

State of Misconsin 2005 - 2006 LEGISLATURE

2005 ASSEMBLY BILL 461

- June 2, 2005 Introduced by Representatives GARD, ZIEGELBAUER, MEYER, PETROWSKI, GIELOW, WOOD, BIES, GUNDRUM, JESKEWITZ, KESTELL, OWENS, VUKMIR, GUNDERSON, TOWNS, ALBERS, VOS, OTT, J. FITZGERALD, KLEEFISCH, HUEBSCH, JENSEN and DAVIS, cosponsored by Senators LAZICH, ZIEN and GROTHMAN. Referred to Committee on State Affairs.
- 1 AN ACT *to create* 14.037 of the statutes; **relating to:** requiring legislative 2 approval to locate a gaming establishment on certain lands taken into trust for 3 the benefit of Indian tribes.

Analysis by the Legislative Reference Bureau

The federal Indian Gaming Regulatory Act, which regulates gaming activities on Indian lands, requires that before an Indian gaming establishment may be located on Indian lands taken into trust after October 17, 1988 ("off-reservation" lands), the governor must concur with the decision of the U.S. secretary of the interior (secretary) that the proposed Indian gaming establishment would be in the best interest of the Indian tribe and its members and would not be detrimental to the surrounding community.

This bill provides that the governor may not concur with a decision of the secretary that an Indian gaming establishment proposed to be located on Indian lands taken into trust after October 17, 1988, would be in the best interest of the Indian tribe and its members and would not be detrimental to the surrounding community, unless the legislature first concurs in the determination by joint resolution.

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

2005 – 2006 Legislature

ASSEMBLY BILL 461

1	SECTION 1. 14.037 of the statutes is created to read:
2	14.037 Legislative approval of Indian gaming on lands taken into trust
3	after October 17, 1988. The governor may not concur with a determination of the
4	U.S. secretary of the interior, under 25 USC 2719 (b) (1) (A), that a gaming
5	establishment proposed to be located on lands acquired by the U.S. secretary of the
6	interior in trust for the benefit of an Indian tribe after October 17, 1988, would be in
7	the best interest of the Indian tribe and its members and would not be detrimental
8	to the surrounding community, unless the legislature first concurs in the
9	determination by joint resolution.
10	SECTION 2. Initial applicability.
11	(1) This act first applies to concurrences issued by the governor on the effective
12	date of this subsection.

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(END)