

## 2007 DRAFTING REQUEST

### Bill

Received: 11/14/2006

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Schneider

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous  
Nat. Res. - miscellaneous

Extra Copies: PG

Submit via email: YES

Requester's email: Rep.Schneider@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Use of ethnic names, nicknames, mascots by school boards and prohibiting the Department of Natural Resources from using the word squaw in names of lakes or streams.

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### Instructions:

See Attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	tkuczens 11/20/2006 mglass 11/24/2006	wjackson 12/01/2006		_____			
/1			jfrantze 12/01/2006	_____	sbasford 12/01/2006	cduerst 12/04/2006	S&L

FE Sent For: /1 @ intro.  
3-16-2007

<END>

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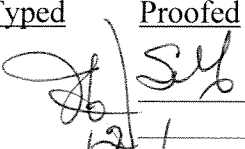
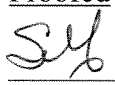
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/P1	tkuczens	11/14/06					

FE Sent For:

<END>

(in edit 11/20)

MJL&MGG:lmk&cmh:pg  
TKK  
WLJ  
RMNR

# 2005 ASSEMBLY BILL 564

12/8

LPS:  
Please  
PWF

July 18, 2005 - Introduced by Representatives SCHNEIDER, WASSERMAN, BOYLE and GRIGSBY, cosponsored by Senator COGGS. Referred to Committee on State Affairs.

Regen

- 1 AN ACT *to create* 23.25 (2r) and 118.134 of the statutes; **relating to:** the use of
- 2 ethnic names, nicknames, logos, and mascots by school boards; prohibiting the
- 3 Department of Natural Resources from using the word squaw in the name of
- 4 a lake or stream; granting rule-making authority; and providing a penalty.

### *Analysis by the Legislative Reference Bureau*

Current law prohibits discrimination against pupils on a number of grounds, including race and ancestry. This bill provides that a school district resident may object to a school board's use of an ethnic name, nickname, logo, or mascot by filing a complaint with the state superintendent of pupil instruction (state superintendent). The state superintendent must schedule a hearing on the complaint, at which the school board has the burden of proving by clear and convincing evidence that the use of the ethnic name, nickname, logo, or mascot does not promote discrimination, pupil harassment, or stereotyping. If the state superintendent finds in favor of the complainant, the state superintendent must order the school board to terminate its use of the ethnic name, nickname, logo, or mascot within 12 months after issuance of the order. A school board is subject to a forfeiture of not less than \$100 nor more than \$1,000 for each day that it uses the ethnic name, nickname, logo, or mascot in violation of the order. The decision of the state superintendent is subject to circuit court review.

public

This bill also prohibits the Department of Natural Resources from using the word "squaw" in the name of any lake or stream. If the word "squaw" is currently being used in that manner, the name must be changed.

**ASSEMBLY BILL 564**

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

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

1           **SECTION 1.** 23.25 (2r) of the statutes is created to read:

2           23.25 (2r) The department may not use the word “squaw” in the name of any  
3 lake or stream. If the word “squaw” is used in a name for any lake or stream on the  
4 effective date of this subsection ... [revisor inserts date], the department shall  
5 change the name to eliminate the use of the word “squaw.”

6           **SECTION 2.** 118.134 of the statutes is created to read:

7           **118.134 Ethnic names, nicknames, logos, and mascots. (1)**

8           Notwithstanding s. 118.13, a resident of the school district may object to a school  
9 board’s use of an ethnic name, nickname, logo, or mascot by filing a complaint with  
10 the state superintendent. The state superintendent shall notify the school board of  
11 the receipt of the complaint and schedule a case hearing within 45 days after the  
12 complaint is filed.

13           **(2)** At the hearing, the school board has the burden of proving by clear and  
14 convincing evidence that the use of the ethnic name, nickname, logo, or mascot does  
15 not promote discrimination, pupil harassment, or stereotyping, as defined by the  
16 state superintendent by rule.

17           **(3)** The state superintendent shall issue a decision and order within 45 days  
18 after the hearing. If the state superintendent finds that the use of the ethnic name,  
19 nickname, logo, or mascot does not promote discrimination, pupil harassment, or  
20 stereotyping, the state superintendent shall dismiss the complaint. If the state  
21 superintendent finds that the use of the ethnic name, nickname, logo, or mascot

**ASSEMBLY BILL 564**

1 promotes discrimination, pupil harassment, or stereotyping, the state  
2 superintendent shall order the school board to terminate its use of the ethnic name,  
3 nickname, logo, or mascot within 12 months after issuance of the order. Decisions  
4 of the state superintendent under this subsection are subject to judicial review under  
5 ch. 227.

6 (4) The state superintendent shall promulgate rules necessary to implement  
7 and administer this section.

8 (5) Any school board that uses an ethnic name, nickname, logo, or mascot in  
9 violation of this section shall forfeit not less than \$100 nor more than \$1,000. Each  
10 day of use of the ethnic name, nickname, logo, or mascot in violation of this section  
11 constitutes a separate violation.

12

(END)



**Duerst, Christina**

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**From:** Schneider, Marlin  
**Sent:** Monday, December 04, 2006 4:11 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0755/1 Topic: Use of ethnic names, nicknames, mascots by school boards and prohibiting the Department of Natural Resources from using the word squaw in names of lakes or streams.

Please Jacket LRB 07-0755/1 for the ASSEMBLY.



State of Wisconsin  
LEGISLATIVE REFERENCE BUREAU

**RESEARCH APPENDIX -**  
**PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/19/2007 (Per: TKK)



**Appendix A**

The 2007 drafting file for LRB 07-0755/1  
has been copied/added to the 2007 drafting file for  
**LRB 07-1586**

☞ The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.