



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

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Joint Committee on Finance

Paper #127

University of Wisconsin-Green Bay (Administration -- Division of Gaming)

[LFB 2019-21 Budget Summary: Page 37, #3]

CURRENT LAW

From 2001-02 to 2016-17, tribal gaming revenue was provided for programming jointly developed by the Oneida Nation and the University of Wisconsin-Green Bay. Under 2017 Act 59, the Governor vetoed funding in 2017-18 and 2018-19 for the appropriation. In 2016-17, the Oneida Nation was provided \$247,500 PR for UW-Green Bay programs.

GOVERNOR

Provide \$247,500 PR annually from tribal gaming revenue through the Department of Administration (DOA) to fund the UW-Green Bay and Oneida Tribe programs assistance grant. Funds would support the Education Doctorate in First Nations Education and the Education Center for First Nations Studies. The allocation would be deposited in the UW System's program revenue appropriation for funds transferred from other state agencies.

DISCUSSION POINTS

1. Indian gaming receipts are statutorily defined as moneys received by the state from any of the following: (a) tribal reimbursement for state costs of regulation of Indian gaming under Indian gaming compacts; (b) payments by Indian gaming vendors and persons proposing to be Indian gaming vendors as reimbursement for state costs of certification and background investigations; (c) tribal reimbursement for state costs of gaming services and assistance provided by the state at the request of a tribe; and (d) tribal payments pursuant to the Indian gaming compacts.

2. The first draw on tribal gaming receipts is to the following appropriations: (a) a DOA general program operations appropriation relating to Indian gaming regulation under the compacts (\$1,996,300 PR in 2018-19); (b) a Department of Justice (DOJ) Indian gaming law enforcement appropriation (\$165,800 PR in 2018-19); and (c) an amount necessary to make all of the transfers specified under the DOA Indian gaming receipts appropriation to other state programs (\$25,334,200 PR in 2018-19). Tribal gaming receipts remaining after these allocations are made are credited to the general fund.

3. The agreements between the state and most of the tribes that operate gaming facilities, including the agreement between the state and the Oneida Tribe, include ancillary memoranda of understanding (MOUs) related to government-to-government matters. In most cases, these MOUs specify that tribal gaming revenues, other than payments made to reimburse the state for the costs of regulating gaming and to reimburse DOA and the Department of Justice for the cost of providing services and assistance, should be used for the following four purposes: (a) economic development initiatives to benefit tribes and/or American Indians within Wisconsin; (b) economic development initiatives in regions around casinos; (c) promotion of tourism within the state; and (d) support of programs and services of the county in which the tribe is located.

4. Tribal gaming revenue was provided to finance UW-Green Bay programming from 2001-02 to 2016-17. Most of the tribal gaming revenue was used to fund costs related to men's basketball games, with the remainder being used to support women's basketball and men's and women's soccer games. The allocation was provided to an appropriation in DOA and then deposited in the UW System's program revenue appropriation for funds transferred from other state agencies.

5. During 2017-19 biennial budget deliberations, the Governor recommended deleting the appropriation for UW-Green Bay. The Joint Committee on Finance and the Legislature voted to delete the Governor's provision and restore funding of \$247,500 PR per year. The Governor subsequently vetoed funding for the appropriation under 2017 Act 59.

6. In June, 2018, the Chairman of the Oneida Nation requested that the Governor and Legislature restore the use of tribal gaming revenues for UW-Green Bay programming. According to the request, funds would be used to support the University's Doctorate of Education in First Nations Education, created in 2018. The doctoral program is an applied degree that trains individuals working in education, cultural revitalization, community organizations, human service, and government to address problems in their communities and generate knowledge about First Nations. A cohort of 21 students began the program in September, 2018.

7. Funds would also be used to support the Education Center for First Nations Studies at UW-Green Bay. Under 1989 Act 31, all public school districts and pre-service education programs are required to provide instruction on tribal history, culture, and sovereignty. The center provides resources to support First Nations education and teacher training programs, as required under Act 31. In addition, the center currently coordinates two programs for First Nations youth. Under the Doctoral Project First Nations Youth Requirement, doctoral students work with tribal youth to implement a community-based project to address community needs. Under the First Nations K-12 Tutor/Mentor Field Program, UW-Green Bay students tutor and mentor First Nations students in Green Bay Area Public Schools, Ashwaubenon School System, and the West DePere School District. In addition, the

center plans to offer a Seven Generations of Native Voices Campus Program, which would allow middle school youth to attend programming on campus to learn about First Nations from college undergraduates, academic scholars, and oral traditional elder scholars. The center also plans to provide academic advising and support services for First Nations students, including an orientation program prior to the start of students' first semester.

8. The Doctorate of Education in First Nations Education and the Education Center for First Nations Studies are currently funded through a combination of PR (from tuition fees) and GPR (from the UW System's general program operations appropriation).

9. According to the request, the Oneida Nation and UW-Green Bay have agreed to allocate \$247,500 annually as follows: (a) \$59,500 to provide compensation for a First Nations student advisor; (b) \$43,500 to provide compensation for 75% of a cultural resource specialist position; (c) \$42,400 to provide compensation for 50% of a doctoral faculty position; (d) \$32,000 for tuition scholarships for eight students; (e) \$30,600 for student dissertation fellowships for eight students; (f) \$25,500 to provide First Nations youth programs; and (g) \$14,000 to provide for the participation of oral traditional elder scholars. In addition, the request indicates that the Oneida Nation plans to author a report prior to each biennium on the status of the program to assist with oversight and ensure that implementation is in accordance with the approved use of funds.

10. It could be argued that the requested use of tribal gaming revenues would be consistent with the MOUs regarding the use of tribal gaming revenues in that projects would benefit tribal members and be developed in collaboration with First Nations governments and communities. Further, given that one of the tribes that generates tribal gaming revenues has requested funds, the Committee may wish to again provide \$247,500 PR annually. [Alternative 1]

11. Tribal gaming revenues that are not allocated to state agencies are deposited in the state's general fund. If the Committee were to restore funding from tribal gaming revenues for UW-Green Bay programming, the year-end balance of the state's general fund would be reduced by the same amount. Therefore, the Committee could decide to modify the Governor's proposal to instead provide \$165,200 PR annually for UW-Green Bay programs while increasing the amount available for the general fund by \$82,300 annually compared to the bill. [Alternative 2] Under this alternative, the University indicates that it would prioritize allocations and services as follows: (a) \$59,500 to provide compensation for a First Nations student advisor; (b) \$39,900 to provide partial compensation for a doctoral faculty position; (c) \$30,600 for student dissertation fellowships for eight students; (d) \$25,500 to provide First Nations youth programs; and (e) \$9,700 to provide for the participation of oral traditional elder scholars at a reduced level.

12. Given that providing tribal gaming funds to the University would reduce the amount of revenues available for deposit to the general fund, the Committee may determine that the current level of allocation is appropriate. Therefore, the Committee could decide to take no action. [Alternative 3] The University indicates that, if funding were not provided, it would not be able to provide proposed services, including the Seven Generations youth program, the doctoral faculty position, the First Nations student advisor position, the First Nations youth program coordinator, the First Nations cultural resource specialist, and student scholarships. In addition, the University indicates that, under this alternative, it would be more difficult to sustain current services, such as the First Nations youth

programs and the participation of oral traditional elder scholars.

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$247,500 PR annually to UW-Green Bay to support the Education Doctorate in First Nations Education and the Education Center for First Nations Studies.

ALT 1	Change to Base		Change to Bill	
	Revenue	Funding	Revenue	Funding
PR		\$495,000		\$0
GPR-Tribal	-\$495,000		\$0	

2. Modify the proposal to provide \$165,200 PR annually to UW Green Bay to support the Education Doctorate in First Nations Education and the Education Center for First Nations Studies.

ALT 2	Change to Base		Change to Bill	
	Revenue	Funding	Revenue	Funding
PR		\$330,400		-\$164,600
GPR-Tribal	-\$330,400		\$164,600	

3. Take no action regarding the restoration of tribal gaming funds to UW-Green Bay.

ALT 3	Change to Base		Change to Bill	
	Revenue	Funding	Revenue	Funding
PR		\$0		-\$495,000
GPR-Tribal	\$0		\$495,000	

Prepared by: Angela Miller