

CHAPTER 569

INDIAN GAMING

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569.01 Definitions. In this chapter:

(1e) “Department” means the department of administration.

(1g) “Indian gaming compact” means a compact entered into under s. 14.035.

(1j) “Indian gaming facility” means a facility at which Indian gaming is conducted under an Indian gaming compact.

(1m) “Indian gaming receipts” means any of the following:

(a) Moneys received by the state from Indian tribes as reimbursement for state costs of regulation of Indian gaming under Indian gaming compacts, except moneys received as direct reimbursements to the department of justice.

(b) Moneys received by the state from Indian gaming vendors and from persons proposing to be Indian gaming vendors as reimbursement for state costs of certification and background investigations under s. 569.04, except moneys received as direct reimbursements to the department of justice.

(c) Moneys received by the state from Indian tribes as reimbursement for state costs of gaming services and assistance provided by the state that are requested by an Indian tribe.

(d) Moneys received by the state from Indian tribes pursuant to an Indian gaming compact, except moneys received as direct reimbursements to the department of justice.

(2) “Indian gaming vendor” means a person who enters into a contract with an Indian tribe for materials, supplies, equipment or services which are unique to the gaming operations of the Indian tribe and not common to the other operations of the Indian tribe, including security services, management contractors, management consulting services regarding the administration, supervision or training of one or more functions relating to gaming management or operations, financing of facilities in which gaming is conducted except for financing by a state or federally chartered financial institution, prize payout agreements or annuity contracts and materials, supplies, equipment or services involving marketing, the printing of gaming tickets or receipts, the receiving or recording of a player’s selection in any game conducted by the Indian tribe and the determination of winners of a game conducted by the Indian tribe.

(3) “Indian tribe” means a federally recognized Indian tribe in this state.

(4) “Net win” means the amount wagered at an Indian gaming facility, less the amount paid out in winnings at the Indian gaming facility.

History: 1993 a. 16 ss. 3540, 3544; 1995 a. 27; 1997 a. 27; 1999 a. 9.

569.015 Indian gaming. (1) The secretary of administration shall appoint a director of Indian gaming, who shall advise the secretary on matters relating to Indian gaming and who shall assist the department in performing the functions of the department under this chapter. The director of Indian gaming shall serve at the pleasure of the secretary of administration.

(2) The secretary of administration shall appoint an attorney, whose duties shall include advising the secretary of administration and the governor on any Indian gaming compacts that may be entered into under s. 14.035. The attorney shall serve at the pleasure of the secretary of administration.

History: 1997 a. 27.

569.02 Indian gaming; general duties. Under the direction of the secretary of administration, the director of Indian gaming shall do all of the following:

(1) Coordinate all of the state’s regulatory activities regarding Indian gaming.

(2) Function as an Indian gaming liaison between Indians, the general public and the state.

(3) Function as a clearinghouse for information on Indian gaming.

(4) Assist the governor in determining the types of gaming that may be conducted on Indian lands and in entering into Indian gaming compacts.

(5) On March 1 annually, for each payment of Indian gaming receipts, as described under s. 569.01 (1m) (d), received by the state from an Indian tribe in the prior calendar year, determine the amount to be transferred under s. 20.505 (8) (hm) to the appropriation account under s. 20.835 (2) (ka) by doing all of the following:

(a) Dividing the net win in the prior calendar year at all of the Indian tribe’s Indian gaming facilities at which pari-mutuel racing is conducted and at which pari-mutuel racing under ch. 562 was conducted on October 29, 1999, by the net win in the prior calendar year at all of the Indian tribe’s Indian gaming facilities.

(b) Multiplying the number calculated under par. (a) by the amount of Indian gaming receipts, as described under s. 569.01 (1m) (d), received by the state from the Indian tribe in the prior calendar year.

History: 1991 a. 269; 1993 a. 16; 1995 a. 27 s. 9123 (6pp); 1997 a. 27; 1999 a. 9.

If any element of an Indian tribe’s television bingo game occurs off the reservation, it is subject to prosecution under Wisconsin criminal law. 80 Atty. Gen. 332.

569.03 Indian gaming security. The department may do any of the following:

(1) Provide all of the security services for the Indian gaming operations under this chapter.

(2) Monitor the regulatory compliance of Indian gaming operations under this chapter and under any Indian gaming compact entered into under s. 14.035.

(3) Audit the Indian gaming operations under this chapter.

(4) Investigate suspected violations of this chapter.

(5) Report suspected gaming-related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

History: 1997 a. 27.

The state’s interest in preventing organized crime infiltration of tribal bingo enterprises does not justify state regulation in light of the compelling federal and tribal interest supporting it. *California v. Cabazon Band of Indians*, 480 U.S. 202 (1987).

569.04 Certification and background investigation of Indian gaming employees and vendors. (1) In accordance with an Indian gaming compact or with the regulations of or an agreement with the national Indian gaming commission, the department shall certify and conduct background investigations of a person proposing to be an Indian gaming vendor and of

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employees of Indian tribes who are engaged in the conduct of gaming.

(2) The department shall require the persons who are subject to the background investigations under sub. (1) to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. Notwithstanding ss. 111.321, 111.322 and 111.335, the department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

(3) If the results of a background investigation under this section disclose information that, under the Indian gaming compact,

disqualifies the person from becoming an Indian gaming vendor, any certificate authorizing the person to be an Indian gaming vendor that was issued before that disclosure is void.

History: 1991 a. 320; 1993 a. 16 ss. 3538, 3541 to 3543; 1995 a. 27 s. 9123 (6pp); 1995 a. 417; 1997 a. 27.

569.06 Indian gaming receipts. Indian gaming receipts shall be credited to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h). Indian gaming receipts shall be credited to the appropriation account under s. 20.505 (8) (hm) in the amount necessary to make the transfers specified under s. 20.505 (8) (hm). Indian gaming receipts not otherwise credited to appropriation accounts under this section shall be paid into the general fund.

History: 1993 a. 16; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2003 a. 33.