

2005 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB100)

Received: 06/20/2005

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Thomas Nelson (608) 266-2418

By/Representing: Sara Dauscher

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters: agary

Subject: Gambling - miscellaneous

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Grants from Oneida gaming receipts

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	rryan 06/20/2005	csicilia 06/20/2005	pgreensl 06/20/2005	_____	lemery 06/20/2005	lemery 06/20/2005	
/2	rryan 06/21/2005	csicilia 06/21/2005	rschluet 06/21/2005	_____	mbarman 06/21/2005	mbarman 06/21/2005	

FE Sent For:

<END>

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FE Sent For:

12 gs
6/21
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<END>
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/?	rryan						
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1 cjs 6/20
05
6/20
PS
9/20
PS/19/20

FE Sent For:

<END>

Ryan, Robin

From: Dauscher, Sara
Sent: Monday, June 20, 2005 12:15 PM
To: Ryan, Robin
Subject: Nelson Amendment

Oneida Revenue Allocation Plan

I need an amendment that allocates payment from the Oneida Tribe of Indians of Wisconsin for the following purposes.

	<u>Year 1</u>	<u>Year 2</u>
Ashwaubenon Public Safety Facility	\$1 M	\$1 M
Village of Hobart Traffic Lights	\$280,000	\$280,000
Village of Hobart Fire Station	\$394,830	\$394,830
Education Grants for 5 area school districts (Pulaski, Freedom, Green Bay, Seymour, West De Pere)	\$1.2 M	\$1.2 M
Vitrification of PCB from Fox River	\$500,000	\$500,000
WI Council on Problem Gambling	\$300,000	\$300,000

Polychlorinated Biphenyls

The premise for this lays in a Memorandum of Understanding, signed by Thompson in 1998 with the tribes from that compact. The language of the memo allowed for the governor to use his best efforts to bring back payment made to the state from their gaming operations to be use for various community projects..

Sara S. Dauscher
Office of Representative Tom Nelson
418 North, State Capitol
Madison, WI 53708

608.266.2418
sara.dauscher@legis.state.wi.us

*Sara,
Tribal gaming receipts - just from
Oneida
Just 05-07 allocations*



In 6/20/05

gjs (RMB)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Assembly Substitute

**ASSEMBLY AMENDMENT,
TO SENATE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 100**

D-note

fix request sheet

as affected by this act,

substitute

INS

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

2 1. Page 934, line 6: after that line insert:

3 "(13r) INDIAN GAMING RECEIPTS. From the appropriation under section 20.505
4 (8) (hm) of the statutes, the department of administration shall allocate the following
5 amounts in each year of the 2005-07 fiscal biennium for the following purposes:

6 (a) To the Village of Ashwaubenon for a public safety facility, \$1,000,000.

7 (b) To the Village of Hobart, \$280,000 for traffic lights.

8 (c) To the Village of Hobart, \$394,380 for a fire station.

9 (d) To the Pulaski school district, \$240,000.

10 (e) To the Freedom school district, \$240,000

11 (f) To the Green Bay school district, \$240,000

- 1 (g) To the Seymour school district, \$240,000
- 2 (h) To the West De Pere school district, \$240,000.
- 3 (i) For vitrification of polychlorinated biphenyls from the Fox River, \$500,000
- 4 (j) To the Wisconsin Council on Problem Gambling, \$300,000.”.

5 (END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0456/lins
RLR:.....

INS

1 **1.** Page 314, line 3: after that line insert:
2 [^]
3 **"SECTION 416s.** 20.505 (8) (hm) (intro.) of the statutes is amended to read:
4 20.505 (8) (hm) *Indian gaming receipts.* (intro.) All moneys required to be
5 credited to this appropriation under s. 569.06, all moneys transferred under 2001
6 Wisconsin Act 16, sections 9201 (5mk), 9205 (1mk), 9210 (3mk), 9223 (5mk), 9224
7 (1mk), 9225 (1mk), 9231 (1mk), 9237 (4mk), 9240 (1mk), 9251 (1mk), 9256 (1mk),
8 9257 (2mk), and 9258 (2mk), and all moneys that revert to this appropriation account
9 from the appropriation accounts specified in subds. 1c. to 19., less the amounts
10 appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of making the
11 payments specified under 2005 Wisconsin Act (this act), section 9101 (13r), and
 for annually transferring the following amounts:"

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104, 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 s. 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 326.

of
1

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0456/1dn

RLR: /:....

7
95

Sara:

This amendment allocates tribal gaming receipts for specified purposes. It does not specify that funding is to come from amounts paid by the Oneida tribe, because all the tribal gaming payments are collected in one appropriation account, and money in the appropriation is not identified by which tribe made the payment.

A Wisconsin court could find that the allocations in this amendment to specific recipients are "private or local laws" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0456/1dn
RLR:cjs:pg

June 20, 2005

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Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Ryan, Robin

From: Dauscher, Sara
Sent: Tuesday, June 21, 2005 12:06 PM
To: Ryan, Robin
Subject: RE: Nelson Amendment

Thanks, Robin. I received a draft of the amendment, and have some changes to request.

1. Note in provision (j) that those funds should be allocated to Outagamie County
2. Delete transportation funding for zoo interchange to fully fund this bill, and put the remainder in the budget stabilization fund.
3. indicate that the funding is contingent on the receipt of tribal payment by the state

Just give me a call or drop me a note if you need further info or have questions.

Thanks,
Sara

*\$20 mil from
Oneida by June
30th, 2005*

From: Ryan, Robin
Sent: Monday, June 20, 2005 3:22 PM
To: Dauscher, Sara
Subject: RE: Nelson Amendment

Sara, I already sent an amendment through editing. Please look it over when you receive it and make requests for changes to the amendment.

Thanks

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

From: Dauscher, Sara
Sent: Monday, June 20, 2005 3:18 PM
To: Ryan, Robin
Subject: RE: Nelson Amendment

1. Yes, it should be distributed equally.
2. Outagamie County
3. I am looking for a good place to balance this out-- will be in touch soon.

From: Ryan, Robin
Sent: Monday, June 20, 2005 12:34 PM
To: Dauscher, Sara
Subject: RE: Nelson Amendment

1. Do you want the \$500,000 for school districts split evenly between the districts?
2. Who should receive the Fox River grant?

Thanks

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From: Dauscher, Sara
Sent: Monday, June 20, 2005 12:15 PM
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Oneida Revenue Allocation Plan