



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1119/P4
ES/MG/FK/ZW:skw&amn

DOA:.....Bork, BB0404 - Tribal Gaming Statutory Changes

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

GENERAL NATURAL RESOURCES

Funding from Indian gaming receipts

Current law requires DOA to transfer portions of Indian gaming receipts to certain DNR appropriations annually. This bill eliminates the requirement to transfer these amounts to appropriations that fund elk management and the reintroduction of whooping cranes, eliminates those appropriations, and replaces them with appropriations funded from the conservation fund. The bill also eliminates the requirement to transfer these amounts to an appropriation that funds snowmobile law enforcement operations and safety training and fatality reporting and eliminates that appropriation. The bill makes no change to an appropriation funding the same purposes from the conservation fund.

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Grants to replace race-based nicknames, logos, mascots, or team names associated with American Indians

This bill authorizes DPI to award a grant to a school board that terminates the use of a race-based nickname, logo, mascot, or team name that is associated with a

federally recognized American Indian tribe or American Indians, in general. Under the bill, a school board is eligible for a grant whether or not the school board decides to terminate the use of a race-based nickname, logo, mascot, or team name voluntarily or in response to an objection to its use or in compliance with an order issued by the division of hearings and appeals to terminate the use of the race-based nickname, logo, mascot, or team name. The bill specifies that the amount of the grant may not exceed the greater of \$50,000 or the actual cost incurred by the school board to replace the race-based nickname, logo, mascot, or team name. Under the bill, these grants are funded from Indian gaming receipts.

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Director of Native American affairs

This bill requires the secretary of administration to appoint a director of Native American affairs in the unclassified service to manage relations between the state and American Indian tribes or bands in the state.

Grants to American Indian tribes or bands

This bill requires DOA to award grants of equal amounts to each American Indian tribe or band in the state for the purpose of supporting programs to meet the needs of members of the tribe or band. No grant moneys may be used to pay gaming-related expenses.

TRANSPORTATION

TRANSPORTATION AIDS

Tribal elderly transportation grants

Current law requires DOA to transfer a portion of Indian gaming receipts to a DOT appropriation that funds tribal elderly transportation grants. This bill eliminates the requirement to make this transfer and replaces the DOT appropriation that funds tribal elderly transportation grants using transferred Indian gaming receipts with an appropriation from the transportation fund.

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Tribal economic development

This bill requires WEDC to establish and administer programs that promote small business economic development benefitting American Indian tribes or bands in the state.

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

SECTION 1. 16.004 (26) of the statutes is created to read:

16.004 **(26)** TRIBAL RELATIONS. The secretary shall appoint a director of Native American affairs to manage relations between the state and American Indian tribes or bands in the state.

SECTION 2. 16.07 of the statutes is created to read:

16.07 Grants to American Indian tribes or bands. From the appropriation under s. 20.505 (1) (kk), the department shall award grants to American Indian tribes or bands in this state. No tribe or band may be awarded grant moneys under this section that exceed the amount awarded to any other tribe or band. Each tribe or band may use grant moneys as it deems necessary to support programs to meet the needs of members of the tribe or band. No grant moneys may be used to pay gaming-related expenses.

SECTION 3. 20.192 (1) (km) of the statutes is created to read:

20.192 **(1)** (km) *Tribal economic development.* The amounts in the schedule for the purpose of promoting small business economic development benefiting American Indian tribes or bands in this state under s. 238.29. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 28. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 20.255 (2) (kg) of the statutes is created to read:

20.255 **(2)** (kg) *Grants to replace certain race-based nicknames, logos, mascots, and team names.* The amounts in the schedule for grants to school boards under s. 118.134 (6). All moneys transferred from the appropriation account under s. 20.505

(8) (hm) 29. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 20.370 (1) (hk) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 6. 20.370 (1) (hy) of the statutes is created to read:

20.370 (1) (hy) *Elk management.* The amounts in the schedule for the costs associated with the management of the elk population in this state and for the costs associated with the transportation of elk brought into the state.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 7. 20.370 (1) (Lk) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.370 (1) (Lw) of the statutes is created to read:

20.370 (1) (Lw) *Reintroduction of whooping cranes.* The amounts in the schedule for the costs associated with reintroducing whooping cranes into the state.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 20.370 (3) (ak) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 10. 20.395 (1) (ck) of the statutes is renumbered 20.395 (1) (ct) and amended to read:

20.395 (1) (ct) *Tribal elderly transportation grants.* ~~From the general fund, the~~
The amounts in the schedule for grants under s. 85.215 to American Indian tribes and bands for transportation assistance for the elderly. ~~All moneys transferred from~~

~~the appropriation account under s. 20.505 (8) (hm) 22. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This is reconciled s. 20.395 (1) (ck). This SECTION has been affected by drafts with the following LRB numbers: -1119/P3 and -2008/P1.

SECTION 11. 20.505 (1) (kk) of the statutes is created to read:

20.505 (1) (kk) *Tribal grants.* The amounts in the schedule for the grants to American Indian tribes or bands in this state under s. 16.07. All moneys transferred from the appropriation account under sub. (8) (hm) 26. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 12. 20.505 (1) (kw) of the statutes is created to read:

20.505 (1) (kw) *Tribal relations.* The amounts in the schedule for the administration of relations between the state and American Indian tribes or bands in this state under s. 16.004 (26). All moneys transferred from the appropriation account under sub. (8) (hm) 27. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 13. 20.505 (8) (hm) (intro.) of the statutes is amended to read:

20.505 (8) (hm) *Indian gaming receipts.* (intro.) All moneys required to be credited to this appropriation under s. 569.06, all moneys transferred under [2001 Wisconsin Act 16](#), sections [9201 \(5mk\)](#), [9205 \(1mk\)](#), [9210 \(3mk\)](#), [9223 \(5mk\)](#), [9224 \(1mk\)](#), [9225 \(1mk\)](#), [9231 \(1mk\)](#), [9237 \(4mk\)](#), [9240 \(1mk\)](#), [9251 \(1mk\)](#), [9256 \(1mk\)](#), [9257 \(2mk\)](#), and [9258 \(2mk\)](#), and all moneys that revert to this appropriation account from the appropriation accounts specified in subs. 1c. to 19., ~~22.~~, and 23., and 26. to 28., less the amounts appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of annually transferring the following amounts:

****NOTE: This is reconciled s. 20.505 (8) (hm) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1119/P3 and -2008/P1.

SECTION 14. 20.505 (8) (hm) 8g. of the statutes is repealed.

SECTION 15. 20.505 (8) (hm) 8i. of the statutes is repealed.

SECTION 16. 20.505 (8) (hm) 8k. of the statutes is repealed.

SECTION 17. 20.505 (8) (hm) 22. of the statutes is repealed.

****NOTE: This is reconciled s. 20.505 (8) (hm) 22. This SECTION has been affected by drafts with the following LRB numbers: -1119/P3 and -2008/P1.

SECTION 18. 20.505 (8) (hm) 26. of the statutes is created to read:

20.505 (8) (hm) 26. The amount transferred to sub. (1) (kk) shall be the amount in the schedule under sub. (1) (kk).

SECTION 19. 20.505 (8) (hm) 27. of the statutes is created to read:

20.505 (8) (hm) 27. The amount transferred to sub. (1) (kw) shall be the amount in the schedule under sub. (1) (kw).

SECTION 20. 20.505 (8) (hm) 28. of the statutes is created to read:

20.505 (8) (hm) 28. The amount transferred to s. 20.192 (1) (km) shall be the amount in the schedule under s. 20.192 (1) (km).

SECTION 21. 20.505 (8) (hm) 29. of the statutes is created to read:

20.505 (8) (hm) 29. The amount transferred to s. 20.255 (2) (kg) shall be the amount in the schedule under s. 20.255 (2) (kg).

SECTION 22. 20.923 (4) (c) 7. of the statutes is created to read:

20.923 (4) (c) 7. Administration, department of: director of Native American affairs.

SECTION 23. 85.215 of the statutes is amended to read:

85.215 Tribal elderly transportation grant program. The department shall award grants to federally recognized American Indian tribes or bands to assist in providing transportation services for elderly persons. Grants awarded under this section shall be paid from the appropriation under s. 20.395 (1) (~~ek~~) (ct). The department shall prescribe the form, nature, and extent of the information that shall be contained in an application for a grant under this section. The department shall establish criteria for evaluating applications and for awarding grants under this section.

***NOTE: This is reconciled s. 85.215. This SECTION has been affected by drafts with the following LRB numbers: -1119/P3 and -2008/P1.

SECTION 24. 118.134 (6) of the statutes is created to read:

118.134 (6) Regardless of whether or not an objection is made under sub. (1) or an order is issued under sub. (3), if a school board adopts a resolution to terminate the use of race-based nickname, logo, mascot, or team name that is associated with a federally recognized American Indian tribe or American Indians, in general, the state superintendent may award a grant to the school board for the costs associated with adopting and implementing a nickname, logo, mascot, or team name that is not race-based. The state superintendent may not award a grant under this subsection in an amount that exceeds the greater of \$50,000 or a school board's actual costs to

adopt and implement a nickname, logo, mascot, or team name. The state superintendent shall pay the awards under this subsection from the appropriation under s. 20.255 (2) (kg).

SECTION 25. 230.08 (2) (yh) of the statutes is created to read:

230.08 (2) (yh) The director of Native American affairs in the department of administration.

SECTION 26. 238.29 of the statutes is created to read:

238.29 Tribal economic development. The corporation shall establish and administer economic development programs to promote small business economic development benefitting American Indian tribes or bands in this state.

SECTION 27. 350.12 (4) (a) (intro.) of the statutes is amended to read:

350.12 (4) (a) *Enforcement, administration and related costs.* (intro.) The moneys appropriated from s. 20.370 (3) ~~(ak)~~ and (aq), (5) (es) and (9) (mu) and (mw) may be used for the following:

SECTION 28. 350.12 (4) (a) 3m. of the statutes is amended to read:

350.12 (4) (a) 3m. The cost of state law enforcement efforts as appropriated under s. 20.370 (3) ~~(ak)~~ and (aq); and

SECTION 29. 350.12 (4) (am) of the statutes is amended to read:

350.12 (4) (am) *Enforcement aids to department.* Of the amounts appropriated under s. 20.370 (3) ~~(ak)~~ and (aq), the department shall allocate \$26,000 in each fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry snowmobiles, or both, to be used in state law enforcement efforts.

(END)