

1999 DRAFTING REQUEST

Bill

Received: **12/21/98**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - law enforcement**

Extra Copies: **RAC**

Topic:

DOA:.....Statz - Tribal law enforcement assistance (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>
/1	olsenje 12/24/98	jgeller 12/25/98	hhagen 12/28/98	_____	lrb_docadmin 12/28/98		State
/2	olsenje 01/14/99	jgeller 01/14/99	lpaasch 01/14/99	_____	lrb_docadmin 01/14/99		State
/3	olsenje 01/18/99	jgeller 01/18/99	hhagen 01/19/99	_____	lrb_docadmin 01/19/99		State

FE Sent For:

<END>

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13/18 jlg #1/19 #1/19

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1/2 1/14 jlg

LP1-14

*LP 1-14
JP*

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1?	olsenje	1/1 12/25 JLG	12/28	12/28			

FE Sent For:

<END>

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

(Indian Gaming Authority)

cc PRAC
1413

Date: December 18, 1998

To: Steve Miller
Legislative Reference Bureau

From: Andrew J. Statz AS
DOA - State Budget Office

Subd. 15.

Subject: Stockbridge-Munsee and Bad River Tribal Law Enforcement Assistance

We need to draft statutory language for a grant to direct Indian gaming compact money under s. 20.505(8)(hm) to the Stockbridge-Munsee and Bad River tribes for law enforcement assistance.

This grant will require a new PR-S ^{annual} ~~continuing~~ appropriation in OJA for a new grant totaling \$200,000 in FY01 in additional funding directly to the Bad River and Stockbridge-Munsee tribes for tribal law enforcement operations. Language should be as loose as possible to allow the tribes flexibility with the money to best meet their needs. The Chapter 20 provision could read:

s. 20.505(6)(ka) *Stockbridge-Munsee and Bad River tribal law enforcement assistance.* The amounts in the schedule to provide grants to Stockbridge-Munsee and Bad River tribes for tribal law enforcement operations.

Because OJA needs the authority to administer this grant, it may also need to be defined under s. 16.964 *Office of Justice Assistance.* Very general language could read:

(6) The office shall provide grants to the Stockbridge-Munsee and Bad River tribes from the appropriation under 20.505(6)(ka) for the purpose of funding tribal law enforcement operations. The office shall develop application and review criteria for use in administering the grants.

This grant is on-going and is not associated with the existing county-tribal law enforcement program under DOJ. This grant is not open to competition. It is a discretionary grant to the two tribes to establish or provide tribal law enforcement services.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1413/1

JEO:.....

jlg

S...
D-Note

DOA:.....Statz - Tribal law enforcement assistance (Indian gaming initiative)

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Do not gen.

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

Current law provides various grant programs to local and tribal law enforcement agencies. This draft creates a grant program in the department of administration's office of justice assistance (OJA) that will provide money to fund the tribal law enforcement operations of the Stockbridge-Munsee and Bad River Indian tribes. The tribes must apply to OJA for a grant and must propose a plan for spending the grant money. OJA must review grant applications and the use of any grant money provided. OJA also must develop criteria and procedures for use in administering the grant program.

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. 16.964 (6)^X of the statutes is created to read:

1 16.964 (6) (a) From the appropriation under s. 20.505 (6) (ks), the office shall
 2 provide grants to the Stockbridge-Munsee and Bad River Indian tribes to fund tribal
 3 law enforcement operations. To be eligible for a grant under this subsection, a tribe
 4 must submit an application for a grant to the office that includes a proposed plan for
 5 expenditure of the grant moneys. The office shall review any application and plan
 6 submitted to determine whether that application and plan meet the criteria
 7 established under par. (b). The office shall review the use of grant money provided
 8 under this subsection to ensure that the money is used according to the approved
 9 plan.

10 (b) The office shall develop criteria and procedures for use in administering this
 11 subsection. Notwithstanding s. 227.10 (1), the criteria need not be promulgated as
 12 rules under ch. 227.

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

14 20.505 (6) (ks) *Tribal law enforcement assistance.* The amounts in the schedule
 15 to provide grants for tribal law enforcement under s. 16.964 (6).

NOTE: bud →

****NOTE: The creation of s. 20.505 (6) (ks) 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 this paragraph will have to be redrafted.

16 **SECTION 3.** 20.505 (8) (hm) 15. of the statutes is created to read:

17 20.505 (8) (hm) 15. The amount transferred to s. 20.505 (6) (ks) shall be the
 18 amount in the schedule under s. 20.505 (6) (ks).

****NOTE: The creation of s. 20.505 (8) (hm) 15. 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 this subdivision will have to be redrafted.

(END)

D-NOTE



NO #

All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15. shall be credited to this appropriation account.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1413/1dn

JEO:.....

Jg

Please review proposed s. 16.964 (6)✓ carefully to make sure that it does what you want it to do. Note that a grant program that is limited to two Indian tribes may be a private or local law that must be passed in a single-subject bill as provided under article IV, section 18, of the Wisconsin constitution.

↑

Jefren E. Olsen
Legislative Attorney
266-8906

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

LRB-1413/1dn
JEO;jlg:hmh

Monday, December 28, 1998

Please review proposed s. 16.964 (6) carefully to make sure that it does what you want it to do. Note that a grant program that is limited to two Indian tribes may be a private or local law that must be passed in a single-subject bill as provided under article IV, section 18, of the Wisconsin Constitution.

Jefren E. Olsen
Legislative Attorney
266-8906

Olsen, Jefren

From: Statz, Andrew [andrew.statz@doa.state.wi.us]
Sent: Wednesday, January 13, 1999 5:00 PM
To: Olsen, Jefren
Subject: Revision to #1413/1

To reflect the Gov's decision, we need to revise # 1413/1 "Tribal law enforcement assistance."

The Gov wants this grant open to ALL tribes in the state. Accordingly, please strike specific references to the Stockbridge-Munsee and Bad River tribes.

This change should also eliminate our concerns about this being contested as a provincial or localized issue.

Andrew J. Statz
State Budget Office
608-267-0370



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1413/1-2

JEO:jlg:hmh

*redraft
revised
rev*

Seen

DOA:.....Statz - Tribal law enforcement assistance (Indian gaming initiative)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*federally recognized
Indian tribes and
bands in this
state*

do not gen

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law provides various grant programs to local and tribal law enforcement agencies. This draft creates a grant program in the department of administration's office of justice assistance (OJA) that will provide money to fund the tribal law enforcement operations of ~~the Stock Bridge, Muskegon and Bad River Indian tribes~~. The tribes must apply to OJA for a grant and must propose a plan for spending the grant money. OJA must review grant applications and the use of any grant money provided. OJA also must develop criteria and procedures for use in administering the grant program.

and bands

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. 16.964 (6) of the statutes is created to read:

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16.964 (6)(a) From the appropriation under s. 20.505 (6) (ks), the office shall provide grants to ~~the Stockbridge-Munsee and Bad River Indian~~ tribes to fund tribal law enforcement operations. To be eligible for a grant under this subsection, a tribe must submit an application for a grant to the office that includes a proposed plan for expenditure of the grant moneys. The office shall review any application and plan submitted to determine whether that application and plan meet the criteria established under par. (b). The office shall review the use of grant money provided under this subsection to ensure that the money is used according to the approved plan.

(b) The office shall develop criteria and procedures for use in administering this subsection. Notwithstanding s. 227.10 (1), the criteria need not be promulgated as rules under ch. 227.

SECTION 2. 20.505 (6) (ks) of the statutes is created to read:

20.505 (6) (ks) *Tribal law enforcement assistance.* The amounts in the schedule to provide grants for tribal law enforcement under s. 16.964 (6). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15. shall be credited to this appropriation account.

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

****NOTE: The creation of s. 20.505 (6) (ks) is based on the creation of s. 20.505 (8) (hm) in LRB-0757. If LRB-0757 is not included in the budget bill this paragraph will have to be redrafted.

SECTION 3. 20.505 (8) (hm) 15. of the statutes is created to read:

20.505 (8) (hm) 15. The amount transferred to s. 20.505 (6) (ks) shall be the amount in the schedule under s. 20.505 (6) (ks).

****NOTE: The creation of s. 20.505 (8) (hm) 15. is based on the creation of s. 20.505 (8)(hm) in LRB-0757. If LRB-0757 is not included in the budget bill this subdivision will have to be redrafted.

1

(END)

LRB-1413/2 ins

SNS 2-1

ms
7 (a) In this subsection, "tribe" means a
federally recognized } American Indian tribe or band
in this state.

Olsen, Jefren

From: Statz, Andrew [andrew.statz@doa.state.wi.us]
Sent: Saturday, January 16, 1999 3:00 PM
To: Olsen, Jefren
Cc: Miller, Steve
Subject: Misc. revisions

#0454/1 -- Please strike the reference to "bequests" in the title. Also, references to (g) and (h) must be updated to reflect changes in #1265 Distribution of penalty assessment. I imagine you could include this with revisions to 1265 that we just discussed.

#1413/2 -- Please strike "department of administration's" in the opening narrative (second sentence on page 1). This is a minor technicality.

#1268/1 -- Please revise line 2 on page 3 to read, "commitment proceedings under ch. 980 in any prosecutorial unit in this state as defined in 978.001(2).

Thanks as always.

Andrew J. Statz
State Budget Office
608-267-0370



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1413/Z
JEO:jlg:lp

Soon

3
redraft
make
run

DOA:.....Statz - Tribal law enforcement assistance (Indian gaming initiative)

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

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

in the department of administration (DOA)

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

→ Current law provides various grant programs to local and tribal law enforcement agencies. This draft creates a grant program in the ~~department of administration~~ office of justice assistance (OJA) that will provide money to fund the law enforcement operations of federally recognized Indian tribes and bands in this state. The tribes and bands must apply to OJA for a grant and must propose a plan for spending the grant money. OJA must review grant applications and the use of any grant money provided. OJA also must develop criteria and procedures for use in administering the grant program.

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

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1 16.964 (6) (a) In this subsection, “tribe” means a federally recognized American
2 Indian tribe or band in this state.

3 (b) From the appropriation under s. 20.505 (6) (ks), the office shall provide
4 grants to tribes to fund tribal law enforcement operations. To be eligible for a grant
5 under this subsection, a tribe must submit an application for a grant to the office that
6 includes a proposed plan for expenditure of the grant moneys. The office shall review
7 any application and plan submitted to determine whether that application and plan
8 meet the criteria established under par. (b). The office shall review the use of grant
9 money provided under this subsection to ensure that the money is used according to
10 the approved plan.

11 (c) The office shall develop criteria and procedures for use in administering this
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1

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1413/3
JEO:jlg:hmh

DOA:.....Statz - Tribal law enforcement assistance (Indian gaming initiative)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

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OTHER STATE GOVERNMENT

Current law provides various grant programs to local and tribal law enforcement agencies. This draft creates a grant program in the office of justice assistance (OJA) in the department of administration (DOA) that will provide money to fund the law enforcement operations of federally recognized Indian tribes and bands in this state. The tribes and bands must apply to OJA for a grant and must propose a plan for spending the grant money. OJA must review grant applications and the use of any grant money provided. OJA also must develop criteria and procedures for use in administering the grant program.

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