

**2001 DRAFTING REQUEST**

**Bill**

Received: **01/09/2002**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **Jim**

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

Drafter: **champra**

May Contact:

Addl. Drafters:

Subject: **Gambling - Indian gaming**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grothman@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Display of signs on gambling machines governed by Indian gaming compacts

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**Instructions:**

Redraft 1999 AB949

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**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>
/?	champra 01/09/2002	rschluet 01/22/2002					S&L
/1			pgreensl 01/23/2002		lrb_docadmin 01/23/2002	lrb_docadmin 02/26/2002	

FE Sent For:

@ introduction

<END>

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1?	champra	1/22 jlc	1/23 Pg	1/23 self.			

FE Sent For:

<END>



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1910/1  
ISR: wlj&jlg:km

LRB-4645/1

RAC-GS +  
Jld

2001  
1999 ASSEMBLY BILL 949

March 30, 2000 - Introduced by Representative GROTHMAN. Referred to Committee on State Affairs.

Regen. cont.

1 AN ACT to renumber and amend 14.035; and to create 14.035 (1) and 14.035  
2 (3) of the statutes; relating to: requiring Indian gaming compacts to contain  
3 provisions requiring that a sign stating the expected loss per hour of play be  
4 displayed on gambling machines. ✓

**Analysis by the Legislative Reference Bureau**

Under current law, the governor may negotiate and enter into Indian gaming compacts. These compacts are regulated by the federal Indian Gaming Regulatory Act.

This bill requires that before the governor may enter into a gaming compact, the compact must contain a provision requiring that signs stating the expected loss per hour of play for each denomination that may be played on the machine, as determined by the director of Indian gaming, be displayed on all gambling devices authorized by the compact.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill. ✓ and LOCA 1

→ Fix component

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

ASSEMBLY BILL 949

PWF  
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SECTION 1. 14.035 of the statutes is renumbered 14.035 (2) and amended to read:

14.035 (2) The Subject to sub. (3), the governor may, on behalf of this state, enter into any compact that has been negotiated under 25 USC 2710 (d).

SECTION 2. 14.035 (1) of the statutes is created to read:

14.035 (1) In this section, "gambling machine" means a slot machine or any mechanical, electromechanical, or electronic device that is generally available to be played at a gambling casino.

SECTION 3. 14.035 (3) of the statutes is created to read:

14.035 (3) The governor may only enter into a compact under sub. (2) if the compact requires that a sign be prominently displayed on each gambling machine authorized by the compact that states the average expected loss per hour of play for each denomination that may be played on the machine as determined by the director of Indian gaming. The lettering on the sign shall be printed in a 36-point font.

(END)

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

LRB-1910/P2dn

ISR:wlj:jf

4645/81

RAC: *ostjld*

~~March 25, 1999~~

Date

Representative Grothman:

Under this draft, an Indian gaming compact must require the tribe to place signs stating the average expected loss per hour of play for each denomination that may be played on the machine. The average expected loss per hour of play for each denomination will be determined by the director of Indian gaming who is appointed by the secretary of administration.

This draft raises the issue of whether a state law that requires all Indian gaming compacts to contain a specific provision violates the requirement of the Indian Gaming Regulatory Act (IGRA) that a state negotiate with a tribe in good faith. 25 USC 2710 (d) (3) (A). It is possible that a court may find that the requirement prohibits the state from negotiating with a tribe in good faith because it removes certain aspects of gaming regulation from the negotiating process. See *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Wisconsin*, 770 F. Supp. 480 (W.D. Wis. 1991); *Coeur d'Alene Tribe v. Idaho*, 842 F. Supp. 1268 (D. Idaho 1994).

If a court finds that a state did not negotiate in good faith, IGRA provides that a court must order the state and the tribe to agree on a gaming compact within 60 days. 25 USC 2710 (7) (B) (iii). If after 60 days the two parties fail to reach an agreement, the state and tribe must each submit a proposed gaming compact to a mediator who will then decide which compact best complies with the terms and intent of IGRA.

Please review this draft carefully to make sure it reflects your intent. If you have any questions or comments, please feel free to contact me.

~~Ivy G. Sager-Rosenthal~~

~~Legislative Attorney~~

~~Phone: (608) 261-4455~~

~~E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us~~

RAC



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

LRB-4645/1dn  
RAC:rs&jld:pg

January 23, 2002

Representative Grothman:

Under this draft, an Indian gaming compact must require the tribe to place signs stating the average expected loss per hour of play for each denomination that may be played on the machine. The average expected loss per hour of play for each denomination will be determined by the director of Indian gaming who is appointed by the secretary of administration.

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Please review this draft carefully to make sure it reflects your intent. If you have any questions or comments, please feel free to contact me.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

**Emery, Lynn**

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**From:** Emerson, James  
**Sent:** Tuesday, February 26, 2002 10:47 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-4645/1 Topic: Display of signs on gambling machines governed by Indian gaming compacts

It has been requested by <Emerson, James> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-4645/1 Topic: Display of signs on gambling machines governed by Indian gaming compacts