



2003 ASSEMBLY BILL 703

December 12, 2003 - Introduced by Representatives M. LEHMAN, J. FITZGERALD, AINSWORTH, KERKMAN, HINES, KREIBICH, LADWIG, ALBERS, HAHN, NISCHKE, KESTELL, OLSEN, PETROWSKI and VAN ROY, cosponsored by Senators REYNOLDS, A. LASEE and ROESSLER. Referred to Committee on State Affairs.

1 **AN ACT** *to renumber and amend* 14.035 and 19.82 (2); and *to create* 14.035 (2)
2 and 19.82 (2) (b) of the statutes; **relating to:** approval of Indian gaming
3 compacts and recommendations from the legislature and exemptions from the
4 open meetings law for certain meetings related to Indian gaming compacts.

Analysis by the Legislative Reference Bureau

Under current law, the governor, on behalf of the state, is authorized to negotiate and enter into gaming compacts to regulate the operation of Indian gaming facilities. These compacts are governed by the federal Indian Gaming Regulatory Act (IGRA) and provide for locating gaming establishments on Indian lands that existed on or before the enactment date of IGRA, which was October 17, 1988, and Indian lands acquired by the U.S. secretary of the interior in trust for the benefit of an Indian tribe after October 17, 1988.

This bill provides that, before or as soon as practicable after the governor begins negotiating to enter into, amend, extend, or renew any gaming compact, the governor must meet with the Joint Committee on Legislative Organization (JCLO). At the meeting, the governor must inform JCLO about any disputed issues and must discuss any other issues about which JCLO seeks information. After the initial meeting, at the initiative of the governor or JCLO, the governor must periodically meet with JCLO about the negotiation progress. Before the governor enters into, amends, extends, or renews any gaming compact, the governor must meet with JCLO to inform the members of the content of the compact or its amendments.

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Currently, with certain exceptions, meetings of governmental bodies, which include JCLO, must be held in open session at places that are reasonably accessible to members of the public and must be preceded by public notice. The requirements apply whenever the members of the body convene for the purpose of exercising the responsibilities, authority, power, or duties delegated to or vested in them by law, regardless of whether formal action is taken. The requirements do not apply to any social or chance gathering or conference that is not intended to avoid compliance with the requirements.

This bill provides that the open meetings and public notice requirements in current law do not apply to a gathering of JCLO if JCLO is meeting with the governor for the purpose of obtaining information about or discussing issues related to entering into, amending, extending, or renewing any Indian gaming compact.

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

1 **SECTION 1.** 14.035 of the statutes is renumbered 14.035 (1) and amended to
2 read:

3 14.035 (1) ~~The Subject to sub. (2), the~~ governor may, on behalf of this state,
4 enter into any compact that has been negotiated under 25 USC 2710 (d).

5 **SECTION 2.** 14.035 (2) of the statutes is created to read:

6 14.035 (2) Before negotiating any compact under sub. (1), or as soon as
7 practicable after negotiations begin, the governor, or his or her designee, shall meet
8 with the joint committee on legislative organization. At the meeting, the governor,
9 or his or her designee, shall inform the joint committee on legislative organization
10 about which items are in dispute between the state and the Indian tribes and shall
11 discuss any other issues regarding the negotiation of the Indian gaming compact
12 about which the joint committee on legislative organization seeks information. After
13 the initial meeting, the governor, or his or her designee, shall periodically meet with
14 the joint committee on legislative organization to inform the joint committee about
15 the progress of negotiations. The meetings may be called by the governor at his or

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1 her initiative or be at the request of the joint committee on legislative organization.
2 Before entering into, amending, extending, or renewing any Indian gaming compact,
3 the governor, or his or her designee, shall meet with the joint committee on legislative
4 organization to inform the members of the content of the compact or its amendments.

5 **SECTION 3.** 19.82 (2) of the statutes is renumbered 19.82 (2) (intro.) and
6 amended to read:

7 19.82 (2) (intro.) "Meeting" means the convening of members of a governmental
8 body for the purpose of exercising the responsibilities, authority, power or duties
9 delegated to or vested in the body. If one-half or more of the members of a
10 governmental body are present, the meeting is rebuttably presumed to be for the
11 purpose of exercising the responsibilities, authority, power, or duties delegated to or
12 vested in the body. The term does not include any of the following:

13 (a) A social or chance gathering or conference which is not intended to avoid
14 this subchapter, ~~any.~~

15 (c) A gathering of the members of a town board for the purpose specified in s.
16 60.50 (6), ~~any.~~

17 (d) A gathering of the commissioners of a town sanitary district for the purpose
18 specified in s. 60.77 (5) (k) ~~or any.~~

19 (e) A gathering of the members of a drainage board created under s. 88.16, 1991
20 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

21 **SECTION 4.** 19.82 (2) (b) of the statutes is created to read:

22 19.82 (2) (b) A gathering of the joint committee on legislative organization for
23 a purpose specified in s. 14.035 (2).

24 **SECTION 5. Initial applicability.**

