



2013 ASSEMBLY BILL 422

October 17, 2013 - Introduced by Representatives JACQUE, PETRYK, BALLWEG, BERNIER, BORN, BROOKS, KNODL, MURTHA, NASS, RIPP, TITTL, WILLIAMS and ENDSLEY, cosponsored by Senators LASEE, LEIBHAM, HARSDFORF and SCHULTZ. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT** *to repeal* 563.03 (12m); *to renumber and amend* 563.90; *to amend*
2 563.05 (2), 563.91, 563.92 (1m), 563.92 (2), 563.93 (1) (e), 563.93 (1s), 563.93 (4)
3 (a), 563.93 (4) (b), 563.93 (4m), 563.93 (5), 563.93 (6), 563.93 (7), 563.93 (8),
4 563.93 (9), 563.935 (5), 563.935 (6) (a), 563.935 (6) (b), 563.935 (8), 563.935 (9),
5 563.935 (10) (intro.) and 945.01 (3) (b) 1.; and *to create* 563.908, 563.92 (3b) and
6 563.98 (1) (f) of the statutes; **relating to:** raffles that involve the racing of
7 plastic or rubber ducks.

Analysis by the Legislative Reference Bureau

The Wisconsin Constitution permits the legislature to authorize certain types of gambling. A raffle conducted by a local religious, charitable, service, fraternal, or veterans' organization is a type of gambling that may be authorized. Under current law, the legislature has authorized the operation of raffles that are games of chance in which tickets are sold and drawings are held.

This bill expands the type of raffles that are authorized to include games of chance for which tickets are sold and that use plastic or rubber ducks in a race. Each "duck" has a number on it, which is the same number that is on a ticket that was sold for the raffle. The duck that first crosses the finish line represents the winner of the raffle. The bill imposes certain requirements for conducting a race, including a requirement that the ducks be the same size, shape, and weight, and that a device be used at the finish line that traps the ducks in the order that they cross.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 563.03 (12m) of the statutes is repealed.

2 **SECTION 2.** 563.05 (2) of the statutes is amended to read:

3 563.05 (2) The department may promulgate rules requiring holders of licenses
4 issued under this chapter to post a notice in a conspicuous place where a bingo
5 occasion or raffle drawing is being conducted describing the procedures for filing a
6 complaint against the holder.

7 **SECTION 3.** 563.90 of the statutes is renumbered 563.907 and amended to read:

8 **563.907 Qualified organizations.** Any local religious, charitable, service,
9 fraternal or veterans organization or any organization to which contributions are
10 deductible for federal income tax purposes or state income or franchise tax purposes,
11 which has been in existence for one year immediately preceding its application for
12 a license or which is chartered by a state or national organization which has been in
13 existence for at least 3 years, may conduct a raffle upon receiving a license for the
14 raffle event from the department. No other person may conduct a raffle in this state.

15 **SECTION 4.** 563.908 of the statutes is created to read:

16 **563.908 Types of raffles allowed.** A raffle may not be conducted in this state
17 unless it is one of the following:

18 (1) A game of chance for which tickets or calendars are sold and a drawing for
19 prizes is held.

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1 (2) A game of chance for which tickets are sold, that employs flexible plastic
2 or rubber ducks that are used in a race, and that meets all of the following
3 requirements:

4 (a) The ducks are placed in a waterway and the first duck to cross a finish line
5 represents the winner of the raffle.

6 (b) All of the ducks are made to be unsinkable and unbreakable.

7 (c) A number written in waterproof ink is on each duck and the number is the
8 same as one that is on a single ticket that was sold for the raffle.

9 (d) All of the ducks are of the same size, shape, and weight.

10 (e) The waterway is free of obstructions.

11 (f) The race begins with all of the ducks being held behind a barrier and the
12 barrier then being removed or with all of the ducks being dropped by means of a
13 device into the water at the same time.

14 (g) All individuals present at the race are prohibited from touching, hindering,
15 or moving the ducks while they are in the waterway.

16 (h) The winner is determined by the use of a chute or some other entrapment
17 device that is located at the finish line and that traps the ducks, one at a time, in the
18 order that they cross the finish line.

19 **SECTION 5.** 563.91 of the statutes is amended to read:

20 **563.91 Limit.** No qualified organization under s. ~~563.90~~ 563.907 may conduct
21 more than 200 raffles or more than one calendar raffle during a year.

22 **SECTION 6.** 563.92 (1m) of the statutes is amended to read:

23 **563.92 (1m)** The department may issue a Class A license for the conduct of a
24 raffle in which some or all of the tickets for that raffle are sold on days other than the
25 same day as that the raffle drawing occurs and in which equal shares of a single ticket

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1 may be sold to one or more purchasers. The department may issue a Class B license
2 for the conduct of a raffle in which all of the tickets for that raffle are sold on the same
3 day as that the raffle drawing occurs.

4 **SECTION 7.** 563.92 (2) of the statutes is amended to read:

5 563.92 (2) The fee for a raffle license shall be \$25 and shall be remitted with
6 the application. A raffle license shall be valid for 12 months and may be renewed as
7 provided in s. 563.98 (1g). The department shall issue the license within 30 days
8 after the filing of an application if the applicant qualifies under s. ~~563.90~~ 563.907 and
9 has not exceeded the limits of s. 563.91. All moneys received by the department
10 under this subsection shall be credited to the appropriation account under s. 20.505
11 (8) (j).

12 **SECTION 8.** 563.92 (3b) of the statutes is created to read:

13 563.92 (3b) An application for a Class A or Class B license submitted by an
14 organization that plans to conduct a raffle of the type described in s. 563.908 (2) shall
15 include all of the following:

16 (a) The name of the organization.

17 (b) The address of the premises where each raffle will be conducted.

18 (c) Description of the record-keeping and accounting procedures that will be
19 used in conducting each raffle.

20 (d) The date the membership approved this type of raffle.

21 (e) The signature of the president of the organization.

22 **SECTION 9.** 563.93 (1) (e) of the statutes is amended to read:

23 563.93 (1) (e) The date, time and place of the ~~drawing or drawings~~ raffle.

24 **SECTION 10.** 563.93 (1s) of the statutes is amended to read:

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1 563.93 (1s) Each raffle ticket and each calendar sold by an organization shall
2 include a separate identification number, printed on both the purchaser's and the
3 organization's portion of the ticket or calendar, numbered consecutively in relation
4 to the other tickets or calendars for the same drawing raffle.

5 **SECTION 11.** 563.93 (4) (a) of the statutes is amended to read:

6 563.93 (4) (a) Except as provided in par. (b), tickets for a proposed raffle may
7 not be offered for sale more than 270 days before the date of the raffle drawing.

8 **SECTION 12.** 563.93 (4) (b) of the statutes is amended to read:

9 563.93 (4) (b) An organization that existed at least 5 years before the
10 organization was issued a Class A license may offer tickets for sale for a proposed
11 raffle up to one year before the date of the raffle drawing.

12 **SECTION 13.** 563.93 (4m) of the statutes is amended to read:

13 563.93 (4m) The organization that conducts a raffle under a Class A license
14 shall provide the purchaser of a raffle ticket or calendar the purchaser's portion of
15 the ticket or calendar before the raffle drawing is held, but need not provide it to the
16 purchaser at the time of purchase.

17 **SECTION 14.** 563.93 (5) of the statutes is amended to read:

18 563.93 (5) All raffle ~~drawings~~ raffles shall be held in public.

19 **SECTION 15.** 563.93 (6) of the statutes is amended to read:

20 563.93 (6) All prizes shall be awarded. The purchaser of a ticket or calendar
21 need not be present at the drawing raffle to win a prize.

22 **SECTION 16.** 563.93 (7) of the statutes is amended to read:

23 563.93 (7) If a raffle ~~drawing~~ is canceled, the organization shall refund the
24 receipts to the ticket or calendar purchasers.

25 **SECTION 17.** 563.93 (8) of the statutes is amended to read:

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1 563.93 (8) The organization that holds a raffle ~~drawing~~ shall furnish a list of
2 prize winners to each ticket or calendar holder who provides the organization with
3 a self-addressed stamped envelope and requests the list.

4 **SECTION 18.** 563.93 (9) of the statutes is amended to read:

5 563.93 (9) If a person who holds a Class A license sells equal shares of a single
6 ticket to one or more purchasers for a raffle, the person shall, prior to the date on
7 which the raffle drawing for which the shares were sold is held, purchase any shares
8 of the ticket that have not been sold.

9 **SECTION 19.** 563.935 (5) of the statutes is amended to read:

10 563.935 (5) All ~~raffle drawings~~ raffles shall be held in public.

11 **SECTION 20.** 563.935 (6) (a) of the statutes is amended to read:

12 563.935 (6) (a) Except as provided in par. (b), the purchaser of a ticket must be
13 present at the ~~drawing~~ time the raffle is held to win a prize, unless the purchaser
14 gives the ticket to another person who may claim the prize on behalf of the purchaser,
15 but only if that other person is present at the ~~drawing~~ raffle. If the purchaser of the
16 ticket gives the ticket to another person to claim a prize on behalf of the purchaser,
17 the organization conducting the raffle and the department shall not be held
18 responsible or liable in any dispute regarding the ownership of the ticket.

19 **SECTION 21.** 563.935 (6) (b) of the statutes is amended to read:

20 563.935 (6) (b) Any organization conducting a raffle may, according to
21 procedures determined by the organization, allow the purchaser of a ticket not to be
22 present at the ~~drawing~~ time the raffle is held to win a prize.

23 **SECTION 22.** 563.935 (8) of the statutes is amended to read:

