

**SENATE AMENDMENT 116,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 44**

June 18, 2003 – Offered by Senator BRESKE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 33, line 10: after that line insert:

3 “**SECTION 148m.** 16.19 of the statutes is created to read:

4 **16.19 Reimbursement of local governments for certain law**
5 **enforcement and emergency services.** Any county or municipality that incurred
6 costs on or after the beginning of the 5–year period ending on the effective date of this
7 section [revisor inserts date], or incurs costs at any time after the effective date
8 of this section [revisor inserts date], to provide law enforcement, fire protection,
9 ambulance, or any other emergency services to Indian tribal land and that is not
10 reimbursed for those costs within a reasonable period following a request for
11 reimbursement by the appropriate Indian tribal government may file a claim with
12 the department for reimbursement of those costs. The claim shall be accompanied

1 by appropriate substantiation of any costs incurred. The department shall audit the
2 claim and verify that the costs are reasonably incurred and that reasonable efforts
3 have been made by the county or municipality to collect the amount due. If the
4 department verifies the amount of the claim and determines that the claim is
5 justified, the department shall pay the claim from the appropriation under s. 20.505
6 (1) (ko) if the claim relates to the period on or after the beginning of the 5–year period
7 ending on the effective date of this section [revisor inserts date], and the
8 department shall pay the claim from the appropriation under s. 20.505 (8) (k) if the
9 claim relates to the period after the effective date of this section [revisor inserts
10 date]. The claims that are paid from the appropriation under s. 20.505 (8) (k) shall
11 be deposited into accounts established under s. 66.0306 (2) (c) 3. If the amount of
12 claims to be paid from the appropriation under s. 20.505 (8) (k) in any year exceeds
13 the amount that is appropriated under s. 20.505 (8) (k), the department shall prorate
14 the claims.”.

15 **2.** Page 343, line 18: after that line insert:

16 “**SECTION 574m.** 20.505 (1) (ko) of the statutes is created to read:

17 20.505 (1) (ko) *Law enforcement and emergency services reimbursement.* A sum
18 sufficient to provide reimbursement to counties and municipalities for law
19 enforcement, fire protection, ambulance, or any other emergency services costs as
20 provided in s. 16.19. All moneys transferred from the appropriation account under
21 sub. (8) (hm) 23. shall be credited to this appropriation account.”.

22 **3.** Page 352, line 23: delete “66.0306 (3) (b) and (c)” and substitute “16.19”.

23 **4.** Page 353, line 1: before that line insert:

24 “**SECTION 615q.** 20.505 (8) (hm) 23. of the statutes is created to read:

1 20.505 **(8)** (hm) 23. The amount transferred to sub. (1) (ko) shall be the amount
2 appropriated under sub. (1) (ko).”.

3 **5.** Page 589, line 25: delete the material beginning with that line and ending
4 with page 594, line 12, and substitute:

5 “**SECTION 1531m.** 66.0306 of the statutes is created to read:

6 **66.0306 Local revenue sharing board; Indian gaming compacts. (1)**

7 DEFINITIONS. In this section:

8 (a) “Board” means a local revenue sharing board created under sub. (2).

9 (b) “Compact” means an Indian gaming compact entered into under s. 14.035.

10 (c) “Political subdivision” means a city, village, town, or county that borders
11 Indian tribal land.

12 (d) “Public safety entities” means all of the following departments, agencies,
13 or subunits of a political subdivision that are obligated to provide services to a
14 particular facility:

15 1. A fire department.

16 2. An emergency medical services department, whose personnel include an
17 emergency medical technician licensed under s. 146.50, a first responder certified
18 under s. 146.50 (8), or other personnel who operate or staff an ambulance or
19 authorized emergency vehicle.

20 3. A governmental unit of one or more persons employed full time by a political
21 subdivision for the purpose of preventing and detecting crime and enforcing state
22 laws or local ordinances, employees of which unit are authorized to make arrests for
23 crimes while acting within the scope of their authority.

1 **(2) CREATION, MEMBERSHIP, AND POWERS OF A LOCAL REVENUE SHARING BOARD. (a)**

2 *Creation.* 1. A board may be created by a county and at least one city, village, or town
3 if the political subdivisions border Indian tribal land. The governing bodies of the
4 political subdivisions shall enact an ordinance creating a board and the members of
5 the board shall be appointed under par. (b). Each member of a board shall serve at
6 the pleasure of the governing body or group that appoints the individual. A political
7 subdivision may be a member of only one board. If a city or village is in more than
8 one county, the city or village may choose the county with which it would like to form
9 a board.

10 2. All political subdivisions whose public safety entities provide services to
11 Indian tribal land shall establish a group that is made up of the highest ranking
12 member of each public safety entity. Such a group shall appoint one member of the
13 board under par. (b) 3., who shall serve at the pleasure of the group.

14 (b) *Membership.* 1. The governing body of each city, village, or town which
15 borders Indian tribal land shall appoint one member of the board.

16 2. The county board of the county which borders Indian tribal land shall
17 appoint one member of the board.

18 3. The members of the group described under par. (a) 2. shall appoint one
19 member of the board.

20 (c) *Responsibilities, meetings, compensation.* 1. A board shall select from
21 among its members a president, vice president, and secretary–treasurer. Meetings
22 of a board may be called by the president or by any other member of the board, and
23 shall be held in a building in which the governing body of a political subdivision holds
24 its meetings.

1 2. A member of a board may not receive any compensation for serving on the
2 board, but shall be reimbursed by the political subdivision that appoints or confirms
3 the member for any actual and necessary expenses that he or she incurs relating to
4 service on the board. The reimbursement of the member appointed under par. (b) 3.
5 shall be apportioned among the political subdivisions described under par. (a) 2.

6 3. A board shall establish an account at a financial institution, as defined in s.
7 69.30 (1) (b), and shall deposit into the account any revenues received under s. 16.19.

8 4. All members appointed under par. (b) constitute a quorum, and a majority
9 of a quorum may act in any matter within the jurisdiction of the board.

10 5. Annually, a board shall determine the costs incurred by each member
11 political subdivision that provides services to Indian tribal land, based on the method
12 determined under par. (d) 2. The total amount of these costs may be certified to the
13 department of administration, except that if the total amount of these costs exceed
14 the amount that is appropriated under s. 20.505 (8) (k), the department shall prorate
15 the certified total amount.

16 (d) *Cooperation agreement.* The governing bodies of each political subdivision
17 that is represented on a board shall enter into an intergovernmental cooperation
18 agreement under s. 66.0301 that addresses at least all of the following:

19 1. The public safety entities, including police, fire, and rescue services, that are
20 to receive payments under sub. (4) (a), and the apportionment formula among the
21 political subdivisions.

22 2. A method to determine the costs incurred by each political subdivision as a
23 result of their proximity to Indian tribal lands, for the purpose of apportioning any
24 payments that are made under sub. (4) (a).

1 3. The apportionment formula among the political subdivisions for any
2 payments that are made under sub. (4) (b).

3 4. A mechanism to provide any supplies that are needed by the board.

4 **(3) RECEIPT OF GAMING REVENUES.** (a) If a compact requires payments to a
5 political subdivision, such payments shall be deposited into the appropriation under
6 20.505 (8) (k) for disbursement under s. 16.19.

7 (b) If a compact does not require payments to a political subdivision, the
8 department of administration shall pay annually to the boards, from the
9 appropriation under s. 20.505 (8) (k), the amount certified under sub. (2) (c) 5.

10 (c) If a compact requires payments to a political subdivision and such payments
11 are less than the amount certified under sub. (2) (c) 5., the department of
12 administration shall pay annually to the boards, from the appropriation under s.
13 20.505 (8) (k), an amount equal to the difference between the amount certified under
14 sub. (2) (c) 5. and the amount that is paid to the political subdivision under the
15 compact, subject to the proration described under sub. (2) (c) 5.

16 **(4) DISBURSEMENT OF GAMING REVENUES.** Annually, from the amounts deposited
17 into an account under sub. (2) (c) 3., each board shall make the following
18 disbursements, in the following order:

19 (a) To public safety entities, based on costs incurred, and based on the
20 apportionment formula described under sub. (2) (d) 1.

21 (b) To each political subdivision that is represented on the board by a person
22 appointed under sub. (2) (b) 1. and 2., any funds that remain in the account after
23 making the payments under par. (a) based on the apportionment formula described
24 under sub. (2) (d) 3.

