



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-1537/P5  
MPG/ZDW/EHS/FFK:emw&amn

DOA:.....Bork, BB0375 - Additional Tribal Gaming Items

**FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*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 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, in response to an objection to its use, or in compliance with an order issued by the Division of Hearings and Appeals. 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**

### **GENERAL 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 each American Indian tribe or band in Wisconsin***

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.

The bill also requires DOA to award grants of equal amounts to each American Indian tribe or band in the state to promote tribal language revitalization and cultural preservation.

Under the bill, no grant moneys awarded under the above grant programs may be used to pay gaming-related expenses.

#### ***Other tribal grants***

This bill requires DOA to do all of the following:

1. Award grants to the Oneida Nation of Wisconsin to support the Healing to Wellness Court program at the Oneida Nation, in an amount not to exceed \$259,100 annually.
2. Award grants to the Oneida Nation of Wisconsin to support coordination between the National Estuarine Research Reserve System and Great Lakes tribal nations, in an amount not to exceed \$110,100 annually.
3. Award grants to the Oneida Nation of Wisconsin to support the Oneida Nation's collaboration with the Audubon Society concerning Audubon Great Lakes restoration projects, in an amount not to exceed \$175,000 annually. This grant requirement sunsets after five years.
4. Award grants to the Menominee Indian Tribe of Wisconsin to support the Menominee Indian Tribe's transit services, in an amount not to exceed \$266,600 annually.

## **TOURISM**

#### ***Tourism marketing funding from Indian gaming receipts***

Current law requires DOA to transfer portions of Indian gaming receipts to the Department of Tourism for certain tourism marketing expenses. This bill eliminates that requirement. The bill leaves in place an appropriation funding the same purposes from general purpose revenues and from the transportation fund.

For further information see the state 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:*

**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 this state.

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

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

**SECTION 3.** 16.08 of the statutes is created to read:

**16.08 Grants to promote tribal language revitalization and cultural preservation.** From the appropriation under s. 20.505 (1) (kk), the department shall award a grant to each American Indian tribe or band in this state to promote tribal language revitalization and cultural preservation. No tribe or band may be awarded grant moneys under this section that exceed the amount awarded to any other tribe or band. No grant moneys may be used to pay gaming-related expenses.

**SECTION 4.** 16.085 of the statutes is created to read:

**16.085 Other tribal grants.** From the appropriation under s. 20.505 (1) (kt) the department shall do all of the following:

(1) Award grants to the Oneida Nation of Wisconsin to support the Healing to Wellness Court program at the Oneida Nation, in an amount not to exceed \$259,100 annually.

(2) Award grants to the Oneida Nation of Wisconsin to support coordination between the National Estuarine Research Reserve System and Great Lakes tribal nations, in an amount not to exceed \$110,100 annually.

(3) Award grants to the Oneida Nation of Wisconsin to support the Oneida Nation's collaboration with the Audubon Society concerning Audubon Great Lakes restoration projects, in an amount not to exceed \$175,000 annually. No grant may be awarded under this subsection after June 30, 2028.

(4) Award grants to the Menominee Indian Tribe of Wisconsin to support the Menominee Indian Tribe's transit services, in an amount not to exceed \$266,600 annually.

**SECTION 5.** 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 6.** 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 7.** 20.380 (1) (b) of the statutes is amended to read:

20.380 (1) (b) *Tourism marketing; general purpose revenue.* Biennially, the amounts in the schedule for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17. ~~In each fiscal year, the department shall expend for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 an amount that bears the same proportion to the amount in the schedule for the fiscal year as the amount expended under par. (kg) in that fiscal year bears to the amount in the schedule for par. (kg) for that fiscal year.~~ Of the amounts under this paragraph, not more than 50 percent shall be used to match funds allocated under s. 41.17 by private or public organizations for the joint effort marketing of tourism with the state.

**SECTION 8.** 20.380 (1) (kg) 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 9.** 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 ss. 16.07 and 16.08. 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 10.** 20.505 (1) (kt) of the statutes is created to read:

20.505 (1) (kt) *Tribal grants; other.* The amounts in the schedule for the grants under s. 16.085. 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 11.** 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 subds. 1c. to ~~19.~~, ~~22.~~, and ~~23.~~ 29., 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: 23-0882, 23-1537, and 23-1591.

**SECTION 12.** 20.505 (8) (hm) 6. of the statutes is repealed.

**SECTION 13.** 20.505 (8) (hm) 8k. of the statutes is repealed.

**SECTION 14.** 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 15.** 20.505 (8) (hm) 27. of the statutes is created to read:

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

**SECTION 16.** 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 17.** 20.923 (4) (c) 8. of the statutes is created to read:

20.923 (4) (c) 8. Administration, department of: director of Native American affairs.

\*\*\*\*NOTE: This is reconciled s. 20.923 (4) (c) 8. This SECTION has been affected by drafts with the following LRB numbers: LRB-1537 and LRB-1823.

**SECTION 18.** 41.17 (5) of the statutes is amended to read:

41.17 (5) FUNDING SOURCE. Subject to the 50 percent limitation under s. 20.380 (1) (b) and the proportional expenditure requirements under s. 20.380 (1) (b) and (kg), the department shall expend, from the appropriations under s. 20.380 (1) (b), (kg), and (w), at least \$1,130,000 in the aggregate in each fiscal year in joint effort marketing funds under this section.

**SECTION 19.** 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 a 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 20.** 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 21.** 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 22.** 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 23.** 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)