



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 144

**Assembly Substitute
Amendment 2**

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Current Law

Under current law, the Governor, on behalf of the state, is authorized to negotiate and enter into gaming compacts to regulate the operation of Indian gaming facilities.

Assembly Bill 144

Assembly Bill 144 provides that the Governor may not enter into, amend, extend, or renew any Indian gaming compact that authorizes a gaming establishment on lands acquired by the U.S. Secretary of the Interior in trust for the benefit of an Indian tribe after October 17, 1988, until the Governor submits the compact to the Legislature, and the Legislature approves the proposed compact by joint resolution. If the Legislature does not approve without change the proposed compact, the compact must be returned to the Governor for renegotiation. This provision applies without regard to whether the land acquired in trust after that date is inside or outside the boundaries of the tribe's reservation.

The same requirements for approval apply to a compact that is for a period longer than 10 years, with a renewal provision of more than five years, if any.

Finally, under the bill, the Governor may not enter into, amend, extend, or renew any Indian gaming compact containing terms that in any way condition which gaming activities may be conducted under the compact based on gaming activities that are conducted in Canada.

Assembly Substitute Amendment 2

Under Assembly Substitute Amendment 2, the Governor may not enter into, amend, extend, or renew any Indian gaming compact that authorizes a gaming establishment on lands placed in trust for the benefit of a tribe after October 17, 1988, without legislative approval, as provided in the bill.

Under the substitute amendment, the same requirements for approval apply to a compact that is for a period longer than 15 years.

The substitute amendment also prohibits the Governor from entering into, amending, extending, or renewing any compact containing terms that condition gaming activities based on gaming activities conducted in Canada, as provided in the bill.

The substitute amendment additionally provides that the Governor may not enter into, amend, extend, or renew any compact unless: (1) that compact or its amendment requires the tribe to make a good faith effort to enter into an agreement with each local unit of government that provides services relating to the operation of gaming establishments authorized under the compact; and (2) the agreement with each local unit of government specifies that the tribe will reimburse the local unit of government for costs incurred by the local unit of government in providing such services.

Legislative History

Assembly Substitute Amendment 2 was offered by Representative Fitzgerald and was adopted by the Assembly on March 12, 2003, by a vote of Ayes, 59; Noes, 38. The Assembly passed the bill, as amended, on a vote of Ayes, 59; Noes, 38.

AS:tlujal