



WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Rural Economic Development and
Rural Affairs...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



Ruby, Erin

From: Ott, Alvin
Sent: Wednesday, June 15, 2011 8:01 AM
To: Ruby, Erin
Subject: FW: AB95 Oneida/Hobart Liquor License

Attachments: AB95 Amendment.pdf

From: Steineke, Jim
Sent: Tuesday, June 14, 2011 4:31 PM
To: Ott, Alvin; Murtha, John; Petrowski, Jerry; Krug, Scott; Ripp, Keith; Tauchen, Gary; Larson, Tom; Rivard, Roger; Danou, Chris; Radcliffe, Mark; Vruwink, Amy Sue; Jorgensen, Andy; Ringhand, Janis
Subject: AB95 Oneida/Hobart Liquor License

To all Rural Econ committee members: Based upon some of the concerns I heard from members after the hearing on AB95, I have worked to find a suitable amendment that I believe preserves the intent of the bill while ensuring that there is no lapse in the golf course's liquor license. The attached amendment requires the tribe to apply for a liquor license through the Village of Hobart within 30 days of the publication of the bill. The rest of the bill's provisions, namely the voiding of the State issued liquor license, would not become effective until/unless the Village issues the liquor license. There is also a provision that if the tribe were to apply, but never follow through on the application, that the State liquor license would be voided two years from the publication date.

I hope this addresses any of your concerns. I do appreciate the committee's input and believe it has been valuable in



AB95
Amendment.pdf (28 KB)

making this bill better. Please let me know if you have any lingering concerns.

Rep. Jim Steineke
304 North, State Capitol
Madison, WI 53708
(608) 266-2418
(888) 534-0005 Toll Free



Ruby, Erin

From: Elaine Willman [Elaine@hobart-wi.org]
Sent: Friday, August 05, 2011 2:19 PM
To: Kowalkowski, Frank W.; Richard Heidel; epkazik@netnet.net; dillenburg36@aol.com; debbie; Glen and Donna Severson; Andrew Vickers; Mary Smith; Randy Bani
Cc: Rep.Ott; Rep.Steineke
Subject: FW: Tom Ourada contact info
Attachments: June 21, 2011.pdf; June 21, 2011 Minutes.doc; July 5, 2011 Minutes.doc; July 5, 2011.pdf

Hello All,

Tom Ourada is staff at the Department of Revenue and returned my call to DOR inquiring about the status of the Tribe's state liquor license. I informed Tom that the Village was making no request of the Department of Revenue; we just want to know the existing status of the Oneida Tribe's state liquor license. Tom informed me that the Tribe's state liquor license is still in effect, that no withdrawal or surrender of the license has been received by DOR from the Oneida Tribe. Read the remainder of this email from the bottom-up.

Elaine

From: Elaine Willman
Sent: Friday, August 05, 2011 2:09 PM
To: 'Ourada, Thomas D - DOR'
Subject: RE: Tom Ourada contact info

Hello Tom,

I so appreciate your return call to me today. Attached is the Village of Hobart Board Agendas and Minutes for their meetings of June 21st and July 5th, 2011. Item 5-G on the 6-21 Agenda is the action to publicly notice the application for a Hobart liquor license received from the Oneida Tribe of Indians of Wisconsin.

At their meeting of July 5th, the Village Board then formally approved (Agenda Item 5-1) the issuance of a municipal liquor license to the Oneida Tribe. I have attached Agendas and Minutes for the Village Board's meetings of June 21 and July 5th.

Our Village Clerk is off today; however, if you would like to receive an actual copy of the Tribe's municipal liquor license, I will be able to forward a copy this coming Monday.

Hobart was informed by our legislators that if the Rural Economic Development Committee of the Assembly tabled, and took no further action on AB 95, the Oneida Tribe had agreed to "surrender" its state liquor license upon issuance of a Hobart municipal liquor license. Hobart cooperated with this agreement by expeditiously issuing a liquor license to the Oneida Tribe.

Our Village Board is now quite concerned that our municipal liquor license is rendered moot and ineffective by the ongoing existence of a state liquor license, since the Oneida Tribe has yet to surrender its state license. Also, AB 95 remains in an inactive status. Having fulfilled our portion of an agreement made between our legislators and tribal leaders, Hobart will be asking that AB 95 be brought back to the Rural Economic Development Committee for consideration, if and as the tribe continues to decline to surrender its state license.

Any information or guidance the DOR might offer to the Village would be most helpful and appreciated. Thanks again, Tom, for timely response to our telephone inquiry.

8/5/2011

Elaine D. Willman, Director
Community Development
and Tribal Affairs
Village of Hobart
2990 South Pine Tree Road
Hobart, WI 54155
W: 920.869.3806
C: 920.615.2882
Email: elaine@hobart-wi.org
Web: www.hobart-wi.org

From: Ourada, Thomas D - DOR [mailto:Thomas.Ourada@revenue.wi.gov]
Sent: Friday, August 05, 2011 1:34 PM
To: Elaine Willman
Subject: Tom Ourada contact info

Ms. Willman, I appreciate the chance to speak with you today concerning the liquor permit issued by the Department of Revenue to the Oneida Tribe in accordance with secs. 125.27 (3) and 125.61 (5) (d), Wis. Stats., 2009-2010.

You indicated that the village of Hobart had issued a municipal liquor license to the Tribe sometime in June. I would be interested to know the date of issuance of the liquor license, if you can provide that. Thank you.

Tom Ourada
Revenue tax specialist and tribal liaison
(608) 266-8875
Thomas.Ourada@revenue.wi.gov

CONFIDENTIALITY NOTICE: This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is only for the use of the individual or entity to whom this electronic mail transmission was intended. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately contact the sender and delete the message. Thank you.



Ruby, Erin

From: Rep.Ott
Sent: Monday, August 22, 2011 8:48 AM
To: Ruby, Erin
Subject: FW: Advancing AB 95



From: Richard Heidel [mailto:rhedel@new.rr.com]
Sent: Friday, August 19, 2011 8:52 AM
To: Rep.Steineke; Rep.Ott
Cc: Sen.Lasee; Sen.Cowles; Sen.Grothman; DAVID DILLENBURG (E-mail); epkazik@netnet.net; Debbie Schumacher; Glen Severson; Elaine Willman; Andrew Vickers; Frank kowalkowski
Subject: Re: Advancing AB 95

Representatives Steineke and Ott:

I ask for the indulgences of all of the recipients of this e-mail. Though I'd prefer to discuss this matter with the appropriate individuals (and I will when appropriate), for now I e-mail my response as I want all individuals to be party to the same documented information.

While I appreciate both of your responses with the information you've provided, I will not relent in advocating for the Village of Hobart nor in pursuing what should have been done and what yet needs to be done. Sometimes it is just as important to get individual's votes and positions on record as it is to see a piece of legislation fail or succeed. One of the marks of courage is doing the right thing, because it is the right thing, without regard or guarantee of a particular outcome.

I can appreciate the finessing, the "what if-ing", the vote counting, and the posturing, but neither have you have yet explained the one glaring issue: *what is there about AB 95 that the Committee on Rural Economic Development & Rural Affairs can't bring itself to approve?* To put it another way, what is all of the agony, fear, and hand-wringing about?

I await your explanations.

Rich Heidel

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

From: "Ruby, Erin" <Erin.Ruby@legis.wisconsin.gov>
To: "Rep.Steineke" <Rep.Steineke@legis.wisconsin.gov>; "Richard Heidel" <rhedel@new.rr.com>
Cc: "Sen.Lasee" <Sen.Lasee@legis.wisconsin.gov>; "Sen.Cowles" <Sen.Cowles@legis.wisconsin.gov>; "Sen.Grothman" <Sen.Grothman@legis.wisconsin.gov>; "DAVID DILLENBURG (E-mail)" <Dillenburg36@aol.com>; <epkazik@netnet.net>; "Debbie Schumacher" <debschu@new.rr.com>; "Glen Severson" <gseverson@new.rr.com>; "Elaine Willman" <elaine@hobart-wi.org>; "Andrew Vickers" <andrew@hobart-wi.org>; "Frank kowalkowski" <fkowalkowski@dkattorneys.com>
Sent: Friday, August 19, 2011 4:03 PM
Subject: RE: Advancing AB 95

Representative Steineke,

Representative Ott asked me to respond to your email message stating that he agrees with your impression of the Committee's sentiment regarding AB 95. He further agrees that if put to a vote, the bill would fail to be recommended for passage, and that such action by the Committee could be detrimental to the position of the Village.

If, as Chair, Representative Ott agreed to schedule AB 95 for a vote, he would likely vote "no" on the bill as currently written.

8/23/2011

Representative Ott appreciates your continued efforts regarding this issue, and is open to giving serious consideration to the follow-up piece of legislation you are working on as referenced in your message to Mr. Heidel.

As always, Representative Ott would be happy to speak with you, or any member of the Village of Hobart Board of Trustees, regarding any questions or concerns you might have. He wants to be helpful in seeking a sound resolution to this matter.

Sincerely,

Erin Ruby
Clerk, Assembly Committee on Rural Economic Development & Rural Affairs
Research Assistant
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wi.gov

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

From: Rep.Steineke
Sent: Friday, August 19, 2011 9:30 AM
To: Richard Heidel
Cc: Rep.Ott; Sen.Lasee; Sen.Cowles; Sen.Grothman; DAVID DILLENBURG (E-mail); epkazik@netnet.net; Debbie Schumacher; Glen Severson; Elaine Willman; Andrew Vickers; Frank kowalkowski
Subject: RE: Advancing AB 95

Rich - Thanks for the email. As you know, I have been working to try and bring resolution to this issue. I took considerable risk in authoring AB95 because I believe it was the right thing to do. In my short 7 months in office I have kept my campaign promise to do what is right, not necessarily what is popular. I think my record backs that up.

Let's set the timeline for AB95. I authored the bill, worked to get cosponsors, and ultimately introduced the bill. We got a hearing with the Rural Affairs committee and the Village was represented as was the Tribe and the Chamber. I went to bat for AB95 expressing my disappointment with the decision to put this provision into the budget. I also supported the Village and said that I believed in the Village's ability to process the liquor license fairly.

Even before the hearing had concluded, I sensed some real hesitation amongst a majority of the committee members to proceed. I believe Chairman Ott can back that up. After speaking with committee members, it became very clear that we did not have the votes to prevail. If I had at that point done what you are now requesting by pushing for a vote anyway, one of two things would have happened. First, we may not have gotten it to a vote anyway because it is ultimately the decision of the chair whether or not to bring it to a vote. Secondly, if we had gotten it to a vote it would have been defeated. This would have left the Village in a very weak position going forward.

Instead, what I did was negotiate something that I felt accomplished much of what you were looking for. We have now gotten to a point where the Tribe has applied for and received a liquor license from the Village. I have also gotten an email stating in no uncertain terms that the Tribe will be relinquishing their State license this week (a little late, but it is being done). We will follow up to ensure this is done.

I have also been in contact with the DOR to ask if they issue liquor licenses to entities that are past due in any taxes or assessments to local or state governments. They stated that their policy is that they do not. This would seem to assuage your fear that the local license has no real weight given the tribe's ability to return to the State if there is a dispute with the Village. However, I am not satisfied that the DOR has only a policy position on the matter and not anything in statute. I have been working to address this by authoring another bill that would not allow DOR to issue a license to any entity that has delinquent taxes or assessments due. This in combination with the Tribe giving up the State liquor license has the same affect as AB95.

As far as being a vocal critic of mine for the past four months, I only wish that I had heard the criticism from you myself. E last conversation you and I had, I was under the impression that you understood where things were at. I have always valued our friendship and continue to value it. In the future, if you have issues with the way things are proceeding, please feel free to call me.

8/23/2011

Jim

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

From: Richard Heidel [mailto:rheidel@new.rr.com]

Sent: Thu 8/18/2011 12:03 AM

To: Rep.Steineke

Cc: Rep.Ott; Sen.Lasee; Sen.Cowles; Sen.Grothman; DAVID DILLENBURG

(E-mail); epkazik@netnet.net; Debbie Schumacher; Glen Severson; Elaine

Willman; Andrew Vickers; Frank kowalkowski

Subject: Advancing AB 95

Jim:

This e-mail will be understated if nothing else. As I have been a strong supporter of yours for the past four years, I've been just as vocal a critic of yours for the past four months. Read on.

A few undisputable facts must be stated and priorities re-set:

1. The state of Wisconsin has nothing more than a government-to-government relationship with the Oneida Tribe - identical and analogous to its relationship with the states of Illinois, Michigan, Minnesota, or any other state. It is unlike the federal government in that it does not have a trust relationship with Indian tribes. The state of Wisconsin does not share those same trust responsibilities or obligations of the federal government with Indian tribes whatsoever. Conversely, the state of Wisconsin has much more than a trust relationship with its own incorporated cities and villages. The state exists in the form of its cities and villages, of which Hobart is one like all others.

2. As your constituents we expect you to follow through on your campaign promise of last fall, i.e. to author and advocate for rescission of the 2009 budget bill provision that allows the Oneida Tribe to circumvent the village of Hobart in securing a liquor license. Without getting into: the policy implications of a local municipality lacking enforcement authority and oversight over one of its own drinking establishments; or of the inequity of a local municipality being singled out as some kind of an exception for no legitimate reason whatsoever; or of the disparate treatment to other tribes - or even to other tavern-owners for that matter; or of the Village of Hobart being slandered and libeled in front of your Committee as part of the public record, I will only say that it's past time to rectify the law. We expect you to champion AB 95 through committee and, if successful, into the full Assembly. While we do not ask you to guarantee results, we do expect and demand that you guarantee your best efforts. We will never criticize you for not succeeding, but we will fault you for not trying.

3. Also as your constituents, you are ultimately responsible to us - not Representative Al Ott. As hard as we worked for your election, we can reverse engine direction as well. If you want me to address this entire matter with Mr. Ott beyond this e-mail, I will be happy to do so.

The Village of Hobart has exceeded all reasonable expectations in demonstrating its objectivity and fairness, including its issuance of a Village liquor license to the Oneida Tribe. This has been done without the Tribe fulfilling its commitment of surrendering its DoR-issued license as of this writing, which by the way has made you and your Committee colleagues look foolish. For us to be treated as second-class citizens or as some kind of a pariah because state officials are afraid of being politically incorrect or afraid of being deprived of anticipated Tribal donations at election time is unprincipled and it will be called out.

There's still time to do the right thing. Our expectation is very simple and forthright: put AB 95 to a straight up-or-down vote in Committee and move on. No more deals, no more conditions.

Please contact me if there are any questions. I am offering to help in any way, but given what we in Hobart have already done, I have no idea what that could possibly be. This all may sound cold and hard, but it's been understated.

Respectfully,
Rich

~~~~~  
Richard R. Heidel, PE  
Village President  
Hobart, Wisconsin

8/23/2011

920.655.3107 (cell)  
[rheidel@new.rr.com](mailto:rheidel@new.rr.com) <<mailto:rheidel@new.rr.com>>

"No arsenal, or no weapon in the arsenals of the world, is as formidable as the will and moral courage of free men and women." (Ronald Reagan)



## Ruby, Erin

---

**From:** Richard Heidel [rheidel@new.rr.com]  
**Sent:** Thursday, September 01, 2011 3:28 PM  
**To:** Rep.Steineke  
**Cc:** Debbie Schumacher; Glen Severson; Frank kowalkowski; Andrew Vickers; Elaine Willman; DAVID DILLENBURG (E-mail); epkazik@netnet.net; Rep.Ott; Sen.Grothman; Sen.Cowles; Sen.Lasee  
**Subject:** Re: Advancing AB 95

Jim:

No surprise - no explanation from Rural Economic Development and Rural Affairs Committee Chairman, Representative Al Ott, as to why he would not vote to approve AB 95. More importantly, two weeks have now elapsed (see below e-mail) since my request for your assessment as to why the Committee can't bring itself to approve AB 95 - your bill. As the Committee's vice-chair and as our representative, you should be able to explain what the problem(s) is. Your constituents shouldn't have to contact the other 13 members of this Committee in order to understand the Committee's issues. We look to you to explain this to us; this is especially true if you had/have a strategy for addressing the problem(s) or hurdle(s). While we are told that the bill won't pass and therefore we need to do A, B, and C in order to placate certain lawmakers, no one has had the guts to tell us what the proposed AB 95's shortcomings are. Why is it okay to do this to Hobart, but not to any other Wisconsin municipality? Our Village developed fully 10% of all newly-parceled projects in the entire state of Wisconsin in 2010 - without one state or federal dollar - and we're just kicked to the curb by a Committee which has no inclination to do any fact-checking.

Over the past half year, we've worked hard to get you and some of your colleagues elected. We've worked hard in identifying issues, quantifying fraud/waste/abuse of taxpayer monies, and helping formulate solutions. Our citizens have done research and work that Assembly staffers themselves should have been doing - and we've done it gladly. This is true not only with respect to the flagrantly wrong DoR liquor license issued to only the Oneida Tribe, but also with respect to DoT funding of CSD add-on's associated with state highway projects, and Fund 80 costs. You won't find a more sincere and harder-working community than Hobart, one that has been supportive of you for the past four years. Yet all we've received are excuses and delays.

**The Tribe has lied to you and your colleagues on the Committee. The Chamber of Commerce has itself misrepresented facts in its testimony to your Committee. And as of early this week, the Oneida Tribe still had not surrendered its DoR-issued liquor license, despite your insistence that they do so. They have unfortunately made you and Representative Ott appear as buffoons. Yet it is the village of Hobart - despite the forthrightness and constitutionality of our actions - that is being flagrantly discounted. This is perverse.**

The only virtue (or one of many vices, depending on how you look at it) in what Democrats like Tom Nelson or Dave Hansen do is that they deliver despite what Republicans or anyone else may think of it. They don't quake in their boots about repercussions from what the opposition might think, i.e. they mislead no one and don't abuse their own. We are very disappointed in what hasn't been done. If you and the Committee haven't developed the sense of wrong visited upon Hobart by this provision of the 2009 budget bill and mustered the courage to do something about it, we have little hope of tackling any of the State's other more difficult issues head-on. Hobart's Board of Trustees and residents have other means by which to work for resolution of these issues. We are moving on - both now and at the next election cycle as well.

You had, and still have, a standing invitation to attend any one of our Village Board meetings and explain whatever it is you plan to do about this issue. If you propose to draft some kind of a global bill that renders the DoR incapable of issuing liquor licenses to anyone who is in arrears on taxes, special fees, or assessments, then you're dealing in irrelevancies. This approach will not work and we'd be happy to explain why. We meet at 6:00 PM every first and third Tuesday of the month and will make provisions in our agenda to accommodate you. Rep Ott is invited to do the same.

Rich Heidel

~~~~~  
Richard R. Heidel, PE
Village President
Hobart, Wisconsin

9/2/2011

920.655.3107 (cell)
rheidel@new.rr.com



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

From: [Rep.Steineke](#)
To: [Richard Heidel](#)
Sent: Wednesday, August 24, 2011 12:30 PM
Subject: RE: Advancing AB 95

Rich – I would suggest contacting the members of the committee individually to get their feedback as to why they may or may not support the bill. I hesitate to characterize anyone's position myself. I think it's best if it comes directly from them.

Rep. Jim Steineke
304 North, State Capitol
Madison, WI 53708
(608) 266-2418
(888) 534-0005 Toll Free

From: Richard Heidel [<mailto:rheidel@new.rr.com>]
Sent: Friday, August 19, 2011 8:52 AM
To: Rep.Steineke; Rep.Ott
Cc: Sen.Lasee; Sen.Cowles; Sen.Grothman; DAVID DILLENBURG (E-mail); epkazik@netnet.net; Debbie Schumacher; Glen Severson; Elaine Willman; Andrew Vickers; Frank kowalkowski
Subject: Re: Advancing AB 95

Representatives Steineke and Ott:

I ask for the indulgences of all of the recipients of this e-mail. Though I'd prefer to discuss this matter with the appropriate individuals (and I will when appropriate), for now I e-mail my response as I want all individuals to be party to the same documented information.

While I appreciate both of your responses with the information you've provided, I will not relent in advocating for the Village of Hobart nor in pursuing what should have been done and what yet needs to be done. Sometimes it is just as important to get individual's votes and positions on record as it is to see a piece of legislation fail or succeed. One of the marks of courage is doing the right thing, because it is the right thing, without regard or guarantee of a particular outcome.

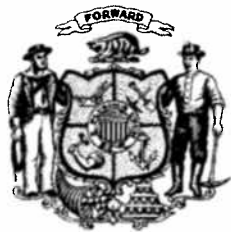
I can appreciate the finessing, the "what if-ing", the vote counting, and the posturing, but neither have you have yet explained the one glaring issue: *what is there about AB 95 that the Committee on Rural Economic Development & Rural Affairs can't bring itself to approve?* To put it another way, what is all of the agony, fear, and hand-wringing about?

I await your explanations.

Rich Heidel



WISCONSIN STATE LEGISLATURE





JIM STEINEKE

STATE REPRESENTATIVE • 5th ASSEMBLY DISTRICT

(608) 266-2418
Toll-Free: (888) 534-0005
Rep.Steineke@legis.wi.gov

P.O. Box 8953
Madison, WI 53708-8953

September 6, 2011

Dear Chairman Ott,

Based on developments over the summer, I am now requesting that the Rural Economic Development and Rural Affairs Committee schedule an executive session on AB95.

While I had worked for a resolution short of enacting this legislation, it appears that that is not going to happen.

Thank you for your consideration.

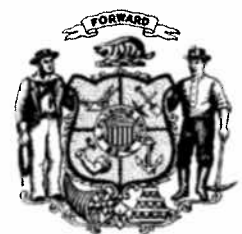
Sincerely,

A handwritten signature in black ink, appearing to read "Jim Steineke".

Jim Steineke



WISCONSIN STATE LEGISLATURE





JIM STEINEKE

STATE REPRESENTATIVE • 5th ASSEMBLY DISTRICT

OTT

(608) 266-2418
Toll-Free: (888) 534-0005
Rep.Steineke@legis.wi.gov

P.O. Box 8953
Madison, WI 53708-8953

September 13, 2011

Dear Committee members,

I have formally requested that Chairman Ott schedule an executive session for AB95. AB95 is the bill I authored that seeks to overturn a provision placed in the 2009 budget that allowed the Oneida Tribe to circumvent the Village of Hobart to obtain a liquor license directly from the State.

After our committee hearing earlier this year, it was apparent that some of the committee members had concerns regarding the bill. Hearing those concerns, I worked in the following months to come to some resolution. In mid-June, Chairman Ott and I had a meeting in my office with representatives of the Tribe. At that time, there was an agreement made that the Tribe would apply for a liquor license with the Village and relinquish their State license in exchange for the language allowing them to return to the State still in place.

Shortly after that meeting, the Tribe did indeed pursue a liquor license through the Village of Hobart. The Village fast-tracked the license and approved it as of July 5th, 2011 **with no conditions**. After that license was issued, I spoke with a representative of the Tribe and was assured that the State liquor license would be sent back within the week. We followed up with the Department of Revenue the following week and were told that they had not received it. We followed up again with the Tribe and were told that they would check into it. The next time we spoke we were told that it was on its way and would be there by the end of the week. Again, we followed up with DOR and were told they did not receive it. Over the next few weeks my office made repeated calls to the Tribe's representative that went unreturned.

It was at that point that I made the decision to request a vote on AB95. Since that time, it appears that the Tribe sent a letter dated August 29th to the DOR stating that they were going to relinquish their license, but as of today the DOR is stating that they have not yet received the original license from the Tribe.

I would appreciate your consideration when AB95 is scheduled for a vote.

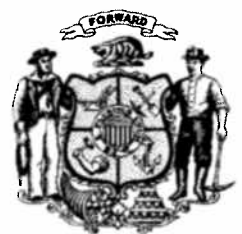
Thank you,



Jim Steineke



WISCONSIN STATE LEGISLATURE



Ruby, Erin

From: Wagner, Michael W - DOR [MichaelW.Wagner@revenue.wi.gov]
Sent: Tuesday, September 13, 2011 9:42 AM
To: Ruby, Erin; Bates, Katherine
Cc: Sweeney, Matthew - DOR
Subject: Re: Oneida Golf Enterprises Permit

Erin and Katherine,

After checking with relevant personnel, answers to your two questions are below.

1. Is the Department of Revenue in receipt of the letter from the Oneida Golf Enterprise Corporation signed by Bobbi Webster on August 29?

Yes

2. Has the Department of Revenue received the original, physical copy of the alcohol permit issued to the Oneida Golf Enterprises?

No

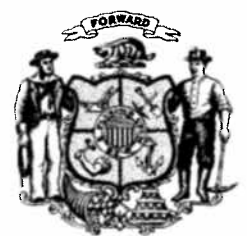
You may wish to contact the Oneida Golf Enterprise Corporation directly regarding their future intentions.

Please feel free to contact me with any further questions that you may have.

Regards,

Mike Wagner
Legislative Advisor, Dept. of Revenue
608-266-7817

CONFIDENTIALITY NOTICE: This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is only for the use of the individual or entity to whom this electronic mail transmission was intended. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately contact the sender and delete the message. Thank you.



Ruby, Erin

From: Rep.Steineke
Sent: Wednesday, September 14, 2011 12:32 PM
To: Ott, Alvin; Petrowski, Jerry; Murtha, John; Tauchen, Gary; Ripp, Keith; Krug, Scott; Larson, Tom; Rivard, Roger; Danou, Chris; Vruwink, Amy Sue; Jorgensen, Andy; Radcliffe, Mark; Ringhand, Janis; Doyle, Steve
Cc: Nygren, John; Jacque, Andre; Ballweg, Joan; Knudson, Dean; LeMahieu, Daniel; Litjens, Michelle; Pridemore, Don; Spanbauer, Richard; Ziegelbauer, Bob; Cowles, Bob; Lasee, Frank; Grothman, Glenn
Subject: Village of Hobart Letter Regarding AB 95
Attachments: AB-95-Letter-09-14-2011.pdf

It was requested that I forward the attached letter from the Village of Hobart regarding AB 95.



AB-95-Letter-09-
14-2011.pdf (3...

Rep. Jim Steineke
304 North, State Capital
Madison, WI 53708
(608) 266-2418
(888) 534-0005 Toll Free



September 14, 2011

Representative Al Ott, Chairman
Representative Jim Steinke, Vice-Chairman
All Committee Members of:
 Committee on Rural Economic Development
 And Rural Affairs
Room 323 North
State Capital
P.O. Box 8953
Madison, WI 53708

RE: AB 95 – Repeal of Language within AB 28

Dear Chairman, Vice-Chairman & Committee Members:

We submit this letter as timeline of tasks completed and incomplete, and respectfully request that your committee reconsider taking up Assembly Bill 95, sponsored by Vice Chairman, Jim Steineke.

Chronology. On May 19th your Committee conducted a hearing, accepting oral and written testimony from those opposed and supportive of AB 95. Much of the testimony provided by opponents of AB 95 was counter-factual, and thereafter factually refuted in Hobart's letter to your Committee, dated May 23rd, 2011. The committee tabled AB 95 for an indeterminate time period.

During a two week period after the May 19th hearing, Village Officials were informed as to a "gentleman's agreement" forged by committee members and tribal legal counsel. That agreement included two conditions: 1) that the Village of Hobart would forthwith issue a municipal liquor license, separating out any disputed delinquent stormwater fees that are currently pending in a federal court matter; 2) that the Oneida Tribe of Indians would, upon receipt of a municipal liquor license, surrender its state liquor license.

In accordance with their municipal liquor license ordinance provisions, at their meeting of June 21, 2011 the Village Board instructed the Village Clerk to publish a Notice of a Class B" liquor license received from Lance Broberg, as Agent for Thornberry Creek at Oneida Golf Course. The public notice appeared in the Ashwaubenon/Hobart Press on June 24, 2011. Subsequently, at their next Board meeting of July 5, 2011, the Village Board unanimously approved a municipal liquor license for the Thornberry Creek at Oneida Golf Course.

During the months of July and August, numerous inquiries to the Department of Revenue from Village and state legislative staff resulted in no evidence of the surrender of the Oneida Tribe's state liquor license. One party subject to the agreement (Hobart) had timely complied; the other party (Oneida Tribe) had not. Finally, at their Board meeting of September 6th, Village officials were informed that the Oneida Tribe had, on August 29, 2011, provided the Department of Revenue correspondence indicating a surrender of their state liquor license. This correspondence included a caveat that the tribe is "reserving its right" (Per Act 28) to return to the state for a liquor license at any time in the future, and included only a photocopy of their liquor license attached to the letter. There is a concern that the original liquor license has not yet actually been surrendered.

Current Status. Village officials are informed that alternative legislation is proposed that would prohibit the State from issuing a license to any entity that owes any debt to the local jurisdiction. It is our opinion that such proposed legislation does not protect or ensure local liquor license enforcement capability, which is the foundational purpose of local liquor licensing.

To illustrate: With the Oneida tribe's knowledge that it can always pursue a state liquor license for so long as it has no arrearage with the Village of Hobart, a state liquor license may be issued and the municipality has no recourse or enforcement authority for violations of its municipal liquor license.

To expand upon the above illustration, for so long as language within Act 28 (Governor Doyle's last budget) remains, **the Oneida Tribe of Indians could acquire any restaurant or tavern anywhere in the state (i.e. downtown Madison, Milwaukee, etc.) pursuing a State liquor license, and rendering the local jurisdiction impotent as to regulatory authority provided by its municipal liquor license ordinance.** The precise language of Act 28 (June 29, 2009) states: Section 125.27(3) of this Act reads as follows: PERMITS FOR CERTAIN TRIBES. (A) In this subsection, "tribe" means a federally recognized American Indian tribe in this state having a reservation created pursuant to treaty with the United States encompassing not less than 60,000 acres nor more than 70,000 acres or business entity that is wholly owned and operated by such tribe.


Request for Reconsideration of AB 95. Assembly Bill 95 is simple, clear, forthright, and closes an inappropriate loophole specific to only one of the Indian tribes in Wisconsin. AB 95 restores Hobart's municipal liquor license ordinance to the equal status of any other municipality's ordinance without the undermining special preference language surreptitiously crafted into Act 28 in 2009.

Approval of AB 95 relieves the Committee and State legislature of any potential demands from other Indian tribes for state liquor licensing, and prevents any possibility of state liquor licenses being issued to Indian tribes in a manner that undermines local jurisdictions and allows proliferation of state liquor licenses to Indian tribes.

Since 1924 when all Indians were granted full citizenship, regulatory authority over liquor has traditionally and soundly been placed at the local jurisdictional level of enforcement regarding Indian Tribes. Enrolled tribal members are also full and equal Wisconsin citizens, and as business owners of tribal enterprises, should be subject to the same regulatory system as any other Wisconsin citizen.

In conclusion, we attach as reference, Hobart's letter to your Committee, of May 23, 2011. We most sincerely and respectfully request that the Rural Economic Development and Rural Affairs Committee take up again, AB 95, and consider approval for submittal to the full legislature.

Sincerely,



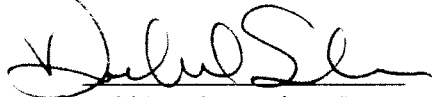
Richard Heidel, Village President



Edward Kazik, Trustee



David Dillenburg, Trustee



Debbie Schumacher, Trustee



Donna Severson, Trustee

CC: Committee Members
Legislative Sponsors of AB 95

Village of



May 23, 2011

Chairman, Representative Al Ott,
Vice Chairman, Representative Jim Steineke
All Committee Members
**Committee on Rural Economic
Development and Rural Affairs**
Room 323 North
State Capitol
P.O. Box 8953
Madison, WI 53708

**RE: Hearing on Assembly Bill 95 (AB 95)
May 19, 2011**

Dear Chairman Ott and all members of the Committee,

We ask that this letter be included in the legislative record for consideration of Assembly Bill 95, Repeal of state liquor licensing for the Oneida Tribe of Indians of Wisconsin. It is most unfortunate that inaccurate and inflammatory testimony was entered into the record of the above-noted Hearing by Ms. Nan Nelson, Executive Vice President of the Green Bay Chamber of Commerce. Below are direct misstatements cited in Ms. Nelson's testimony, and factual corrections to same:

1. CHAMBER MISREPRESENTATION: *"...the local Village of Hobart refused to grant such licenses under terms and conditions that would normally apply to any similar type of business."*

FACT: As a courtesy to the Oneida Tribe, Hobart issued an expedited temporary liquor license to the Thornberry Creek Golf Club in March of 2009 and a permanent liquor license in June of 2009. Hobart's processing of the Thornberry Golf Course liquor license was conducted in exactly the same manner as any other applicant, and in required compliance with Section 5.5 of Hobart's Municipal Code specific to liquor licenses. Hobart's liquor license ordinance is the same or similar to Green Bay's and other municipal liquor licenses throughout the State.

2. CHAMBER MISREPRESENTATION: *"...the licensing became a skirmish in the much larger ongoing war between Hobart and the Oneidas."*

FACT: To characterize legal issues submitted to courts as "a much larger ongoing war" is to utterly ignore the strong relationships that Village elected officials and staff have with individual tribal officials and our tribal residents. Legal issues are

a separate issue from strong mutual respect among Hobart residents, tribal and non-tribal.

3. CHAMBER MISREPRESENTATION: *"...the license was withheld by Hobart in order to extract concessions from the tribe on other unrelated matters."*

FACT: A liquor license was never withheld from the Oneida Tribe, nor would it be as the tribe pursues annual license renewals in compliance with Section 5.5 of the Hobart Municipal Code.

4. CHAMBER MISREPRESENTATION: *"Rescinding the liquor licenses now would put it out of business. No liquor license: no jobs, no tax base."*

FACT: Common sense and common courtesy would be exercised to ensure that as a state liquor license is nullified or otherwise expires, time would be made available for the processing and issuing of a municipal license. The golf course's financial success is an asset to the Village of Hobart, and has been treated as such.

5. CHAMBER MISREPRESENTATION: *"All to strike a blow in a war we want no part of."*

FACT: This is yet another inflammatory reference to a "war" of which Ms. Nelson's level of awareness on this subject is minimal, and absent any contact or confirmation with the Village of Hobart.

6. CHAMBER MISREPRESENTATION: *"Perhaps Hobart is willing to forego the tax revenue and jobs, but why should our schools, our county and our technical college have to suffer the loss of revenue?"*

FACT: The Oneida Tribe of Indians owns approximately one-fourth of the land in Hobart, has removed 1,581 acres from the property tax rolls, and has packaged up an additional 3,300 acres for removal from the property tax rolls. By objecting to such a significant loss of property tax, the Village Board is executing our responsibility to protect taxpayers and the tax base of the Village, and in so doing we likewise protect the revenue for taxing entities such as Northeast Wisconsin Technical College (NWTC), Brown County and school districts.

7. CHAMBER MISREPRESENTATION: *"Why should hundreds of residents have to lose their jobs?"*

FACT: The phrase, "hundreds of residents" at risk of losing their jobs is an intentional exaggeration to tarnish the municipality as unfriendly to business and economic development. While every job in Hobart is essential, Ms. Nelson inflates the number of employees at the Thornberry Creek Golf Course as "hundreds of people," with no ability to require verification of such a statement. A survey of similar golf courses in Brown County that include 18 holes, a

restaurant and pro-shop indicate a range of 35-50 employees during the peak golf season. Hobart has continuously supported and promoted the success of the Thornberry Creek Golf Course. Supporting all local businesses is an entirely separate process from any legal matters placed with a court.

8. CHAMBER MISREPRESENTATION: *"If this law is enacted, what will we tell the next prospective \$10 million investor, afraid that his or her business could be destroyed in a moment, just to score a political point?"*

FACT: The Village of Hobart has installed over \$15 million in assessed valuation in new businesses and housing in the year 2010 alone, and has moved forward as a leader in economic development in Brown County, even during the economic downturns of 2009, 2010 and currently. We have received repeated publicity in major business publications such as *Marketplace Magazine*, *Insight on Business Magazine*, and numerous newspapers, describing our extraordinary growth and job-creation in a tough economic climate. In 2010 new parcels created in Hobart were 10% of new parcels created statewide in Wisconsin. The Green Bay Chamber of Commerce has never acknowledged and now impugns such substantial efforts of this municipality.

Hobart has been at the tables of regional partnerships, and an ongoing supporter and contributor to the Green Bay Chamber of Commerce for over a decade or more. In the past 5 years, Hobart has contributed \$7,709 to the Green Bay Chamber. We specifically contributed \$3,800 to the Chamber's "Better By The Bay" Program, even as we are not near "the Bay." We cannot compete, however, with the annual generous contributions of the Oneida Tribe of Indians of Wisconsin to the Green Bay Chamber. We are saddened that the Chamber would step into an issue between two of its members, much less with such venom and lack of veracity.

We believe that the intent of Assembly Bill 95 is fair and restores equal treatment of liquor licenses for both municipalities and Indian tribes. We encourage passage of AB 95.

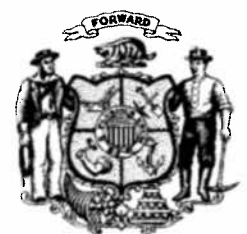
Sincerely,



Richard Heidel, President
Village of Hobart
2990 South Pine Tree Road
Hobart, WI 54155
920.655.3107



WISCONSIN STATE LEGISLATURE



Recd. - 9/20/11

2495 Manitowoc Road, Green Bay, Wis. 54311

September 16, 2011

To Representatives: Bies, Jacque, Klenke, Nygren, Ott, Steineke, VanRoy, Weininger

Some of you have been contacted concerning the effort to move AB95 to hearing, debate and vote before the Rural Economic Development & Rural Affairs Committee. Both as chair of the Brown County Republican Party and the Executive Committee of the Republican 8th Congressional District I feel AB 95 needs to be moved along to final passage.

I have met with president Ric Heidel of the village of Hobart and president Barry Fitzgerald of the Brown County Tavern League and we would like to see AB95 passed in law. I am well acquainted with section 125 of the Wisconsin statutes as I have taught as an adjunct instructor at NWTC for Responsible Beverage Service classes since the classes were established. The quota system for issuing beverage alcohol licenses does not need be expanded nor does it need be taken from municipal control. Statute 125.27(3) should be repealed as this is the intent of AB95. Your help with this legislation will be appreciated.

Sincerely

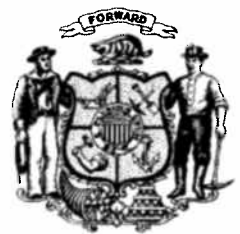


Vern Krawczyk

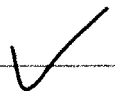
cc: Heidel & Fitzgerald



WISCONSIN STATE LEGISLATURE



Ruby, Erin



From: JOHN [jberggren@prodigy.net]
Sent: Sunday, September 25, 2011 9:07 PM
To: Rep.Ott; Rep.Steineke; Rep.Petrowski; Rep.Murtha; Rep.Tauchen@legis.wiscon.gov; Rep.Ripp;
Rep.Krug; Rep.Larson; Rep.Rivard
Subject: [Possible SPAM] Assembly Bill 95
Importance: Low

Dear Legislative Members of the Committee on Rural Economic Development and Rural Affairs,

I am a citizen of the Village of Hobart, Wisconsin and I am writing to you to urge you to support AB 95 which your Committee is in the process of reviewing. It is very important that our Village have control over the issuance of all liquor licenses within the Village as they are responsible for enforcement of all the laws associated with the effects those licenses have on our safety and welfare. I am also appalled that our municipality is treated different than any other municipality in the State of Wisconsin. Please help restore justice and equality to our Village by actively supporting AB 95 and passing it on to the full Legislature.

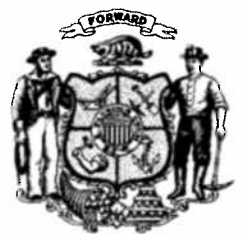
Thank you very much,

John E. Berggren
389 Sunlite Drive
Hobart, WI 54155
920-865-7637

9/26/2011



WISCONSIN STATE LEGISLATURE



Ruby, Erin

From: Rep.Ott
Sent: Monday, September 26, 2011 9:10 AM
To: Ruby, Erin
Subject: FW: [Possible SPAM] AB 95
Importance: Low

From: Lorri [mailto:lkieff@choiceonemail.com]
Sent: Monday, September 26, 2011 9:08 AM
To: Rep.Ott; Rep.Steineke; rep.doyle@gleis.wisconsin.gov; Rep.Ringhand; Rep.Murtha; Rep.Petrowski; Rep.Radcliffe; Rep.Jorgensen; Rep.Danou; Rep.Ripp; Rep.Tauchen; Rep.Larson; Rep.Rivard; Rep.Krug
Subject: [Possible SPAM] AB 95
Importance: Low

Dear Committee members of the Rural Economic Development and Rural Affairs,

I'm taking time out of my day to email all of you to ask for your support of AB 95. I live in the Village of Hobart, Wisconsin and as a Citizen of the United States of America, we expect our legislative representatives to treat all Citizens equally under the laws you create. In the case of giving special treatment to the Oneida Tribe and taking it away from the local government, the law has singled out one group of individuals to circumvent the local government of Hobart whom we the Village citizens have elected. This is contrary to the treatment that every other municipality in our state is afforded. That is to be responsible for the enforcement of all laws associated with the effects and issuance of liquor licenses within our communities.

Please support AB 95 to restore equality for all Citizens.
Thank you,

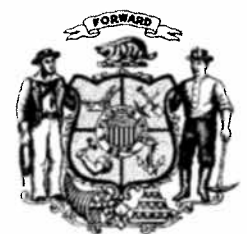
Lorri Kieff, CPA
3811 Hidden Trail
Hobart, WI 54155
920-869-2686

Any tax advice contained in this email was not intended or written to be used by the recipient for the purpose of avoiding penalties that may be imposed by any governmental taxing authority.


9/26/2011



WISCONSIN STATE LEGISLATURE



Ruby, Erin



From: chuckanddi tappa [chuckanddi@hotmail.com]

Sent: Tuesday, September 27, 2011 6:30 PM

To: Rep.Ott; Rep.Steineke; Rep.Petrowski; Rep.Murtha; Rep.Tauchen; Rep.Ripp; Rep.Krug;
Rep.Larson; Rep.Rivard; Rep.Danou; Rep.Vruwink; Rep.Jorgensen; Rep.Radcliffe; Rep.Ringhand;
Rep.Doyle

Subject: [Possible SPAM] AB 95

Importance: Low

Dear Legislative Members of the Committee on Rural Economic Development and Rural Affairs,

I have been a citizen of the village of Hobart, WI. for over 45 years and I am writing you to urge you to support AB 95, which your committee is in the process of reviewing. It is so important that our village have control over the issuance of all liquor licenses within the Village, as they are responsible for enforcement of all the laws associated with the effects those licenses have on our safety and welfare. We are so very proud of our Village Board, who is always watching out for us citizens.

I think it is disgraceful that our municipality is treated different than any other municipality in the State of Wisconsin. Please help us to be treated fair by supporting AB 95 and passing it on to the full Legislature.

Thank you..

Sincerely,

Diane Tappa
Chuck Tappa
430 Oak Ridge Drive
Hobart, WI. 54155

9/28/2011