staff Attorney

RE: Topics of Committee Discussion

DATE: November 6, 2024

This memo describes items for discussion during the November 13, 2024 meeting of the Special Committee on State-Tribal Relations. Specifically, Chair Mursau has included five bill drafts for the committee to discuss and review.¹ This memo provides additional background material and information requested by the committee at its last meeting on each idea, and some potential discussion questions as the committee considers how to move forward on each item.

For more detail regarding the bill drafts discussed at the first two meetings, see [Memo No. 1, “Topics of Committee Discussion,” \(August 22, 2024\)](#), and [Memo No. 2, “Topics of Committee Discussion,” \(September 30, 2024\)](#), also available on the committee’s webpage.

BILL DRAFTS FOR COMMITTEE DISCUSSION

2025 LRB-0520/P1 – Main Street Housing Rehabilitation Loan Program

This bill draft changes certain requirements of the main street housing rehabilitation loan program created in 2023 Wisconsin Act 15. Very generally, the program is aimed at providing loans to renovate housing located on the second and third floors of buildings with commercial use on the first floor.

The bill draft makes the following changes to the main street housing rehabilitation loan program. First, the bill draft replaces political subdivisions with governmental units, and includes American Indian tribes and bands as governmental units. Also, the term political subdivision is changed to governmental unit throughout. It also creates an exception to the requirement that the housing be taxable under ch. 70, Stats., by changing the definition of rental housing to include housing that is not subject to taxation under ch. 70, Stats., because the housing is designated as reservation lands, as defined in s. 165.92 (1) (a), Stats.,² or as trust land, as defined in s. 165.92 (1) (d), Stats.³

¹ Copies of the redrafted bills may be found on the [committee’s webpage](#) under the documents for the November 13, 2024 meeting.

² Reservation land is defined as “all land within the exterior boundaries of an Indian reservation in this state.” [s. [165.92 \(1\) \(a\), Stats.](#)]

³ Trust land is defined as “any land in this state held in trust by the United States government for the benefit of a tribe or a member of a tribe.” [s. [165.92 \(1\) \(d\), Stats.](#)]

The following are discussion questions for the committee to consider:

- Whether the exception created to the ch. 70, Stats., taxation requirement adequately covers the land and housing projects on tribal trust and reservation land. In other words, does reservation land and trust, as defined in the cross-references, adequately address tribal land currently excluded from this loan program? An example of how this can be accomplished can be seen in the commercial-to-residential conversion loan program.
- Currently, the loan program explicitly excludes municipalities from applying for the loan program. Is the committee interested in allowing tribal governments to apply for a loan for rental housing the government or its subunits own?
- Are there any other changes the committee is interested in making to the bill draft?

2025 LRB-0521/P1 – Commercial-to-Residential Conversion Loan Program

This bill draft changes certain requirements of the vacancy-to-vitality conversion loan program. The program very generally is aimed at providing loans to convert vacant and underutilized commercial buildings to residential housing.

The bill draft makes the following changes to the commercial-to-residential conversion loan program. First, a tribal housing authority created by a tribal council meets the definition of a developer. Second, political subdivision is changed to a governmental unit and federally recognized American Indian tribes or bands are added to the definition of a governmental unit. Additionally, political subdivision is replaced with governmental unit throughout. Lastly, the definition of residential housing is changed to include housing that is not subject to taxation under ch. 70, because the land is designated as reservation lands, as defined in s. 165.92 (1) (a), Stats., or as trust land, as defined in s. 165.92 (1) (d), Stats.

The following are discussion questions for the committee to consider:

- Whether the change to allow “a tribal housing authority created by a tribal council” to be a developer accomplishes the goal of allowing tribal governments through their housing authorities to be eligible for this loan program as a developer.
- Whether the changes made to the ch. 70, Stats., taxation requirement adequately covers the land and housing projects on tribal trust and reservation land.
- Are there any other changes the committee is interested in making to the bill draft?

2025 LRB-0518/P1 – Infrastructure Access Loan Program

This bill draft changes certain requirements of the infrastructure access loan program. The program very generally is aimed at providing loans to developers and the governmental units for infrastructure costs relating to building housing developments.

The bill draft makes the following changes to the infrastructure access loan program. First, the bill draft changes the definition of a developer to include a tribal housing authority created by a tribal council. Second, the definition of residential housing is changed to include housing that is not subject to taxation under ch. 70, because the land is designated as reservation lands, as defined in s. 165.92 (1) (a), Stats., or as trust land, as defined in s. 165.92 (1) (d), Stats.

The following are discussion questions for the committee to consider:

- Whether the change to allow “a tribal housing authority created by a tribal council” to be a developer accomplishes the goal of allowing tribal governments through their housing authorities to be eligible for this loan program as a developer.
- Whether the changes made to the ch. 70, Stats., taxation requirement adequately covers the land and housing projects on tribal trust and reservation land.
- Are there any other changes the committee is interested in making to the bill draft?

2025 LRB-0541/P1 – Membership of the Professional Standards Council for Teachers

Wisconsin statutes create a Professional Standards Council for Teachers (PSCT) within the Department of Public Instruction (DPI). The stated purpose of the council is to generally advise the state superintendent on standards for the licensure of teachers. [s. [115.425](#), Stats.] The council has approximately 19 members, one of which is a person licensed as a teacher and employed in a tribal school, recommended by a federally recognized American Indian tribe or band in this state that has a tribal school. [s. [15.377 \(8\) \(c\) 14.](#), Stats.] DPI has noted that this member has been vacant, possibly due to the requirement that the member be licensed as a teacher too narrowly restricts who may serve. DPI brought forward the idea of changing this requirement in order to open the pool of eligible tribal candidates to achieve the goal of having consistent tribal representation on the council.

The bill draft changes the member requirement from “one person licensed as a teacher and is actively employed as a teacher in a tribal school,” to instead be “one person who is employed as a teacher in a tribal school,” thereby eliminating the licensure requirement for the member.

The following are discussion questions for the committee to consider:

- Whether this change adequately opens up the member requirements to increase the pool of eligible tribal candidates.
- DPI has also proposed changing the member requirements to instead be one person employed by a tribal school, eliminating the requirement that the member be a teacher. Is this option better for achieving the goal of filling this position on the council?
- Are there any other considerations that should be made for the tribal representation on the council?

2025 LRB-0585/P1 – Reporting Information Relating to American Indian Children by School Districts

This bill draft, requested by staff at DPI, is very similar to bills recommended by the special committee last session—2023 Assembly Bill 212 and 2023 Senate Bill 201—relating to requiring school districts to report information related to American Indian children attending school in the school district. The Assembly Committee on Education recommended passage of Assembly Bill 212 on a unanimous vote, but no other action was taken on either bill by either legislative body.

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. Tribal nations have requested, through consultations and memoranda of understanding with DPI, that DPI collect tribal affiliation data from public school

districts. 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. 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. The only difference between this bill draft and the bills recommended by the committee last session is a delayed effective date such that the new school district tribal affiliation reporting requirement does not apply until the 2026-2027 school year.

According to DPI, because it regularly collects, and reports to the U.S. Department of Education, racial and ethnic data, there will be no additional burden on districts to obtain data on tribal affiliation in connection with collection of racial and ethnic data. Collection of tribal affiliation data will assist DPI in pinpointing where specific tribal members are located in order to provide even more focused materials to educators in those districts. Each of the American Indian nations located in Wisconsin are unique; while education about all tribal nations is important for all students, the ability to provide specific tribal content, when appropriate, will hopefully serve to improve education achievements of Native American students. To that same end, collection of tribal affiliation data can help to develop, test, and demonstrate the effectiveness of services and programs to improve education achievements of Native American children and youth and determine if there are any significant differences between tribal nations.

The following is a discussion question for the committee to consider:

- Other than the delayed effective date, are there any other changes the committee is interested in making to the bill draft?

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