
Wisconsin Legislative Council

STUDY COMMITTEE MEMO



Memo No. 1

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

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

RE: Topics of Committee Discussion

DATE: August 10, 2022

This memo provides a list of potential topics of discussion for the August 18, 2022 meeting of the Special Committee on State-Tribal Relations. Specifically, the list includes three bill drafts selected by Chair Jeffrey Mursau for review and consideration by the committee.¹ Very briefly, the bill drafts address membership of the Higher Educational Aids Board (HEAB), adding tribal representation on certain boards and councils in state government, and state licenses that authorize an individual to teach an American Indian language.

Where important for context, the memo provides background information and identifies issues that the committee may wish to take into consideration. However, the discussion of the bill drafts and issues that the bill drafts may raise is not exhaustive; rather, this memo is intended to prompt discussion to determine where there is committee consensus and if the committee would like to request modifications or additional information on any or all of the bill drafts.

LRB-6467/P1, RELATING TO THE MEMBERSHIP OF THE HIGHER EDUCATIONAL AIDS BOARD

Background

LRB-6467/P1 is similar to 2021 Assembly Bill 428/Senate Bill 421, which was recommended by the special committee last session. Assembly Bill 428 was amended during the 2021-22 legislative session, and passed the Assembly as amended. The Senate, however, took no action on the bill. As described more in the next section, LRB-6467/P1 is identical to the amended version of Assembly Bill 428 as passed by the Assembly.

HEAB is a part-time independent policy-making board that, among other responsibilities, administers a number of state student aid programs. Under current law, the board consists of 11 voting members that represent certain interests, including public institutions of higher education, private, nonprofit institutions of higher education, and the general public. The board, however, does not include voting members that represent the interests of the state's tribal colleges. During the committee's discussion of the bill, HEAB staff noted their support for the bill, and stated that tribal colleges are not currently represented on the board because they did not exist when the board was originally created by statute.

¹ Copies of the bill drafts are included as an attachment to this memo.

Bill Draft

Whereas 2021 Assembly Bill 428/Senate Bill 421 proposed adding three members to HEAB to represent the state's tribal colleges, Assembly Amendment 1 to Assembly Bill 428 proposed adding "alternating appointees consisting of one member of the governing body of the Lac Courte Oreilles Ojibwa College for a term, followed by one member of the governing body of the College of Menominee Nation for the next term, and continuing this alternation of terms thereafter."

As mentioned above, LRB-6467/P1 is identical to the amended version of Assembly Bill 428 as passed by the Assembly this past legislative session.

Considerations

- Should the committee renew its recommendation to add representation of tribal colleges on HEAB?
- If the answer to the above question is yes, should the committee support the version of the bill that was amended by the Legislature?
- Or, as an alternative to pursuing tribal college HEAB membership as a standalone bill, should the provisions of LRB-6467/P1 be incorporated into the next bill up for discussion, LRB-6468/P1?

LRB-6468/P1, RELATING TO ADDING A TRIBAL REPRESENTATIVE TO CERTAIN BOARDS AND COUNCILS IN STATE GOVERNMENT

Background

At the special committee's last meeting last session on January 25, 2021, Chair Mursau notified members that a preliminary bill draft, LRB-1615/P2, specifying tribal representation on dozens of state boards and councils was received the morning of the meeting. Chair Mursau indicated that his office was still reviewing the draft, and that it was not yet ready for committee discussion. LRB-6468/P1 is identical to that bill draft.

Bill Draft

The bill adds a tribal representative to 53 different boards and councils adding in state government.²

Considerations

- Should any of the boards or councils included in LRB-6468/P1 be deleted or otherwise modified?
- Are there boards or councils not included in LRB-6468/P1 that should be added to the bill draft?
- Should the provisions of LRB-6467/P1, relating to the membership of HEAB, be incorporated into LRB-6468/P1?
- Instead of one bill that addresses 53 different boards and councils, should LRB-6468/P1 be converted into multiple bills that address only the boards and councils that fall under a specific state agency or small group of state agencies?
- How should the committee address the drafter's question included on page 3 of the bill draft regarding use of the terms "member" and "representative"?

² Attached to this memo is a memorandum produced by the Legislative Reference Bureau for Representative Mursau that identifies the state agency to which each board, committee, and council identified in the bill draft is attached.

LRB-6469/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

Background

LRB-6469/P1 is identical to LRB-0025/1, which was recommended for introduction by the special committee last session. However, the Joint Legislative Council declined to vote to introduce LRB-0025/1.

Under current law, an individual who holds any provisional teaching license is eligible for a 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 the Department of Public Instruction (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.

Bill Draft

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 American Indian tribe or band approves the individual's application.

Under the bill, if an American Indian tribe or band opts to review individual applicants for a lifetime license, the tribal government must determine whether an applicant is highly skilled in the applicable American Indian language. If the tribal government determines the applicant is highly skilled, the American Indian tribe or band approves the application and DPI may issue a lifetime license to the applicant. If the tribal government determines the applicant is not highly skilled in the applicable American Indian language, the American Indian tribe or band may deny the application and instead require that the applicant be recertified as competent in the language as a condition of DPI renewing the individual's provisional license. Additionally, the tribal government determines the term of the applicant's renewed provisional license. Under the bill draft and current law, there is no limit on the number of times that a provisional teaching license may be renewed.

Consideration

- Should the committee renew its recommendation of LRB-6469/P1?

SM:BK:jal

Attachments



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6467/P1
ARG:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 15.67 (1) (intro.); and *to create* 15.67 (1) (d) of the statutes;
2 **relating to:** the membership of the Higher Educational Aids Board.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. A complete PREFATORY NOTE will be provided in a subsequent version of this draft.

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

3 **SECTION 1.** 15.67 (1) (intro.) of the statutes is amended to read:
4 15.67 (1) (intro.) There is created a higher educational aids board consisting
5 of the state superintendent of public instruction and the following members
6 appointed for 3-year terms, except that the members specified under pars. (a) 5. and
7 6. ~~and~~, (b) 3., and (d) shall be appointed for 2-year terms:



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6468/P1
ALL:skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 14.017 (2), 15.105 (10), 15.105 (12) (b), 15.105 (12) (c), 15.107
2 (2), 15.107 (3), 15.107 (11) (b) 2., 15.137 (1) (b), 15.137 (3) (b), 15.137 (6), 15.197
3 (1), 15.197 (25) (b), 15.205 (4) (intro.), 15.207 (16), 15.255 (1) (a) (intro.), 15.255
4 (1) (b), 15.255 (2) (b) (intro.), 15.255 (2) (c), 15.257 (2), 15.345 (3) (a), 15.345 (3)
5 (b) (intro.), 15.347 (7), 15.347 (12), 15.347 (13) (d), 15.347 (16), 15.347 (17) (a),
6 15.377 (6), 15.405 (5g), 15.405 (7g), 15.445 (1), 15.467 (3) (a), 15.70 (4), 15.705
7 (2), 15.78, 15.917 (1) (intro.) and 165.85 (3) (d) (intro.); and **to create** 14.017 (4)
8 (e), 14.017 (6) (a) 6., 15.105 (12) (a) 4., 15.105 (24) (c) 3m., 15.107 (19) (k), 15.135
9 (1) (a) 4m., 15.135 (4) (b) 2s., 15.137 (1) (a) 11., 15.137 (5) (b) 1m., 15.205 (4) (h),
10 15.207 (24) (a) 10., 15.227 (13) (a) 7., 15.227 (15) (a) 28., 15.255 (1) (a) 4m.,
11 15.255 (2) (b) 5., 15.315 (2) (a) 16., 15.345 (2) (b) 4., 15.345 (3) (b) 4., 15.345 (8)
12 (b) 6m., 15.347 (4) (f), 15.347 (8) (g), 15.347 (13) (b) 9., 15.347 (18) (b) 6m., 15.347
13 (19) (a) 21., 15.347 (21) (a) 7., 15.347 (22) (a) 10., 15.497 (2) (i), 15.797 (1) (b) 9.

1 and 15.917 (1) (k) of the statutes; **relating to:** adding a tribal representative
2 to certain boards and councils in state government.

Analysis by the Legislative Reference Bureau

This bill adds a tribal representative to each of the following boards and councils:

1. The 911 Subcommittee of the interoperability council, attached to the Department of Military Affairs.
2. The Agricultural Education and Workforce Development Council.
3. The Agricultural Producer Security Council.
4. The Arts Board.
5. The Bioenergy Council.
6. The Board of Curators of the Historical Society.
7. The Board of Nursing.
8. The Board on Aging and Long-Term Care.
9. The Child Abuse and Neglect Prevention Board.
10. The Controlled Substances Board.
11. The Council on Affirmative Action.
12. The Council on Domestic Abuse.
13. The Council on Forestry.
14. The Council on Highway Safety.
15. The Council on Library and Network Development.
16. The Council on Mental Health.
17. The Council on Military and State Relations.
18. The Council on Recycling.
19. The Council on Small Business, Veteran-Owned Business and Minority Business Opportunities.
20. The Council on Veterans Employment.
21. The Council on Veterans Programs.
22. The Crime Victims Council.
23. The Crime Victims Rights Board.
24. The Curriculum Advisory Committee of the Law Enforcement Standards Board.
25. The Farm to School Council.
26. The Fertilizer Research Council.
27. The Groundwater Coordinating Council.
28. The Historic Preservation Review Board.
29. The Interagency Council on Homelessness.
30. The Invasive Species Council.
31. The Lake Michigan Commercial Fishing Board.
32. The Lake Superior Commercial Fishing Board.
33. The Land and Water Conservation Board.
34. The Law Enforcement Standards Board.

35. The Livestock Facility Siting Review Board.
36. The Lower Wisconsin State Riverway Board.
37. The Metallic Mining Council.
38. The Milwaukee Child Welfare Partnership Council.
39. The National and Community Service Board.
40. The Natural Areas Preservation Council.
41. The Public Defender Board.
42. The Rural Health Development Council.
43. The Small Business Environmental Council.
44. The Snowmobile Recreational Council.
45. The Sporting Heritage Council.
46. The State Council on Alcohol and Other Drug Abuse.
47. The State Trails Council.
48. The Trauma Advisory Council.
49. The Waste Facility Siting Board.
50. The Wetland Study Council.
51. The Wind Siting Council.
52. The Wisconsin Apprenticeship Council.
53. The Women's Council.

For further information, see the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

****NOTE: Some of the provisions in this draft use the term "One *member* of a federally recognized . . ." whereas other provisions use "One *representative* of a federally recognized . . .". Can all of these be changed to "member," or are there instances where a non-tribal-member who represents a tribe (such as a tribe's general counsel) may be allowed to serve as a member of these boards or councils? -MCP

- 1 **SECTION 1.** 14.017 (2) of the statutes is amended to read:
- 2 14.017 (2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created
- 3 in the office of the governor a state council on alcohol and other drug abuse consisting
- 4 of the governor, the attorney general, the state superintendent of public instruction,
- 5 the secretary of health services, the commissioner of insurance, the secretary of
- 6 corrections, the secretary of transportation and the chairperson of the pharmacy
- 7 examining board, or their designees; a representative of the controlled substances

1 board; a representative of any governor's committee or commission created under
2 this subchapter to study law enforcement issues; 6 members, one of whom is a
3 consumer representing the public at large, with demonstrated professional,
4 research, or personal interest in alcohol and other drug abuse problems and one of
5 whom is a representative of a federally recognized American Indian tribe or band in
6 this state, appointed for 4-year terms; a representative of an organization or agency
7 which is a direct provider of services to alcoholics and other drug abusers; a member
8 of the Wisconsin County Human Service Association, Inc., who is nominated by that
9 association; and 2 members of each house of the legislature, representing the
10 majority party and the minority party in each house, chosen as are the members of
11 standing committees in their respective houses. Section 15.09 applies to the council.

12 **SECTION 2.** 14.017 (4) (e) of the statutes is created to read:

13 14.017 (4) (e) A representative of a federally recognized American Indian tribe
14 or band in this state, appointed by the governor to serve a 4-year term.

15 **SECTION 3.** 14.017 (6) (a) 6. of the statutes is created to read:

16 14.017 (6) (a) 6. A representative of a federally recognized American Indian
17 tribe or band in this state, appointed by the governor to serve a 4-year term.

18 **SECTION 4.** 15.105 (10) of the statutes is amended to read:

19 15.105 (10) BOARD ON AGING AND LONG-TERM CARE. There is created a board on
20 aging and long-term care, attached to the department of administration under s.
21 15.03. The board shall consist of 7 members who are members of the public and who
22 are appointed for staggered 5-year terms. Members shall have demonstrated a
23 continuing interest in the problems of delivering and financing long-term care for
24 persons who are 60 years of age or older or who are beneficiaries of the Medicare
25 program. At least one of the members appointed shall be a representative of a

1 federally recognized American Indian tribe or band in this state and shall represent
2 the interests of American Indian tribes and bands in long-term care delivery and
3 financing. No person who currently owns or who, within the previous 5 years, owned
4 or who had any operational or substantial financial or employment interest in or any
5 other affiliation with any long-term care provider or health care insurance company
6 may be appointed to or retained as a member of the board. No person who is or has
7 been an employee or volunteer of the board may be appointed to or retained as a
8 member.

9 **SECTION 5.** 15.105 (12) (a) 4. of the statutes is created to read:

10 15.105 (12) (a) 4. A representative of a federally recognized American Indian
11 tribe or band in this state.

12 **SECTION 6.** 15.105 (12) (b) of the statutes is amended to read:

13 15.105 (12) (b) *Terms.* The town officials and the county official and tribal
14 representative shall be appointed for staggered 3-year terms.

15 **SECTION 7.** 15.105 (12) (c) of the statutes is amended to read:

16 15.105 (12) (c) *Vacancies.* If a town or county official or tribal representative
17 who is a member leaves office while serving on the board, the member's position on
18 the board is considered vacant until a successor is appointed under s. 15.07 (1) (b).

19 **SECTION 8.** 15.105 (24) (c) 3m. of the statutes is created to read:

20 15.105 (24) (c) 3m. At least one member who is a representative of a federally
21 recognized American Indian tribe or band in this state.

22 **SECTION 9.** 15.107 (2) of the statutes is amended to read:

23 15.107 (2) COUNCIL ON SMALL BUSINESS, VETERAN-OWNED BUSINESS AND MINORITY
24 BUSINESS OPPORTUNITIES. There is created in the department of administration a
25 council on small business, veteran-owned business and minority business

1 opportunities consisting of 13 members, appointed by the secretary of
2 administration for 3-year terms, with representation as follows: at least 2 shall be
3 owners or employees of small businesses at least 51 percent owned by one or more
4 members of a racial minority group; at least one shall be an owner or employee of a
5 small business at least 51 percent owned by one or more handicapped persons; at
6 least one shall be an owner or employee of a small business operated on a nonprofit
7 basis for the rehabilitation of disabled persons; at least 2 shall be owners or
8 employees of veteran-owned businesses, as defined in s. 16.75 (4) (d); at least one
9 shall be a representative of the department of safety and professional services; and
10 at least one shall be a consumer member; and at least one shall be a representative
11 of a federally recognized American Indian tribe or band in this state. No member
12 may serve for more than 2 consecutive full terms. The secretary of administration,
13 or a department employee who is the secretary's designee, shall serve as the council's
14 nonvoting secretary.

15 **SECTION 10.** 15.107 (3) of the statutes is amended to read:

16 15.107 (3) COUNCIL ON AFFIRMATIVE ACTION. There is created in the division of
17 personnel management in the department of administration a council on affirmative
18 action consisting of ~~15~~ 16 members appointed for 3-year terms. A majority of
19 members shall be public members and a majority of members shall be minority
20 persons, women, or persons with disabilities, appointed with consideration to the
21 appropriate representation of each group. At least one member shall be a
22 representative of a federally recognized American Indian tribe or band in this state.
23 The president of the senate, the speaker of the assembly, the minority leader of the
24 senate, and the minority leader of the assembly each shall appoint one member and
25 the remaining members shall be appointed by the governor.

1 **SECTION 11.** 15.107 (11) (b) 2. of the statutes is amended to read:

2 15.107 (11) (b) 2. Six public members appointed by the governor, one of whom
3 the governor shall designate as chairperson and at least one of whom shall be a
4 representative of a federally recognized American Indian tribe or band in this state.

5 **SECTION 12.** 15.107 (19) (k) of the statutes is created to read:

6 15.107 (19) (k) One representative of a federally recognized American Indian
7 tribe or band in this state.

8 **SECTION 13.** 15.135 (1) (a) 4m. of the statutes is created to read:

9 15.135 (1) (a) 4m. A member of a federally recognized American Indian tribe
10 or band in this state.

11 **SECTION 14.** 15.135 (4) (b) 2s. of the statutes is created to read:

12 15.135 (4) (b) 2s. One member of a federally recognized American Indian tribe
13 or band in this state, appointed for a 2-year term.

14 **SECTION 15.** 15.137 (1) (a) 11. of the statutes is created to read:

15 15.137 (1) (a) 11. One member of a federally recognized American Indian tribe
16 or band in this state.

17 **SECTION 16.** 15.137 (1) (b) of the statutes is amended to read:

18 15.137 (1) (b) Each organization identified in par. (a) 1. to 10. shall nominate
19 2 persons to represent that organization on the agricultural producer security
20 council. The secretary of agriculture, trade and consumer protection shall appoint
21 members from among the nominees.

 ****NOTE: The above provision has been added to the previous version of this bill.
 Please let me know if you do not want this to be included. -MCP

22 **SECTION 17.** 15.137 (3) (b) of the statutes is amended to read:

1 15.137 (3) (b) The secretary of agriculture, trade and consumer protection shall
2 appoint to the council an employee of the department and shall appoint farmers,
3 experts in child health, school food service personnel, a member of a federally
4 recognized American Indian tribe or band in this state, and other persons with
5 interests in agriculture, nutrition, and education.

6 **SECTION 18.** 15.137 (5) (b) 1m. of the statutes is created to read:

7 15.137 (5) (b) 1m. One voting member shall be appointed by the secretary of
8 agriculture, trade and consumer protection to serve for a 3-year term. The member
9 appointed under this subdivision shall be a member of a federally recognized
10 American Indian tribe or band in this state.

11 **SECTION 19.** 15.137 (6) of the statutes is amended to read:

12 15.137 (6) BIOENERGY COUNCIL. There is created a bioenergy council which is
13 attached to the department of agriculture, trade and consumer protection under s.
14 15.03. The secretary of agriculture, trade and consumer protection shall appoint the
15 members of the council, to serve at the pleasure of the secretary. At least one member
16 shall be a member of a federally recognized American Indian tribe or band in this
17 state.

18 **SECTION 20.** 15.197 (1) of the statutes is amended to read:

19 15.197 (1) COUNCIL ON MENTAL HEALTH. There is created in the department of
20 health services a council on mental health consisting of not less than 21 nor more
21 than 25 members nominated by the secretary of health services and appointed by the
22 governor for 3-year terms. At least one of the members appointed shall be a
23 representative of a federally recognized American Indian tribe or band in this state
24 and shall represent the interests of American Indian tribes and bands in mental
25 health services planning. Persons appointed to the council on mental health shall

1 include representatives of groups and a proportion of members as specified in 42
2 USC 300x-3 (c), as amended to April 2, 2008.

3 **SECTION 21.** 15.197 (25) (b) of the statutes is amended to read:

4 15.197 (25) (b) In appointing the members under par. (a), the secretary of
5 health services shall ensure that all geographic areas of the state are represented
6 and shall ensure that least one of the members appointed is a representative of a
7 federally recognized American Indian tribe or band to represent the interests of
8 American Indian tribes and bands in emergency medical services.

9 **SECTION 22.** 15.205 (4) (intro.) of the statutes is amended to read:

10 15.205 (4) CHILD ABUSE AND NEGLECT PREVENTION BOARD. (intro.) There is
11 created a child abuse and neglect prevention board, which is attached to the
12 department of children and families under s. 15.03. The board shall consist of ~~20~~ 21
13 members as follows:

14 **SECTION 23.** 15.205 (4) (h) of the statutes is created to read:

15 15.205 (4) (h) One member of a federally recognized American Indian tribe or
16 band in this state.

***NOTE: Alternatively, if you do not want to increase the size of the Child Abuse and Neglect Prevention Board, you could specify that one of the 10 public members of the board (under sub. (4) (g)) must be a member of a federally recognized American Indian tribe or band in this state.

17 **SECTION 24.** 15.207 (16) of the statutes is amended to read:

18 15.207 (16) COUNCIL ON DOMESTIC ABUSE. There is created in the department
19 of children and families a council on domestic abuse. The council shall consist of 13
20 members appointed for staggered 3-year terms. Of those 13 members, 9 shall be
21 nominated by the governor and appointed with the advice and consent of the senate,
22 and one each shall be designated by the speaker of the assembly, the senate majority
23 leader, and the minority leader in each house of the legislature and appointed by the

1 governor. Persons appointed shall have a recognized interest in and knowledge of
2 the problems and treatment of victims of domestic abuse. One member shall be a
3 member of a federally recognized American Indian tribe or band in this state.

4 **SECTION 25.** 15.207 (24) (a) 10. of the statutes is created to read:

5 15.207 (24) (a) 10. One member of a federally recognized American Indian tribe
6 or band in this state.

****NOTE: Alternatively, if you do not want to increase the size of the Milwaukee
Child Welfare Partnership Council, you could specify that one of the 10 members who are
residents of the state (under par. (a) 6.) must be a member of a federally recognized
American Indian tribe or band in this state.

7 **SECTION 26.** 15.227 (13) (a) 7. of the statutes is created to read:

8 15.227 (13) (a) 7. One representative of a federally recognized American Indian
9 tribe or band in this state.

10 **SECTION 27.** 15.227 (15) (a) 28. of the statutes is created to read:

11 15.227 (15) (a) 28. A representative of a federally recognized American Indian
12 tribe or band in this state.

13 **SECTION 28.** 15.255 (1) (a) (intro.) of the statutes is amended to read:

14 15.255 (1) (a) (intro.) The board shall be composed of ~~15~~ 16 members as follows:

15 **SECTION 29.** 15.255 (1) (a) 4m. of the statutes is created to read:

16 15.255 (1) (a) 4m. One public member, not employed in law enforcement, who
17 is a member of a federally recognized American Indian tribe or band in this state.

18 **SECTION 30.** 15.255 (1) (b) of the statutes is amended to read:

19 15.255 (1) (b) The members of the board under par. (a) 1. to ~~4.~~ 4m. shall be
20 appointed for staggered 4-year terms, but no member shall serve beyond the time
21 when the member ceases to hold the office or employment by reason of which the
22 member was initially eligible for appointment.

23 **SECTION 31.** 15.255 (2) (b) (intro.) of the statutes is amended to read:

1 15.255 (2) (b) (intro.) The crime victims rights board shall be composed of ~~5~~
2 6 members as follows:

3 **SECTION 32.** 15.255 (2) (b) 5. of the statutes is created to read:

4 15.255 (2) (b) 5. One person who is a member of a federally recognized
5 American Indian tribe or band in this state.

6 **SECTION 33.** 15.255 (2) (c) of the statutes is amended to read:

7 15.255 (2) (c) The members of the crime victims rights board specified in par.
8 (b) 2. and 3. shall be appointed by the attorney general. One of the members specified
9 in par. (b) 4. shall be appointed by the crime victims council and the other member
10 shall be appointed by the governor. The member specified in par. (b) 1. shall be
11 appointed by the Wisconsin District Attorneys Association. The member specified
12 in par. (b) 5. shall be appointed by the governor.

13 **SECTION 34.** 15.257 (2) of the statutes is amended to read:

14 15.257 (2) CRIME VICTIMS COUNCIL. There is created in the department of justice
15 a crime victims council consisting of 15 persons appointed by the attorney general
16 for staggered 3-year terms. Of the 15 members, 10 shall be citizen members, 2 shall
17 represent organizations providing victim support services and one each shall be
18 representatives of law enforcement, district attorneys and the judiciary. The citizen
19 members shall have demonstrated sensitivity and concern for crime victims, and one
20 of the citizen members shall be a member of a federally recognized American Indian
21 tribe or band in this state.

22 **SECTION 35.** 15.315 (2) (a) 16. of the statutes is created to read:

23 15.315 (2) (a) 16. A representative of a federally recognized American Indian
24 tribe or band in this state.

25 **SECTION 36.** 15.345 (2) (b) 4. of the statutes is created to read:

1 15.345 (2) (b) 4. One member of a federally recognized American Indian tribe
2 or band in this state.

3 **SECTION 37.** 15.345 (3) (a) of the statutes is amended to read:

4 15.345 (3) (a) The board shall be composed of ~~7~~ 8 members who reside in
5 counties contiguous to Lake Michigan appointed by the governor to serve at the
6 governor's pleasure.

7 **SECTION 38.** 15.345 (3) (b) (intro.) of the statutes is amended to read:

8 15.345 (3) (b) (intro.) The ~~7~~ 8 members shall include:

9 **SECTION 39.** 15.345 (3) (b) 4. of the statutes is created to read:

10 15.345 (3) (b) 4. One member of a federally recognized American Indian tribe
11 or band in this state.

12 **SECTION 40.** 15.345 (8) (b) 6m. of the statutes is created to read:

13 15.345 (8) (b) 6m. One member of a federally recognized American Indian tribe
14 or band in this state.

15 **SECTION 41.** 15.347 (4) (f) of the statutes is created to read:

16 15.347 (4) (f) One member of a federally recognized American Indian tribe or
17 band in this state.

18 **SECTION 42.** 15.347 (7) of the statutes is amended to read:

19 15.347 (7) SNOWMOBILE RECREATIONAL COUNCIL. There is created in the
20 department of natural resources a snowmobile recreational council consisting of 15
21 members nominated by the governor, and with the advice and consent of the senate,
22 appointed for staggered 3-year terms. Commencing on July 1, 1972, 5 members
23 shall be appointed to serve for one year, 5 members for 2 years and 5 members for
24 3 years. Thereafter all terms shall be for 3 years with 5 positions on the council to
25 expire each year. At least 5 members of the council shall be from the territory north,

1 and at least 5 members shall be from the territory south, of a line running east and
2 west through the south limits of the city of Stevens Point. At least one member shall
3 be a member of a federally recognized American Indian tribe or band in this state.

4 **SECTION 43.** 15.347 (8) (g) of the statutes is created to read:

5 15.347 (8) (g) One member who is a member of a federally recognized American
6 Indian tribe or band in this state.

7 **SECTION 44.** 15.347 (12) of the statutes is amended to read:

8 15.347 (12) METALLIC MINING COUNCIL. There is created in the department of
9 natural resources a metallic mining council consisting of 9 persons representing a
10 variety and balance of economic, scientific and environmental viewpoints. Members
11 shall be appointed by the secretary of the department for staggered 3-year terms.
12 At least one member shall be a member of a federally recognized American Indian
13 tribe or band in this state.

14 **SECTION 45.** 15.347 (13) (b) 9. of the statutes is created to read:

15 15.347 (13) (b) 9. A member of a federally recognized American Indian tribe or
16 band in this state, appointed by the governor.

17 **SECTION 46.** 15.347 (13) (d) of the statutes is amended to read:

18 15.347 (13) (d) *Terms.* Members appointed under par. (b) 8. and 9. shall be
19 appointed to 4-year terms.

20 **SECTION 47.** 15.347 (16) of the statutes is amended to read:

21 15.347 (16) STATE TRAILS COUNCIL. There is created in the department of natural
22 resources a state trails council consisting of 11 members, appointed for 4-year terms,
23 who are knowledgeable in, and who engage in one or more of, the various recreational
24 uses of trails. One member shall be a member of a federally recognized American
25 Indian tribe or band in this state.

1 **SECTION 48.** 15.347 (17) (a) of the statutes is amended to read:

2 15.347 **(17)** (a) *Creation and membership.* There is created a council on
3 recycling, attached to the department of natural resources under s. 15.03, consisting
4 of 7 members selected by the governor. At least one member shall be a member of
5 a federally recognized American Indian tribe or band in this state.

6 **SECTION 49.** 15.347 (18) (b) 6m. of the statutes is created to read:

7 15.347 **(18)** (b) 6m. One member of a federally recognized American Indian
8 tribe or band in this state.

9 **SECTION 50.** 15.347 (19) (a) 21. of the statutes is created to read:

10 15.347 **(19)** (a) 21. One member of a federally recognized American Indian tribe
11 or band in this state.

12 **SECTION 51.** 15.347 (21) (a) 7. of the statutes is created to read:

13 15.347 **(21)** (a) 7. One member of a federally recognized American Indian tribe
14 or band in this state.

 ****NOTE: Should the cross-reference in s. 15.347 (21) (b) be changed to provide that
this tribal member is also appointed for a 3-year term? -EHS

15 **SECTION 52.** 15.347 (22) (a) 10. of the statutes is created to read:

16 15.347 **(22)** (a) 10. One member of a federally recognized American Indian tribe
17 or band in this state.

18 **SECTION 53.** 15.377 (6) of the statutes is amended to read:

19 15.377 **(6)** COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. There is created in
20 the department of public instruction a council on library and network development
21 composed of 19 members. Nine of the members shall be library science, audiovisual
22 and informational science professionals representative of various types of libraries
23 and information services, including public libraries, public library systems, school

1 libraries, public and private academic libraries, special libraries and library
2 educators. Ten of the members shall be public members who have demonstrated an
3 interest in libraries or other types of information services. At least one of the 19
4 members shall be a representative of a federally recognized American Indian tribe
5 or band in this state. The members of the council shall be appointed for 3-year terms.
6 The council shall meet 6 times annually and shall meet also on the call of the state
7 superintendent of public instruction, and may meet at other times on the call of the
8 chairperson or a majority of its members.

9 **SECTION 54.** 15.405 (5g) of the statutes is amended to read:

10 15.405 (5g) CONTROLLED SUBSTANCES BOARD. There is created in the department
11 of safety and professional services a controlled substances board consisting of the
12 attorney general, the secretary of health services, and the secretary of agriculture,
13 trade and consumer protection, or their designees; a representative of a federally
14 recognized American Indian tribe or band in this state; the chairperson of the
15 pharmacy examining board, the chairperson of the medical examining board, the
16 chairperson of the dentistry examining board, and the chairperson of the board of
17 nursing, or a designee; and one psychiatrist and one pharmacologist appointed for
18 3-year terms.

19 **SECTION 55.** 15.405 (7g) of the statutes is amended to read:

20 15.405 (7g) BOARD OF NURSING. There is created a board of nursing in the
21 department of safety and professional services. The board of nursing shall consist
22 of the following members appointed for staggered 4-year terms: 5 currently licensed
23 registered nurses under ch. 441; one currently licensed practical nurse under ch. 441;
24 one member who is either a licensed registered nurse or a licensed practical nurse
25 under ch. 441; one representative of a federally recognized American Indian tribe or

1 band in this state; and 2 public members. Each registered nurse member shall have
2 graduated from a program in professional nursing and each practical nurse member
3 shall have graduated from a program in practical nursing accredited by the state in
4 which the program was conducted.

5 **SECTION 56.** 15.445 (1) of the statutes is amended to read:

6 15.445 (1) ARTS BOARD. There is created an arts board in the department of
7 tourism. The arts board shall consist of 15 members appointed for 3-year terms who
8 are residents of this state and who are known for their concern for the arts. At least
9 2 members shall be from the northwest portion of this state, at least 2 members shall
10 be from the northeast portion of this state, at least 2 members shall be from the
11 southwest portion of this state, and at least 2 members shall be from the southeast
12 portion of this state; and at least one member shall be a representative of a federally
13 recognized American Indian tribe or band in this state.

14 **SECTION 57.** 15.467 (3) (a) of the statutes is amended to read:

15 15.467 (3) (a) Five citizen members appointed for staggered 3-year terms. At
16 least one citizen member shall be a member of a federally recognized American
17 Indian tribe or band in this state.

18 **SECTION 58.** 15.497 (2) (i) of the statutes is created to read:

19 15.497 (2) (i) One representative of a federally recognized American Indian
20 tribe or band in this state.

21 **SECTION 59.** 15.70 (4) of the statutes is amended to read:

22 15.70 (4) ~~Three~~ Four members nominated by the governor and with the advice
23 and consent of the senate appointed for staggered 3-year terms; at least one of the
24 members must be a representative of a federally recognized American Indian tribe
25 or band in this state.

1 **SECTION 60.** 15.705 (2) of the statutes is amended to read:

2 15.705 (2) HISTORIC PRESERVATION REVIEW BOARD. There is created a historic
3 preservation review board attached to the historical society under s. 15.03,
4 consisting of 15 members appointed for staggered 3-year terms. At least 9 members
5 shall be persons with professional qualifications in the fields of architecture,
6 archaeology, art history and history and up to 6 members may be persons qualified
7 in related fields including, but not limited to, landscape architecture, urban and
8 regional planning, law or real estate. At least one member shall be a representative
9 of a federally recognized American Indian tribe or band in this state.

 ****NOTE: The treatment of s. 15.705 (2) assumes that the tribal
 member/representative must meet the background criteria applicable to the other
 members of the historic preservation review board. Please advise if you intended that the
 tribal appointment be exempt from the requirement of having specified professional
 qualifications or being qualified in related fields. - ARG

10 **SECTION 61.** 15.78 of the statutes is amended to read:

11 **15.78 Public defender board.** There is created a public defender board
12 consisting of 9 members appointed for staggered 3-year terms. No member may be,
13 or be employed on the staff of, a judicial or law enforcement officer, district attorney,
14 corporation counsel, or the state public defender. At least 5 members shall be
15 members of the State Bar of Wisconsin. At least one member shall be a member of
16 a federally recognized American Indian tribe or band in this state.

17 **SECTION 62.** 15.797 (1) (b) 9. of the statutes is created to read:

18 15.797 (1) (b) 9. One member who is a member of a federally recognized
19 American Indian tribe or band in this state.

20 **SECTION 63.** 15.917 (1) (intro.) of the statutes is amended to read:

21 15.917 (1) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
22 University of Wisconsin System a rural health development council consisting of 17

1 18 members nominated by the governor, and with the advice and consent of the
2 senate appointed, for 5-year terms, and the secretary of health services, or his or her
3 designee. The appointed members shall include all of the following:

4 **SECTION 64.** 15.917 (1) (k) of the statutes is created to read:

5 15.917 (1) (k) A representative of a federally recognized American Indian tribe
6 or band in this state.

7 **SECTION 65.** 165.85 (3) (d) (intro.) of the statutes is amended to read:

8 165.85 (3) (d) (intro.) Establish minimum curriculum requirements for
9 preparatory courses and programs, and recommend minimum curriculum
10 requirements for recertification and advanced courses and programs, in schools
11 approved by the board and operated by or for this state or any political subdivision
12 of the state for the specific purpose of training law enforcement recruits, law
13 enforcement officers, tribal law enforcement recruits, tribal law enforcement
14 officers, jail officer recruits, jail officers, juvenile detention officer recruits, or
15 juvenile detention officers in areas of knowledge and ability necessary to the
16 attainment of effective performance as an officer, and ranging from subjects such as
17 first aid, patrolling, statutory authority, techniques of arrest, protocols for official
18 action by off-duty officers, firearms, domestic violence investigations, and recording
19 custodial interrogations to subjects designed to provide a better understanding of
20 ever-increasing complex problems in law enforcement such as human relations, civil
21 rights, constitutional law, and supervision, control, and maintenance of a jail or
22 juvenile detention facility. The board shall appoint a curriculum advisory committee
23 to advise the board in the establishment of the curriculum requirements. The
24 curriculum advisory committee shall consist of 6 chiefs of police and 6 sheriffs to be
25 appointed on a geographic basis, a representative of a federally recognized American

1 Indian tribe or band, the director of training of the Wisconsin state patrol, and, if
2 applicable, one or more representatives of colleges or universities as follows:

3 (END)



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6469/P1
FFK:amn&wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 118.19 (18) (bg) 1.; and *to create* 118.19 (18) (bp) of the
2 statutes; **relating to:** a lifetime license that authorizes an individual to teach
3 an American Indian language in an American Indian language program and
4 modifying rules promulgated by the Department of Public Instruction.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State-Tribal Relations.

Under current law, an individual who holds any provisional teaching license is eligible for a lifetime license upon successfully completing six semesters of teaching experience. This bill 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 the Department of Public Instruction 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 American Indian tribe or band approves the individual's application.

Under the bill, if an American Indian tribe or band opts to review individual applicant's for a lifetime license, the tribal government must determine whether an applicant is highly skilled in the applicable American Indian language. If the tribal government determines the applicant is highly skilled, the American Indian tribe or band approves the application and DPI may issue a lifetime license to the applicant. If the tribal government determines the applicant is not highly skilled in the applicable American Indian language, the American Indian tribe or band may deny the application and instead require that the applicant be recertified as competent in the language as a condition of DPI renewing the individual's provisional license. Additionally, the tribal government determines the term of the applicant's renewed provisional license. Under the bill and current law, there is no limit on the number of times that a provisional teaching license may be renewed.

1 **SECTION 1.** 118.19 (18) (bg) 1. of the statutes is amended to read:

2 118.19 (18) (bg) 1. The Except as provided in par. (bp), the department may
3 issue a lifetime license under this subdivision to an individual who obtained a
4 provisional license under par. (a) or (bc) if the individual has successfully completed
5 6 semesters of teaching, administrating, or pupil services experience, as defined by
6 the department by rule.

7 **SECTION 2.** 118.19 (18) (bp) of the statutes is created to read:

8 118.19 (18) (bp) Beginning on the effective date of this paragraph [LRB
9 inserts date], the department may not issue to an individual a lifetime license that
10 authorizes the individual to teach an American Indian language in an American
11 Indian language program if the federally recognized American Indian tribe or band
12 in this state that is associated with the American Indian language submits to the
13 department written notice that states that the tribe or band wishes to evaluate each
14 individual who applies for a lifetime license to teach the American Indian language
15 in an American Indian language program. If a federally recognized American Indian
16 tribe or band in this state submits a written notice to the department under this
17 paragraph, the department may issue a lifetime license to the individual to teach an
18 American Indian language in an American Indian language program only if the tribe

1 or band notifies the department that it has determined that the individual is
2 qualified for a lifetime license to teach the American Indian language in an American
3 Indian language program.

4 **SECTION 3.** PI 34.055 (3) of the administrative code is created to read:

5 PI 34.055 (3) LIFETIME LICENSE; OPTIONAL APPROVAL PROCESS. (a) If a tribal
6 government associated with a language under sub. (1) submits a notice to the
7 department under s. 118.19 (18) (bp), Stats., the department shall notify the tribal
8 government whenever an individual applies for a lifetime license in the language
9 under sub. (1) that is associated with the tribal government. The department shall
10 provide the associated tribal government a copy of the individual's application.

11 (b) If a tribal government receives notice under par. (a), the tribal government
12 shall review the individual's application, determine whether the individual is highly
13 skilled in the American Indian language, and do one of the following:

14 1. If the associated tribal government determines that the individual is highly
15 skilled in the American Indian language, approve the individual's application for a
16 lifetime license.

17 2. If the associated tribal government determines that the individual is not
18 highly skilled in the American Indian language, deny the lifetime license application
19 and require the individual to be recertified as competent in the American Indian
20 language as a condition of renewing the individual's provisional license in that
21 American Indian language. If recertification is required under this subdivision,
22 notwithstanding s. PI 34.040 (3), the tribal government shall determine the term of
23 the individual's renewed provisional license, except that the term may not exceed 5
24 years.



WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Representative Jeffrey Mursau
FROM: Ryan LeCloux, legislative analyst
DATE: August 5, 2022
SUBJECT: State agencies and statutory boards, committees, and councils in LRB-6468

As you requested, the below table provides a list of state agencies and the attached statutory boards, committees, and councils that are identified in LRB-6468.

State Agency	Attached Boards, Committees, and Councils
Department of Administration	Board on Aging and Long-Term Care
	Council on Affirmative Action
	Council on Small Business Veteran-Owned Business and Minority Business Opportunities
	Interagency Council on Homelessness
	National and Community Service Board
	Waste Facility Siting Board
	Women's Council
Department of Agriculture, Trade and Consumer Protection	Agricultural Producer Security Council
	Bioenergy Council
	Farm to School Council
	Fertilizer Research Council
	Land and Water Conservation Board
	Livestock Facility Siting Review Board
Department of Children and Families	Child Abuse and Neglect Prevention Board
	Council on Domestic Abuse
	Milwaukee Child Welfare Partnership Council
Department of Health Services	Council on Mental Health
	Trauma Advisory Council
Department of Justice	Crime Victims Council
	Crime Victims Rights Board
	Curriculum Advisory Committee of the Law Enforcement Standards Board
	Law Enforcement Standards Board
Department of Military Affairs	911 Subcommittee of the Interoperability Council
Department of Natural Resources	Council on Forestry

	Council on Recycling
	Groundwater Coordinating Council
	Invasive Species Council
	Lake Michigan Commercial Fishing Board
	Lake Superior Commercial Fishing Board
	Lower Wisconsin State Riverway Board
	Metallic Mining Council
	Natural Areas Preservation Council
	Small Business Environmental Council
	Snowmobile Recreational Council
	Sporting Heritage Council
	State Trails Council
	Wetland Study Council
Department of Public Instruction	Council on Library and Network Development
Department of Safety and Professional Services	Board of Nursing
	Controlled Substances Board
Department of Transportation	Council on Highway Safety
Department of Tourism	Arts Board
Department of Veterans Affairs	Council on Veterans Programs
Department of Workforce Development	Agricultural Education and Workforce Development Council
	Wisconsin Apprenticeship Council
Office of the Governor	Council on Military and State Relations
	Council on Veterans Employment
	State Council on Alcohol and Other Drug Abuse
Office of the State Public Defender	Public Defender Board
Public Service Commission	Wind Siting Council
University of Wisconsin System	Rural Health Development Council
Wisconsin Historical Society	Board of Curators of the Historical Society
	Historic Preservation Review Board

Please contact me if you would like more information pertaining to this subject. I can be reached at Ryan.LeCloux@legis.wisconsin.gov or 608-504-5820.