

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB44)

Received: 06/16/2003

Received By: jkuesel

Wanted: Soon

Identical to LRB:

For: Roger Breske (608) 266-2509

By/Representing: Elizabeth Piliouras

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: **Gambling - Indian gaming**
Munis - miscellaneous
State Finance - miscellaneous
Counties - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Breske@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Revenue sharing for casino-related costs; state reimbursement for casino-related fire and ambulance costs

Instructions:

Per attached E mail.

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>
/?	jkuesel 06/16/2003	kgilfoy 06/18/2003		_____			
	mdsida 06/18/2003			_____			
	jkuesel			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/18/2003			_____			
/1	mshovers	wjackson	chaugen	_____	sbasford	sbasford	
	06/18/2003	06/18/2003	06/18/2003	_____	06/18/2003	06/18/2003	
	mshovers	csicilia	chaskett	_____			
	06/18/2003	06/18/2003	06/18/2003	_____			
/2	mshovers	wjackson	pgreensl	_____	lemery	lemery	
	06/18/2003	06/18/2003	06/18/2003	_____	06/18/2003	06/18/2003	

FE Sent For:

<END>

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Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Includes handwritten entries and dates like 6/18, 6/18/2003, and initials like WJ, PG, JF/CPH.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/18/2003			_____			
/1	mshovers 06/18/2003	wjackson 06/18/2003	chaugen 06/18/2003	_____	sbasford 06/18/2003	sbasford 06/18/2003	
	mshovers 06/18/2003	csicilia 06/18/2003	chaskett 06/18/2003	_____			

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<END>

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May Contact:

Addl. Drafters: mdsida MES

Subject: Gambling - Indian gaming
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1? / 1	jkuesel	6/18 1 WJG/18					

11 MES 6/18/03 + ejs
FE Sent For:

<END>

Kuesel, Jeffery

From: Shovers, Marc
Sent: Monday, June 16, 2003 12:32 PM
To: Kuesel, Jeffery
Subject: FW: Budget drafting request

Hi Jeff:

I think the second part, under "additional options", is yours. It requires DOA to make one-time payments to communities w/ overdue emergency services costs incurred for responses to tribal lands. Thanks.

Marc

-----Original Message-----

From: Dsida, Michael
Sent: Monday, June 16, 2003 11:49 AM
To: Shovers, Marc
Subject: FW: Budget drafting request

I'll do the first part. Can you do the second (which only applies to expenses before the EDate)? Thanks

-----Original Message-----

From: Piliouras, Elizabeth
Sent: Monday, June 16, 2003 11:36 AM
To: Dsida, Michael
Subject: Budget drafting request

Mike:

Would you handle this one as well?

Page 81

Modify the motion so that the account is sum sufficient from PR. Delete "Class III gaming facility" and insert "federally recognized tribal reservation".

Background, Senator Breske has several communities that have outstanding bills incurred from ambulance and fire services provided to the tribal community. It is Senator Breske's intent to provide at least some relief to these communities.

Additional options:

Require DOA to make one-time PR payments to communities with overdue fire and ambulance costs provided to tribal communities. Provide that communities may verify through DOA costs incurred in the past five years for services provided to residents on bordering tribal reservations. DOA must verify that reasonable attempts were made to collect these costs.

Beth Piliouras

Senator Roger Breske

Dsida, Michael

From: Piliouras, Elizabeth
Sent: Tuesday, June 17, 2003 5:29 PM
To: Dsida, Michael
Subject: Breske Budget Request

Hi Mike:

Okay, so, yes, it's important to the senator that we expand the qualifications to tribal land/ reservations and not just land on which casinos are operated.

For example, the Potawatomi have land "in" the town of Wabeno, but it doesn't have a casino on it. Also, the Lac du Flambeau Chippewa's reservation is located in both Vilas and Iron counties, but the casino is in Vilas.

I'm still at a loss on how to get past the boundaries, because tribal land is generally an exception within the town boundaries. Could we use "same geographical area"? Are we getting too technical? (seems like a horribly ridiculous question to ask, but... since the motion was drafted that way maybe we should just use the motion's logic?)

How about...

Pg 590, line 5; delete the definition of facility (and all uses of it before or thereafter) and instead use "(c) "tribe" means federally recognized American Indian Tribe or band."(under 16.964(6)(a)?)

*on page 591, line 6, it describes any public entity (presumably belonging to a political entity?) that is **obligated** to provide services as an eligible representative. do you see anything wrong with obligated? not sure the safety entity is really obligated, but again, maybe just go with the motion's logic/ definitions?*

Could we change page 590, line 22...

to say something to the effect of "1. A board shall be created by the cities, villages, or towns, and by the county, in which a tribe is located."

page 591, line 10...

"1. The governing body of each city, village, or town in which the tribe is located shall appoint one member to the board." ...

I'm rambling on... what do you think?

Beth Piliouras

Senator Roger Breske

6/18

P/c to Beth

Explained that no municipality is obligated to provide svcs to an adjacent reservation (per MES)

She thought it made sense to have # munis simply go to DoA for future expenses in the same way as they will be for past expenses

Dsida, Michael

From: Piliouras, Elizabeth
Sent: Wednesday, June 18, 2003 10:23 AM
To: Dsida, Michael
Subject: Breske Budget Amendment

Mike:

I just spoke with Senator Breske who really wants to retain some sort of local aspect for the amendment.

Two thoughts:

- 1. Use obligated anyway and just hope it gets worked out.*
- 2. Direct DOA to promulgate rules on how to create a local revenue sharing board, that would include a member of each municipality within the county with a vested interest, each public service agency with a vested interest and a county board representative.*

thanks,

Beth

Beth Piliouras

Senator Roger Breske

2003

Date (time) needed _____

LRB b 0497, 1
JTK+MGD+MES
Wlj & CS

RMR

BUDGET AMENDMENT

[Not for compile]

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2003 SENATE BILL 44

D-NOTE

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

→ INSERT A

✓ #. Page 290, line 15: delete lines 15 and 16

→ INSERT B

✓ #. Page 352, line 17: delete line 17 to 25

→ INSERT C

9 #. Page 352, line 23: delete "66.0306(3)(b) and (c)" and substitute "16-19".

✓ #. Page 589, line 25: delete the material beginning with that line and ending ^{with} on page 594, line 12

~~#. Page, line
#. Page, line
#. Page, line~~

incurs costs
or at any time
beginning ~~on~~ after the
effective date of this
section [revidate]

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

revisor inserts date

148M
SECTION 16.19 of the statutes is created to read:

law enforcement and
emergency services

16.19 Reimbursement of local governments for certain ~~fire and~~

~~ambulance costs.~~ Any county or municipality that incurred costs ~~during the~~
~~beginning of the~~

5-year period ending on the effective date of this section [revisor inserts date] to

provide ~~fire or ambulance~~ ^{law enforcement, fire protection, ambulance or any other emergency} services to Indian tribal land and that ~~was~~ not reimbursed
~~within a reasonable period following a request for reimbursement~~
for those costs by the appropriate Indian tribal government may file a claim with the

department for reimbursement of those costs. The claim shall be accompanied by
appropriate substantiation of any costs incurred. The department shall audit the
claim and verify that ^{the costs are reasonably incurred and that} reasonable efforts have been made by the county or
municipality to collect the amount due. If the department verifies the amount of the
claim and determines that the claim is justified, the department shall pay the claim
from the appropriation under s. 20.505 (1) (ko) ^{INS MES}."

INSERT
A

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

574M
SECTION 20.505 (1) (ko) of the statutes is created to read:

law enforcement, fire
protection, ambulance or
any other emergency services

20.505 (1) (ko) ~~and~~ ^{law enforcement} and ^{ambulance} ~~service~~ ^{emergency} reimbursement. A sum sufficient
to provide reimbursement to counties and municipalities for ~~fire and ambulance~~
costs as provided in s. 16.19. All moneys transferred from the appropriation account
under sub. ~~(hm)~~ ⁽⁸⁾ 23. shall be credited to this appropriation account."

INSERT
B

Please Fix comp: 3. Page 352, line 19: ^{before} after that line insert:

615g
SECTION 20.505 (8) (hm) 23. of the statutes is created to read:

INSERT
C

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

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0497/1insMES
JTK&MGD&MES.....

no 9

if the claim relates to the period on or after the beginning of the 5-year period ending on the effective date of this section . . . [rev. date], and the department shall pay the claim from the appropriation under s. 20.505 (8) (k) if the claim relates to the period after the effective date of this section . . . [rev. date]. If the amount of claims to be paid from the ~~amount appropriated~~ under s. 20.505 (8) (k) in any year exceeds the amount that is appropriated, the department shall prorate the claims

revisor inserts date

use 277

under
s. 20.505(8)(k)

appropriation

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0497/?dn
JTK&MGD&MES.../!...

Wlj

Claims for the previous ^{five} years are paid from
a sum sufficient appropriation and claims
after ~~two~~ effective date are paid from a sum
sufficient appropriation that is capped at \$225,300.
DOA prorates the claims if the total claimed exceeds
that amount.

Senator Breske:

This amendment simply deletes the provisions related to the local revenue sharing
board and Indian gaming compacts in created s. 66.0307 and the associated
appropriations, and authorizes political subdivisions (municipalities and counties) to
submit claims for reimbursement to DOA for law enforcement, fire protection,
ambulance, or any other emergency services provided to tribal lands within the last ⁵ five
years and from now on. If the tribal governments do not reimburse the political
subdivision and DOA substantiates the costs incurred, DOA must reimburse the
political subdivision for claims that DOA determines are justified.

I believe that ^{STET} this accomplishes your intent ^{and} more simply than creating ^{some kind}
of local boards; if DOA is required to reimburse political subdivisions for substantiated
and justified claims, I ^{can't} think of any function to be served by a local board. Local
control is maintained because it is the political subdivisions that must submit claims
for reimbursement. Please let me know if this amendment fails to accomplish your
intent or if you would like any changes made to the amendment.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0497/1dn
JTK&MGD&MES:wlj&cs:cph

June 18, 2003

Senator Breske:

This amendment simply deletes the provisions related to the local revenue sharing board and Indian gaming compacts in created s. 66.0306, and the associated appropriations, and authorizes political subdivisions (municipalities and counties) to submit claims for reimbursement to DOA for law enforcement, fire protection, ambulance, or any other emergency services provided to tribal lands within the last five years and from now on. If the tribal governments do not reimburse the political subdivision and DOA substantiates the costs incurred, DOA must reimburse the political subdivision for claims that DOA determines are justified. Claims for the previous five years are paid from a sum sufficient appropriation and claims after the effective date are paid from a sum sufficient appropriation that is capped at \$225,300; DOA prorates the claims if the total claimed exceeds that amount.

I believe that this accomplishes your intent more simply than creating local boards; if DOA is required to reimburse political subdivisions for substantiated and justified claims, I can't think of any function to be served by a local board. Local control is maintained because it is the political subdivisions that must submit claims for reimbursement. Please let me know if this amendment fails to accomplish your intent or if you would like any changes made to the amendment.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb04970
JTK/MGD/MES:wlj&cs:cph

2
fmr

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

D-NOTE

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]. If the amount of claims to be paid from the appropriation under s. 20.505 (8)
 11 (k) in any year exceeds the amount that is appropriated under s. 20.505 (8) (k), the
 12 department shall prorate the claims.”

Not The claims that are paid from the appropriation under 20.505 (8) (k) shall be deposited into accounts established under 66.0306 (2) (c) 2

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

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

15 20.505 (1) (ko) *Law enforcement and emergency services reimbursement.* A sum
 16 sufficient to provide reimbursement to counties and municipalities for law
 17 enforcement, fire protection, ambulance, or any other emergency services costs as
 18 provided in s. 16.19. All moneys transferred from the appropriation account under
 19 sub. (8) (hm) 23. shall be credited to this appropriation account.”.

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

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

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

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

Please
Fix
Comp.

1 5. Page 589, line 25: delete the material beginning with that line and ending

2 with page 594, line 126, and substitute

3 (END)

INS
3-3

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0497/2ins
JTK/MGD/MES:wlj&cs:cph

1 INSERT 3-3

2 "SECTION 1531m. 66.0306 of the statutes is created to read:

3 **66.0306 Local revenue sharing board; Indian gaming compacts. (1)**

4 DEFINITIONS. In this section:

5 (a) "Board" means a local revenue sharing board created under sub. (2).

6 (b) "Compact" means an Indian gaming compact entered into under s. 14.035.

7 (c) "Political subdivision" means a city, village, town, or county that borders
8 Indian tribal land.

9 (d) "Public safety entities" means all of the following departments, agencies,
10 or subunits of a political subdivision that are obligated to provide services to a
11 particular facility:

12 1. A fire department.

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

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

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

22 *Creation.* 1. A board may be created by a county and at least one city, village, or town
23 if the political subdivisions border Indian tribal land. The governing bodies of the

1 political subdivisions shall enact an ordinance creating ~~the~~^a board and the members
 2 of the board shall be appointed under par. (b). Each member of ~~the~~^a board shall serve
 3 at the pleasure of the governing body or group that appoints the individual ~~except~~
 4 ~~that if the members appointed under par. (b) 1., 2., and 3. act under par. (b) 5. the term~~
 5 ~~of the member appointed under par. (b) 4. shall end upon the selection of a new~~
 6 ~~member under that subdivision.~~ A political subdivision may be a member of only one
 7 board. If a city or village is in more than one county, the city or village may choose
 8 the county with which it would like to form a board.

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

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

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

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

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

24 2. A member of a board may not receive any compensation for serving on the
 25 board, but shall be reimbursed by the political subdivision that appoints or confirms

1 the member for any actual and necessary expenses that he or she incurs relating to
2 service on the board. The reimbursement of the member appointed under par. (b) 3.
3 shall be apportioned among the political subdivisions described under par. (a) 2.

4 3. A board shall establish an account at a financial institution, as defined in s.
5 69.30 (1) (b), and shall deposit into the account any revenues received ~~under sub. (b)~~ ^{STET}

6 ~~or sub. (b)~~ 10/6/09

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

9 5. Annually, a board shall determine the costs incurred by each ^{member} political
10 subdivision that provides services to Indian tribal land, based on the method

11 determined under par. (d) 2. The total amount of these costs may be certified to the
12 department of administration

↑ except that if the total amount of these costs exceed the amount that is appropriated under p. 20.1505 (8) (k) the department shall prorate the certified total amount

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

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

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

22 3. The apportionment formula among the political subdivisions for any
23 payments that are made under sub. (4) (a). ^b

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

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

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

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

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

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

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

22 **(5) DISSOLUTION.** If no political subdivisions who are members of a board
23 provide services to Indian tribal land, the board shall distribute the amount in the
24 account as provided in sub. (4). After the board distributes all funds in the account,
25 the board is dissolved.

1 **(6) APPLICABILITY.** This section does not apply to 1st class cities or to counties
2 with a population of at least 500,000.”

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

60497/mjdn
JTK/MGD/MES:wlj&cs:cph

Senator Breske:

This amendment is based on s. 66.0306 as it appears in ^{the} SSA 1 to SB⁴⁴, but a considerable number of changes were necessary because of expanded applicability to all political subdivisions that border tribal lands. Please review the amendment very carefully. As drafted, all members of the board constitute a quorum, so one member who fails to attend a meeting could prevent the board from acting. Is this consistent with your intent?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

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

LRBb0497/2dn
MES:wlj&cs:pg

June 18, 2003

Senator Breske:

This amendment is based on s. 66.0306 as it appears in SSA 1 to SB 44, but a considerable number of changes were necessary because of expanded applicability to all political subdivisions that border tribal lands. Please review the amendment very carefully. As drafted, all members of the board constitute a quorum, so one member who fails to attend a meeting could prevent the board from acting. Is this consistent with your intent?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us