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# Wisconsin Legislative Council

## MINUTES

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### SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS

Oneida Casino Hotel  
2040 Airport Drive  
Green Bay, WI 54313  
November 13, 2024  
10:00 a.m. – 2:40 p.m.

#### SHUTTLE TOUR OF ONEIDA NATION SITES

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.

#### 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, Jon Greendeer, Shannon Holsey, and Lisa Liggins.
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COMMITTEE MEMBERS EXCUSED:	Rep. James Edming; and Public Members Michael J. Decorah, Dylan Jennings, and Bill Trepanier.
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TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT:	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; and David O'Connor, Department of Public Instruction (DPI); and Holly Wilmer, Department of Revenue.
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TECHNICAL ADVISORY COMMITTEE MEMBERS EXCUSED:	Kathey Bilek, Department of Transportation; and Gail Nahwahquaw, Department of Health Services.
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COUNCIL STAFF PRESENT:	Steve McCarthy, Senior Staff Attorney; and Abby Gorzlancyk, Staff Attorney.
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## **APPROVAL OF THE MINUTES OF THE SEPTEMBER 30, 2024 MEETING**

*Representative Rozar moved to approve the meeting minutes from September 30, 2024. The motion was seconded by Mr. Greendeer and the committee approved them by unanimous consent.*

### **DISCUSSION OF ITEMS FOR COMMITTEE STUDY**

#### **LC Study Committee Memo No. 3, “Topics of Committee Discussion,” November 6, 2024**

Abby Gorzlancyk, Legislative Council Staff Attorney, and Steve McCarthy, Senior Staff Attorney, 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 the Wisconsin Housing and Economic Development Authority (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 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 program bill drafts 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. 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 AND PLANS FOR FUTURE MEETINGS**

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.

The committee tentatively agreed to hold its final meeting of the session on December 18, 2024, at the State Capitol in Madison.

### **ADJOURNMENT**

The meeting adjourned at 2:40 p.m.

SM:AG:jal