

ADMINISTRATION - DIVISION OF GAMING

Tribal Gaming Revenue Allocations

Motion:

Move to provide the following modifications of tribal gaming revenue allocations:

1. Provide \$500,000 PR annually in tribal gaming revenue to DOA for the county management assistance program appropriation.

2. LFB Paper #134. Delete \$350,000 PR annually from DOA relating to the tribal law enforcement assistance grant program.

3. LFB Paper #135 Ethanol Producer Grants Program. Provide an additional \$1,000,000 PR annually for grants to ethanol producers.

4. Delete \$25,200 PR annually in tribal gaming revenue and the related appropriation and statutory language from the Arts Board, which currently provides state aid for the arts grants for American Indian individuals, groups, organizations, institutions, or tribal governments.

5. Make the following changes to the Native American economic development program in the Department of Commerce: (a) delete \$25,000 PR annually to eliminate funding for Native American liaison grants to the Great Lakes Intertribal Council (GLTTC); and (b) delete \$132,600 PR and 1.0 PR position to reduce funding and positions for the Department's liaison and administration of gaming economic development and diversification grants and loans.

6. LFB Paper #136 Parks Account Funding. Alternatives A2c and B2. Transfer \$650,000 annually (rather than \$1,300,000 under the bill) from tribal gaming revenues to the segregated parks account of the conservation fund each year of the 2003-05 biennium only. Further, provide \$105,100 in parks account SEG in 2003-04 and \$149,500 in 2004-05 with 2.0 SEG positions for operations of the Tommy G. Thompson and Capital Springs Centennial State Parks.

7. LFB Paper #137 Snowmobile Warden Transfer. Delete the Governor's recommendation (to transfer \$338,800 and 4.5 snowmobile enforcement positions annually from tribal gaming revenues to snowmobile SEG). Rather transfer \$60,700 annually in snowmobile SEG enforcement costs to tribal gaming revenues (all remaining snowmobile SEG for state

enforcement). In addition, convert \$500,000 annually from snowmobile SEG to tribal gaming revenues for snowmobile trail aids.

8. Danbury/St. Croix Chippewa Grant. Delete \$250,000 in tribal gaming PR each year for the grant to the Town of Swiss (Danbury) in Bumett County and the St. Croix Band of Chippewa Indians for wastewater and drinking water treatment facilities. A grant of \$250,000 in each of 2003-04 and 2004-05 would remain.

9. DNR Coaster Brook Trout Reintroduction. Delete \$20,000 PR annually for coaster brook trout reintroduction efforts.

10. Delete \$260,000 PR annually from DPI and eliminate the alternative school American Indian language and culture education categorical aid program.

11. Delete \$50,000 PR annually from DPI and eliminate the grant to Beloit College for Native American culture education.

12. Delete \$150,000 PR annually in tribal gaming revenue from the University of Wisconsin System's appropriation that supports the operations and maintenance of the UW aquaculture demonstration facility.

13. Convert \$15,000 PR annually in the Department of Veterans Affairs for grants to assist American Indians in obtaining federal and state veterans benefits to funding from the veterans trust fund.

14. Convert \$57,800 PR and 1.0 PR position annually in the Department of Veterans Affairs for an American Indian services veterans benefits coordinator position to funding from the veterans trust fund.

15. Delete \$600,000 PR annually to eliminate grants to tribal colleges for work-based learning programs. (This program was transferred to WTCS by prior Committee action.)

16. Move to provide a sum sufficient for DOA to make payments from tribal gaming revenue not to exceed \$225,300 PR in a fiscal year to local revenue sharing boards, as provided below. Require the creation of a four-member local revenue sharing board by the city, village, or town, and by the county, in which a Class in gaming facility (tribal casino) is located. Require the governing bodies of these political subdivisions to enact an ordinance creating the board with the members of the board appointed, as follows: (1) one member appointed by the governing body of the city, village, or town in which the facility is located; (2) one member appointed by the county board of the county in which the facility is located; (3) one member appointed by the members of the public safety group, described below; and (4) one member appointed by the governing body of the political subdivision that is most impacted by the facility, other than the political subdivisions specified in (1) or (2), as determined by the appointed members under (1), (2) and (3). Provide that not more than once every two years, a majority of the board members

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may select a different political subdivision under (4) and the governing body of that political subdivision would appoint one member to the board.

Require that all political subdivisions whose public safety entities are obligated to provide services to a particular facility must establish a group that is made up of the highest ranking member of each public safety entity [this group would appoint one member under (3) above]. Define public safety entities as all of the following departments, agencies, or subunits of a political subdivision that are obligated to provide services to a particular facility: (a) a fire department; (b) an emergency medical services department, whose personnel include a licensed emergency medical technician, a certified first responder, or other personnel who operate or staff an ambulance or authorized emergency vehicle; and (c) a governmental unit of one or more persons employed full time by a political subdivision for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, and the employees of this unit are authorized to make arrests for crimes while acting within the scope of their authority.

Provide that each member of the board would serve at the pleasure of the governing body or group that appoints the individual, except that the public safety group member's term would end upon the selection of a new member, who would serve at the pleasure of the public safety group.

Provide that the board would select from among its members a president, vice president, and secretary-treasurer. Require that meetings of the board may be called by the president or by any other member of the board, and must be held in a building in which the governing body of a political subdivision holds its meetings. Provide that a member of the board may not receive any compensation for serving on the board, but must be reimbursed by the political subdivision that appoints or confirms the member for any actual and necessary expenses that he or she incurs relating to service on the board. This reimbursement must be apportioned among the political subdivisions associated with the public safety group for the member appointed by the public safety group.

Require the board to establish an account at a financial institution and to deposit into the account any tribal gaming revenues received directly from a tribe or from the state. Provide that all four members of the board constitute a quorum, and a majority of a quorum may act in any matter within the jurisdiction of the board.

Require that the board must annually determine the costs incurred by each political subdivision that provides services to a tribal casino. Provide that the total amount of these costs may be certified to the Department of Administration (DOA).

Provide that the governing bodies of each political subdivision represented on the board must enter into an intergovernmental cooperation agreement that addresses at least all of the following: (1) the public safety entities, including police, fire, and rescue services, that are to receive payments from tribal gaming revenue and the apportionment formula among the political subdivisions; (2) a method to determine the costs incurred by each political subdivision as a result of the development of the facility, for the purpose of apportioning any tribal gaming revenue payments; and (3) the apportionment formula among the political subdivisions for any payments of tribal gaming revenue; and (4) a mechanism to provide any supplies that are needed by the board.

Provide that, if a state-tribal gaming compact requires payments to a political subdivision, such payments must be sent to the local revenue sharing board. If a compact does not require payments to a political subdivision, provide that DOA would be required to pay annually to the board, from the Indian gaming receipts appropriation, the amount certified by a local revenue sharing board. If a compact requires payments to a political subdivision and such payments are less than the amount certified by a local revenue sharing board, require DOA to pay annually to the board, from the Indian gaming receipts appropriation, an amount equal to the difference between the amount certified by a board and the amount that is paid to the political subdivision under the compact.

Require that the local shared revenue board make annual disbursements, in the following order, from the amounts of tribal gaming revenue deposited into the board's financial institution account for this purpose: (a) to public safety entities, based on costs incurred, and based on the apportionment formula contained in the board's intergovernmental cooperation agreement; (b) to each political subdivision that is represented on the board, an amount equal to the amount that the political subdivision would have received, in the year to which the payment relates, in property taxes on the facility, if the facility had been subject to property taxes; and (c) to each political subdivision that is represented on the board, any funds that remain in the account after making these payments, based on the apportionment formula contained in the board's intergovernmental cooperation agreement.

Provide that if a tribal gaming facility ceases operation, after the facility makes its last payment to the board's account, the board would be required to distribute the amount in the account to each political subdivision that is represented on the board, based on the apportionment formula contained in the board's intergovernmental cooperation agreement. Provide that after the board distributes all funds in the account, the board would be dissolved. ^

Provide that these provisions would not apply to 1st class cities or to counties with a population of at least 500,000.

Note:

Item #3 Under the motion a total of \$2,900,000 in tribal gaming PR annually would be available for ethanol producer grants (\$1,000,000 more annually than under the bill).

Item #6. The motion would reduce tribal gaming revenues transferred to the parks account of the conservation fund by \$1.3 million for the biennium and provide SEG funding for ongoing operations at the two Centennial State Parks. The June 30, 2005, balance of the parks account would be expected to total about \$8,200. —

Item #7. Relating to the snowmobile account of the conservation fund, the change to the bill would be to shift \$799,000 and 4.5 positions for the biennium from snowmobile SEG to tribal gaming PR. Further, the motion would shift \$500,000 annually for snowmobile trail aids from SEG to tribal gaming PR to balance snowmobile account expenditures with anticipated revenues. In sum, compared to the bill, \$1.8 million would be shifted from snowmobile SEG to tribal gaming PR for the biennium.

Item #8. Relating to the DNR grant to the Town of Swiss (Danbury) and the St. Croix Band for water treatment facilities the motion would retain the current law requirement that no funds may be encumbered from the appropriation after June 30, 2005. Under the motion, a total of \$1,900,000 would be granted from tribal gaming revenues for the project in 1999-00 through 2004-05.

Item #9. The motion deletes base DNR funding for coaster brook trout reintroduction in Lake Superior.

Item #16. The motion relating to shared revenue boards is based on LRB-2295/P2. Under the provisions of the motion, it is estimated that 17 local revenue sharing boards would be required to be established.

[Change to Bill: -\$275,700 PR and 2.5 PR positions and -\$1,398,800 SEG and -1.5 SEG positions]