

2003 SENATE BILL 62

March 10, 2003 – Introduced by Senators WELCH, S. FITZGERALD, PANZER, BROWN, LAZICH, ROESSLER, KANAVAS, ELLIS, DARLING, A. LASEE, HARSDORF, KEDZIE, STEPP, LEIBHAM, REYNOLDS, COWLES and SCHULTZ, cosponsored by Representatives J. FITZGERALD, KRAWCZYK, KESTELL, HUNDERTMARK, F. LASEE, GUNDERSON, M. WILLIAMS, D. MEYER, HUEBSCH, LADWIG, LEMAHIEU, SUDER, LOTHIAN, NISCHKE, FREESE, VRAKAS, UNDERHEIM, KREIBICH, HAHN, OWENS, AINSWORTH, JENSEN, VUKMIR, OTT, JESKEWITZ, VAN ROY, J. WOOD, RHOADES and GUNDRUM. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

- 1 **AN ACT** *to renumber and amend* 14.035; and *to create* 14.035 (2), 14.035 (3)
 2 and 14.035 (4) of the statutes; **relating to:** Indian gaming compacts.

Analysis by the Legislative Reference Bureau

Currently, the governor, on behalf of the state, is authorized to negotiate and enter into gaming compacts to regulate the operation of Indian gaming facilities. These compacts are governed by the federal Indian Gaming Regulatory Act (IGRA) and provide for locating gaming establishments on Indian lands that existed on or before the enactment date of IGRA, which was October 17, 1988, and Indian lands acquired by the U.S. secretary of the interior in trust for the benefit of an Indian tribe after October 17, 1988. This bill prohibits the governor from entering into, amending, extending, or renewing any compact containing terms that:

1. Authorize 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 legislature approves the proposed compact by joint resolution.

2. Are for a period longer than ten years, with a renewal provision of more than five years, if any, until the legislature approves the proposed compact by joint resolution.

3. In any way condition which gaming activities may be conducted under the compact based on gaming activities that are conducted in Canada.

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

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

3 14.035 (1) ~~The Subject to subs. (2) to (4), the governor may, on behalf of this~~
4 state, enter into any compact that has been negotiated under 25 USC 2710 (d).

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

6 14.035 (2) The governor may not enter into, amend, extend, or renew any
7 compact negotiated under sub. (1) that authorizes a gaming establishment on lands
8 acquired by the U.S. secretary of the interior in trust for the benefit of an Indian tribe
9 after October 17, 1988, until the governor submits the compact to the legislature and
10 the legislature approves the proposed compact by joint resolution. If the legislature
11 does not approve without change the proposed compact, the compact shall be
12 returned to the governor for renegotiation.

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

14 14.035 (3) The governor may not enter into, amend, extend, or renew any
15 compact negotiated under sub. (1) that is for a period longer than 10 years, with a
16 renewal provision of more than 5 years, if any, until the governor submits the
17 compact to the legislature and the legislature approves the proposed compact by joint
18 resolution. If the legislature does not approve without change the proposed compact,
19 the compact shall be returned to the governor for renegotiation.

20 **SECTION 4.** 14.035 (4) of the statutes is created to read:

21 14.035 (4) The governor may not enter into, amend, extend, or renew any
22 compact negotiated under sub. (1) containing terms that in any way condition which
23 gaming activities may be conducted under the compact based on gaming activities
24 that are conducted in Canada.

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(END)