

1999 DRAFTING REQUEST**Bill**Received: **09/11/98**Received By: **nelsorp1**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**By/Representing: **Statz**This file may be shown to any legislator: **NO**Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - costs and fees**
Courts - miscellaneous

Extra Copies:

Topic:

DOA:.....Statz - Indian litigation appropriation for DOJ (Indian gaming initiative)

Instructions:

See Attached

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	nelsorp1 09/29/98	gilfokm 09/29/98	jfrantze 09/30/98	_____	lrb_docadmin 09/30/98		State
/1	nelsorp1 10/5/98	gilfokm 10/5/98	lpaasch 10/5/98	_____	lrb_docadmin 10/5/98		State
/2	nelsorp1 01/11/99	gilfokm 01/11/99	martykr 01/12/99	_____	lrb_docadmin 01/12/99		State
/3	nelsorp1 01/12/99	gilfokm 01/12/99	lpaasch 01/13/99	_____	lrb_docadmin 01/13/99		State
/4	nelsorp1 01/20/99	gilfokm 01/20/99	hhagen 01/20/99	_____	lrb_docadmin 01/20/99		State
/5	nelsorp1	gilfokm	jfrantze	_____	lrb_docadmin		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/20/99	01/20/99	01/21/99	_____	01/21/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **09/11/98**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - costs and fees**
Courts - miscellaneous

Extra Copies:

Topic:

DOA:.....Statz - Indian litigation appropriation for DOJ (Indian gaming initiative)

Instructions:

See Attached

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	nelsorp1 09/29/98	gilfokm 09/29/98	jfrantze 09/30/98	_____	lrb_docadmin 09/30/98		State
/1	nelsorp1 10/5/98	gilfokm 10/5/98	lpaasch 10/5/98	_____	lrb_docadmin 10/5/98		State
/2	nelsorp1 01/11/99	gilfokm 01/11/99	martykr 01/12/99	_____	lrb_docadmin 01/12/99		State
/3	nelsorp1 01/12/99	gilfokm 01/12/99	lpaasch 01/13/99	_____	lrb_docadmin 01/13/99		State
/4	nelsorp1 01/20/99	gilfokm 01/20/99	hhagen 01/20/99	_____	lrb_docadmin 01/20/99		State

15-1-20-99
Kmg
J/P
J/hl
1/21

1/20/99 1:10:00 PM

Page 2:

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/11/98

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees
Courts - miscellaneous

Extra Copies:

Topic:

DOA:.....Statz - Indian litigation appropriation for DOJ (Indian gaming initiative)

Instructions:

See Attached

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	nelsorp1 09/29/98	gilfokm 09/29/98	jfrantze 09/30/98	_____	lrb_docadmin 09/30/98		State
/1	nelsorp1 10/5/98	gilfokm 10/5/98	lpaasch 10/5/98	_____	lrb_docadmin 10/5/98		State
/2	nelsorp1 01/11/99	gilfokm 01/11/99	martykr 01/12/99	_____	lrb_docadmin 01/12/99		State
/3	nelsorp1 01/12/99	gilfokm 01/12/99	lpaasch 01/13/99	_____	lrb_docadmin 01/13/99		State

FE Sent For: *14-1-26-99 King* *11/20* *11/15/20*
 <END>

1999 DRAFTING REQUEST

Bill

Received: 09/11/98

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees
Courts - miscellaneous

Extra Copies:

Topic:

DOA:.....Statz - Indian litigation appropriation for DOJ

Instructions:

See Attached

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	nelsorp1 09/29/98	gilfokm 09/29/98	jfrantze 09/30/98	_____	lrb_docadmin 09/30/98		State
/1	nelsorp1 10/5/98	gilfokm 10/5/98	lpaasch 10/5/98	_____	lrb_docadmin 10/5/98		State
/2	nelsorp1 01/11/99	gilfokm 01/11/99	martykr 01/12/99	_____	lrb_docadmin 01/12/99		State

FE Sent For:

1/3-1-12-99
KMG

1-13LP

H3LP
IS
<END>

1999 DRAFTING REQUEST

Bill

Received: **09/11/98**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - costs and fees**
Courts - miscellaneous

Extra Copies: **RAC**

Topic:

DOA:.....Statz - Indian litigation appropriation for DOJ

Instructions:

See Attached

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	nelsorp1 09/29/98	gilfokm 09/29/98	jfrantze 09/30/98	_____	lrb_docadmin 09/30/98		State
/1	nelsorp1 10/5/98	gilfokm 10/5/98	lpaasch 10/5/98	_____	lrb_docadmin 10/5/98		State

FE Sent For:

12-1-1199
Kmg

dm/12

dm/12

ch

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/11/98

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees
Courts - miscellaneous

Extra Copies:

Topic:

DOA:.....Statz - Indian litigation appropriation for DOJ

Instructions:

See Attached

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	nelsorp1 09/29/98	gilfokm 09/29/98	jfrantze 09/30/98	_____	lrb_docadmin 09/30/98		State
FE Sent For:		11-10-5 Hmg	10-5 LP.	10-5 LP FS			
				<END>			

1999 DRAFTING REQUEST

Bill

Received: **09/11/98**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Justice 6-0929**

By/Representing: **Matt Frank**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - costs and fees**
Courts - miscellaneous

Extra Copies:

Topic:

Indian litigation appropriation for DOJ

Instructions:

See Attached

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	nelsorp1 09/29/98	gilfokm 09/29/98	jfrantze 09/30/98	_____	lrb_docadmin 09/30/98		State

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/11/98

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Justice 6-0929

By/Representing: Matt Frank

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - costs and fees
Courts - miscellaneous

Extra Copies:

Topic:

Indian litigation appropriation for DOJ

Instructions:

See Attached

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>
1?	nelsorp1	1/1-9-29 King	6/9/30	6/9/30 LP			

FE Sent For:

<END>

CORRESPONDENCE/MEMORANDUM**DEPARTMENT OF JUSTICE**

Date: September 8, 1998

To: Drafting Attorneys
Legislative Reference BureauFrom: Jack Benjamin
Department of JusticeSubject: 1999-01 BUDGET BILL: **Appropriation Language for Indian Litigation**

The Department of Justice requests that language be drafted for the 1999-01 budget bill, to broaden current appropriation language under sec. 20.455(1)(km), stats.—*Interagency and intra-agency assistance*. The issue is that we are requesting position and spending authority for additional Legal Services Division positions from Indian gaming proceeds, as described in the attached copy of our Decision Item. My assumption is that (1)(km) needs to be broadened to authorize our use of this appropriation to spend Indian gaming receipts under sec. 569.01. In addition, some of our Indian litigation work is for the benefit of **local** governments, etc., and not solely for **state agencies**, as specifically provided in (1)(km). I assume this does not preclude our using Indian gaming proceeds under (1)(km) for this purpose. If so, please advise; perhaps clarification could be provided in your draft.

Please direct any questions to Matt Frank (6-0929), Administrator for our Division of Legal Services, or his designee. When ready, the draft language should be forwarded to Kelly Kennedy (6-1221) in the Attorney General's capitol office. Thanks.

cc: Andy Cohn
Kelly Kennedy
Matt Frank

The Department requests PR-S increases of \$132,800 in FY 00 and \$154,800 in FY 01 and three positions, for Indian litigation. These resources are essential if we are to effectively represent the state's legal interests against many serious challenges being posed by different tribes in Wisconsin. Revenues are requested from Indian gaming receipts under sec. 569.01, stats.

Indian law has developed primarily out of clashes between sovereigns—tribes and states. That law is complicated and dynamic, the stakes are high, and the issues go to the essence of state and tribal sovereignty. The relatively recent growth in tribal resources has been mirrored by an increase in the number of actual and potential opportunities for litigation. It is important that the Legal Services Division, as attorney for the state, be able to meet this challenge—one of the most demanding and complex challenges faced by our agency, and by the state, in recent years.

The areas in which the Division will provide legal representation to the state are increasing in number, complexity and magnitude. As an example, just one of these areas—*tribes-as-states* status under the Clean Water Act—took almost the equivalent of one full-time attorney's time, working on four cases in federal court, in FY 98. The demands on attorney resources will only increase as work in this and other areas of Indian litigation mature. These areas include:

- **Clean Water Act Tribes-As-States**—These cases involve our challenges to U.S. Environmental Protection Agency decisions granting the equivalent of state authority to tribes to administer water quality programs within reservation boundaries. This

regulatory authority impairs the state's sovereignty and creates jurisdictional conflicts in areas on or near reservations. EPA conveyance of state status to tribes will subject non-members—both individuals and businesses—to regulatory control by tribal government, without any opportunity to participate in the regulatory process or to obtain judicial review of regulatory decisions. Our successful challenge in FY 97 to the EPA's decision-making process, and a pending U.S. Supreme Court case (for which we are writing the states' amicus brief), have resulted in a hiatus in tribal applications to obtain this status. However, there are applications in the pipeline, and they will likely surface after the U.S. Supreme Court case, and a case remaining in federal court in Wisconsin involving the Mole Lake tribe, are decided in 1999. If even half the 11 tribes in Wisconsin apply for state status, at least half of an attorney's time over the next five years will need to be devoted to those cases.

- **Clean Air Act Class 1 Redesignation**—These cases involve our challenges to EPA decisions granting tribal requests to redesignate reservations so as to require the most strict air pollution control. The implications for the state and its citizens, businesses and individuals, are similar to those described for the Clean Water Act cases in the previous example. The Potawatomi tribe's approval is expected in late 1998; many of the other tribes are expected to follow with applications of their own.

- **Trust Land Applications**—There are numerous issues associated with the expansion of trust land status for tribal

lands, particularly given plans for commercial development on trust land. Examples include the loss of tax revenues, increased demand for local government services, exemption from local zoning and health and safety codes, and potential for environmental harm from violations of state law that the state may not be able to enforce. A federal Department of Interior moratorium on approvals will end in the next year with the adoption of new rules—changes motivated in part by our lawsuit in 1997 involving a Ho-Chunk proposal. With the end of this moratorium, we will be swamped with approvals to be challenged.

- **Boundary Disputes and Jurisdiction**—Boundary and jurisdictional disputes often require considerable historical fact-finding efforts, and are considered very *resource-intensive* cases. Cases involving *diminishment* and *disestablishment* are expected in the next few years. One example is the Stockbridge-Munsee tribe's proposal to locate a Class III casino gambling establishment on land that the Wisconsin Supreme Court has determined is not within the diminished reservation boundaries. Another example is the same tribe's recent assertion of jurisdiction over waters within the reservation, in violation of non-tribal members' rights to fish on those public waters.
- **Recurring Environmental Issues**—We are monitoring situations that may develop into cases in which we assert the authority to regulate tribal activity that may violate state environmental laws off-reservation, such as discharges from wastewater plants on tribal land onto non-tribal land.

- **Spearing and Netting**—Every spring brings the potential for the exercise of spearing and related rights to create disputes that escalate to the point where litigation occurs. Recently, some tribes have suggested that netting not allowed under state law may be undertaken some time in the future.
- **Gaming**—The Legal Services Division is involved in a wide range of issues involving Indian gaming. Examples include:
 1. The Stockbridge-Munsee tribe recently notified the state of its intention to install and operate Class III gaming at its golf course in Shawano County. The state believes that this site is off the tribe's reservation and thus in violation of the tribe's earlier gaming compact with the state. At this time, alternative dispute resolution under the compact has not been successful and it is anticipated that litigation will be required to resolve this boundary dispute. From our prior experience in this type of litigation, it could be complex. These lawsuits require retrieving evidence of events over 150 years old, making it necessary to hire experts in rare specialties within anthropology, history, ethnohistory, archeology, linguistics, and foreign languages. Because of the size of the litigation, additional computer expertise is needed for document management and software.
 2. The renewal of the gaming compacts with the eleven tribes in the state present the potential for extended litigation. The Rec Cliff Band has refused to enter into a gaming compact renewal. The Oneida have requested that the Department of

Interior **not** approve the compact that was recently finalized. These two examples illustrate the numerous legal challenges that can be expected.

3. The Department is currently in litigation with the Coeur d'Alene tribe in federal court. We are challenging the ability of this out of state tribe to offer gaming to Wisconsin citizens via the Internet and long distance telephone. The suit was brought in the western district of Wisconsin and the tribe as appealed to the seventh circuit on jurisdictional issues.
4. The Department becomes involved with the investigation and potential prosecution of financial irregularities found at Indian gaming establishments, similar to those found at Mole Lake. The Division of Criminal Investigation assists with the investigation, and attorneys for the Legal Services Division consult and assist with the prosecution of the cases on the state and federal level.
5. Our attorneys are involved in analyzing changes that are being proposed to the Indian Gaming Regulatory Act. It is anticipated that significant amendments will be approved and the Department will be involved in implementing these changes.

The Legal Services Division has taken the lead, nationally, in establishing and developing the law in many of these areas. The interests of the state and all of its citizens require that the Division has the resources to continue doing so. Our existing resources will be overwhelmed by the magnitude of the cases that we are already seeing and those we know

are coming. Given the challenge posed by these cases to the very authority of the state of Wisconsin to exercise its sovereign powers, our request for two Attorneys, a Legal Secretary, and related funding is indeed a modest one. Moneys are available from Indian gaming receipts for this purpose, which would constitute a wise investment of these resources.



SOON
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0147/P1

RPN...:....
King

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

resulting from
all of the
following: A1.

1 AN ACT ^{Don't} ^{Gen. Cat.} relating to: using receipts from Indian gaming for department of
2 justice ^{legal services involving} Indian litigation ^{and making an appropriation}.

. P3.

. P2.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT
~~OTHER STATE GOVERNMENT~~

provides legal services to

Currently, the department of justice (DOJ) ~~represents~~ the state in litigation involving Indian law, including issues involving Indian and state sovereignty. DOJ also is involved with the regulation of Indian gaming and Indian gaming vendors. The Indian tribes pay to the state moneys as reimbursement for state costs of regulation of Indian gaming, certification and background investigations of Indian gaming vendors ~~and~~ Indian gaming services and assistance.

This bill allows part of the moneys received by the state from Indian gaming receipts to be used to fund DOJ legal services involving Indian litigation.

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

STET
regulating

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

3 SECTION 1. 20.455 (1) (g) of the statutes is created to read:

*(I) legal services
the*

1 20.455 (1) (g) *litigation*. From moneys received under s. 569.06,
2 the amounts in the schedule for the provision of Indian gaming legal services.

~~***NOTE: This change will require a change in the ch. 20 schedule.~~

INS. 2-R

3 SECTION 2. 20.505 (8) (h) of the statutes is amended to read:

4 20.505 (8) (h) *plain* **General program operations; Indian gaming.** The amounts in the
5 schedule for general program operations under ch. 569. All Indian gaming receipts,
6 as defined in s. 569.01 (1m), less the amounts appropriated under ~~s. 20.455 (1) (g)~~
7 and (2) (gc), shall be credited to this appropriation account. Annually, of the moneys
8 received under this appropriation account, an amount equal to 50% of the amount
9 in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation
10 account under s. 20.435 (7) (kg).

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 4/Ug, 4/Um, 4/Or, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491, 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283.

11 SECTION 3. 569.06 of the statutes is amended to read:

12 **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to
13 the appropriation accounts under ss. 20.455 (1) (g) and (2) (gc) and 20.505 (8) (h) as
14 specified under ss. 20.455 (1) (g) and (2) (gc) and 20.505 (8) (h).

History: 1993 a. 16; 1995 a. 27; 1997 a. 27.

15 (END)

20.455 (1) (g) *Indian gaming litigation*. From moneys received under s. 569.06, the amounts in the schedule for the provision of Indian gaming legal services.

Ins. 2-K

****NOTE: This change will require a change in the ch. 20 schedule.

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

****NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

SECTION 2. 20.505 (8) (h) of the statutes is amended to read:

*UPO:
note: bud*

20.505 (8) (h) *General program operations; Indian gaming*. The amounts in the schedule for general program operations under ch. 569. All Indian gaming receipts, as defined in s. 569.01 (1m), less the amounts appropriated under ss. 20.455 (1) (g) and (2) (gc), shall be credited to this appropriation account. Annually, of the moneys received under this appropriation account, an amount equal to 50% of the amount in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation account under s. 20.435 (7) (kg).

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 38, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283.

SECTION 3. 569.06 of the statutes is amended to read:

569.06 Indian gaming receipts. Indian gaming receipts shall be credited to the appropriation accounts under ss. 20.455 (1) (g) and (2) (gc) and 20.505 (8) (h) as specified under ss. 20.455 (1) (g) and (2) (gc) and 20.505 (8) (h).

History: 1993 a. 16; 1995 a. 27; 1997 a. 27.

(END)



500a
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0147/21
RPN:kmg:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DOA
topic
line

1 AN ACT ...; relating to: using receipts from Indian gaming for department of
2 justice legal services involving Indians. *the budget.*

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT

STATE FINANCE

Currently, the department of justice (DOJ) provides legal services to the state in litigation involving Indian law, including issues involving Indian and state sovereignty. DOJ also is involved with the regulation of Indian gaming and Indian gaming vendors. The Indian tribes pay moneys to the state as reimbursement for state costs resulting from all of the following:

1. Regulation of Indian gaming.
2. Certification and background investigations of Indian gaming vendors.
3. Indian gaming services and assistance.

This bill allows part of the moneys received by the state from Indian gaming receipts to be used to fund DOJ legal services involving Indians.

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

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

3 SECTION 1. 20.455 (1) (g) of the statutes is created to read:

1 20.455 (1) (g) *Indian gaming legal services*. From the moneys received under
2 s. 569.06, the amounts in the schedule for the provision of Indian gaming legal
3 services.

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

4 **SECTION 2.** 20.505 (8) (h) of the statutes is amended to read:

5 20.505 (8) (h) *General program operations; Indian gaming*. The amounts in the
6 schedule for general program operations under ch. 569. All Indian gaming receipts,
7 as defined in s. 569.01 (1m), less the amounts appropriated under s. 20.455 (1)(g) and
8 (2) (gc), shall be credited to this appropriation account. Annually, of the moneys
9 received under this appropriation account, an amount equal to 50% of the amount
10 in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation
11 account under s. 20.435 (7) (kg).

12 **SECTION 3.** 569.06 of the statutes is amended to read:

13 **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to
14 the appropriation accounts under ss. 20.455 (1)(g) and (2) (gc) and 20.505 (8) (h) as
15 specified under ss. 20.455 (1)(g) and (2) (gc) and 20.505 (8) (h).

16

(END)



5000
State of Wisconsin
1999 - 2000 LEGISLATURE

2
LRB-01474
RPN:kmg:lp

DOA:.....Statz – Indian litigation appropriation for DOJ
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*Don't
Gen Cat.*
1 **AN ACT relating to: the budget.**

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT

STATE FINANCE

Currently, the department of justice (DOJ) provides legal services to the state in litigation involving Indian law, including issues involving Indian and state sovereignty. DOJ also is involved with the regulation of Indian gaming and Indian gaming vendors. The Indian tribes pay moneys to the state as reimbursement for state costs resulting from all of the following:

1. Regulation of Indian gaming.
2. Certification and background investigations of Indian gaming vendors.
3. Indian gaming services and assistance.

*com
Compacts*
This bill allows part of the moneys received by the state from Indian gaming receipts to be used to fund DOJ legal services involving *Indian*.

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

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

2 **SECTION 1.** 20.455 (1) (g) of the statutes is created to read:

1 20.455 (1) (g) *Indian gaming legal services*. From the moneys received under
2 s. 569.06, the amounts in the schedule for the provision of Indian gaming legal
3 services.

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

4 **SECTION 2.** 20.505 (8) (h) of the statutes is amended to read:

5 20.505 (8) (h) *General program operations; Indian gaming*. The amounts in the
6 schedule for general program operations under ch. 569. All Indian gaming receipts,
7 as defined in s. 569.01 (1m), less the amounts appropriated under s. 20.455 (1)(g) and
8 (2) (gc), shall be credited to this appropriation account. Annually, of the moneys
9 received under this appropriation account, an amount equal to 50% of the amount
10 in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation
11 account under s. 20.435 (7) (kg).

12 **SECTION 3.** 569.06 of the statutes is amended to read:

13 **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to
14 the appropriation accounts under ss. 20.455 (1) (g) and (2) (gc) and 20.505 (8) (h) as
15 specified under ss. 20.455 (1) (g) and (2) (gc) and 20.505 (8) (h).

16

(END)

Insert
2-15

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0147/2
RPN & RAC.....

1 insert 2-15

2 SECTION 1. 20.455 (1) (kc) of the statutes is created to read:

3 20.455 (1) (kc) *Indian gaming legal services*. The amounts in the schedule for
4 the provision of Indian gaming legal services. All moneys transferrred from the
5 appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this
6 appropriation account

****NOTE: The creation of s. 20.455 (1) (kc) is based on the creation of s. 20.505 (8)
(hm) in LRB~~00~~-0757. If LRB~~00~~-0757 is not included in the budget bill, then this
paragraph will have to be redrafted.

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

7 SECTION 2. 20.505 (8) (hm) 13m. of the statutes is created to read:

8 20.505 (8) (hm) 13m. The amount transferred to s. 20.455 (1) (kc) shall be the
9 amount in the schedule under s. 20.455 (1) (kc).

****NOTE: The creation of s. 20.505 (8) (hm) 13m. is based on the creation of s. 20.505
(8) (hm) in LRB~~00~~-0757. If LRB~~00~~-0757 is not included in the budget bill, then this
subdivision will have to be redrafted.

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



500h
State of Wisconsin
1999 - 2000 LEGISLATURE

WFO: Fix
DOA line
↓

LRB-0147/2 ³
RPN:kmg:km

D-Note

DOA:.....Statz – Indian litigation appropriation for DOJ (*Indian gaming initiative*)
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*Don't
Can Cal.*

1 AN ACT ..., relating to: the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT

STATE FINANCE

Currently, the department of justice (DOJ) provides legal services to the state in litigation involving Indian law, including issues involving Indian and state sovereignty. DOJ also is involved with the regulation of Indian gaming and Indian gaming vendors. The Indian tribes pay moneys to the state as reimbursement for state costs resulting from all of the following:

1. Regulation of Indian gaming.
2. Certification and background investigations of Indian gaming vendors.
3. Indian gaming services and assistance.

This bill allows part of the moneys received by the state from Indian gaming compacts to be used to fund DOJ legal services involving Indian gaming litigation.

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

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

2 SECTION 1. 20.455 (1) (kc) of the statutes is created to read:

1 20.455 (1) (kc) *Indian gaming legal services*. The amounts in the schedule for
2 the provision of Indian gaming legal services. All moneys transferred from the
3 appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this
4 appropriation account

****NOTE: The creation of s. 20.455 (1) (kc) is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this paragraph will have to be redrafted.

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

5 **SECTION 2.** 20.505 (8) (hm) 13m. of the statutes is created to read:

6 20.505 (8) (hm) 13m. The amount transferred to s. 20.455 (1) (kc) shall be the
7 amount in the schedule under s. 20.455 (1) (kc).

****NOTE: The creation of s. 20.505 (8) (hm) 13m. is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this subdivision will have to be redrafted.

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

8

(END)

D-Note

*This draft makes a minor
technical change in the Topic
subject line.*

RPN
[Signature]

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0147/3dn
RPN:kmg:lp

January 13, 1999

This draft makes a minor technical change in the Topic line.

Robert P. Nelson
Senior Legislative Attorney
267-7511



5004
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0147/B
RPN:kmg:lp

DOA:.....Statz - Indian litigation appropriation for DOJ (Indian gaming initiative)

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT *Don't Gen Cat* relating to: the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT

STATE FINANCE

Currently, the department of justice (DOJ) provides legal services to the state in litigation involving Indian law, including issues involving Indian and state sovereignty. DOJ also is involved with the regulation of Indian gaming and Indian gaming vendors. The Indian tribes pay moneys to the state as reimbursement for state costs resulting from all of the following:

1. Regulation of Indian gaming.
2. Certification and background investigations of Indian gaming vendors.
3. Indian gaming services and assistance.

This bill allows part of the moneys received by the state from Indian gaming compacts to be used to fund DOJ legal services involving Indian ~~gaming~~ litigation.

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

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

1 **SECTION 1.** 20.455 (1) (kc) of the statutes is created to read:

2 20.455 (1) (kc) *Indian gaming legal services*. The amounts in the schedule for

3 the provision of Indian ~~gaming~~^{law} legal services. All moneys transferred from the

4 appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this

5 appropriation account

 ****NOTE: The creation of s. 20.455 (1) (kc) is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this paragraph will have to be redrafted.

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

6 **SECTION 2.** 20.505 (8) (hm) 13m. of the statutes is created to read:

7 20.505 (8) (hm) 13m. The amount transferred to s. 20.455 (1) (kc) shall be the

8 amount in the schedule under s. 20.455 (1) (kc).

 ****NOTE: The creation of s. 20.505 (8) (hm) 13m. is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this subdivision will have to be redrafted.

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

9

(END)



^{soon}
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0147/4-5
RPN:kmg:hmh

DOA:.....Statz – Indian litigation appropriation for DOJ (Indian gaming initiative)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*Don't
from Cat.*

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Currently, the department of justice (DOJ) provides legal services to the state in litigation involving Indian law, including issues involving Indian and state sovereignty. DOJ also is involved with the regulation of Indian gaming and Indian gaming vendors. The Indian tribes pay moneys to the state as reimbursement for state costs resulting from all of the following:

1. Regulation of Indian gaming.
2. Certification and background investigations of Indian gaming vendors.
3. Indian gaming services and assistance.

This bill allows part of the moneys received by the state from Indian gaming compacts to be used to fund DOJ legal services involving Indian litigation.

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

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

1 **SECTION 1.** 20.455 (1) (kc) of the statutes is created to read:

2 20.455 (1) (kc) *Indian ~~services~~ ^{law} legal services*. The amounts in the schedule for
3 the provision of Indian ^{law} legal services. All moneys transferred from the
4 appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this
5 appropriation account.

 ***NOTE: The creation of s. 20.455 (1) (kc) is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this paragraph will have to be redrafted.

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

6 **SECTION 2.** 20.505 (8) (hm) 13m. of the statutes is created to read:

7 20.505 (8) (hm) 13m. The amount transferred to s. 20.455 (1) (kc) shall be the
8 amount in the schedule under s. 20.455 (1) (kc).

 ***NOTE: The creation of s. 20.505 (8) (hm) 13m. is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this subdivision will have to be redrafted.

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

9

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0147/5
RPN:kmg:jf

DOA:.....Statz – Indian litigation appropriation for DOJ (Indian gaming initiative)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Currently, the department of justice (DOJ) provides legal services to the state in litigation involving Indian law, including issues involving Indian and state sovereignty. DOJ also is involved with the regulation of Indian gaming and Indian gaming vendors. The Indian tribes pay moneys to the state as reimbursement for state costs resulting from all of the following:

1. Regulation of Indian gaming.
2. Certification and background investigations of Indian gaming vendors.
3. Indian gaming services and assistance.

This bill allows part of the moneys received by the state from Indian gaming compacts to be used to fund DOJ legal services involving Indian litigation.

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

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

SECTION 1. 20.455 (1) (kc) of the statutes is created to read:

20.455 (1) (kc) *Indian law legal services.* The amounts in the schedule for the provision of Indian law legal services. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 13m. shall be credited to this appropriation account.

****NOTE: The creation of s. 20.455 (1) (kc) is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this paragraph will have to be redrafted.

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

SECTION 2. 20.505 (8) (hm) 13m. of the statutes is created to read:

20.505 (8) (hm) 13m. The amount transferred to s. 20.455 (1) (kc) shall be the amount in the schedule under s. 20.455 (1) (kc).

****NOTE: The creation of s. 20.505 (8) (hm) 13m. is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill, then this subdivision will have to be redrafted.

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

(END)