

April 1992 Spec. Sess.
Assembly Bill 6

Date of enactment: **June 11, 1992**
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1991 WISCONSIN ACT 321

AN ACT *to repeal* 945.01 (1) (c); *to amend* 945.01 (title); *to repeal and recreate* 565.27 (1) (intro.); and *to create* 15.647, 563.052, 565.01 (6m), 565.015, 945.01 (intro.) and 945.01 (1) (cm) and (e) of the statutes, **relating to:** restricting gambling conducted by the state to the forms of gambling that the state is currently conducting, providing for advisory referenda on the questions of allowing riverboat gambling, casino gambling and video gambling in this state and continuing to allow pari-mutuel on-track betting and the state-operated lottery in this state, creating a council on charitable gaming, and the forms of gambling that may be conducted by Indians on tribal lands.

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

SECTION 1. 15.647 of the statutes is created to read:

15.647 Same; councils. (1) COUNCIL ON CHARITABLE GAMING. There is created in the gaming commission a council on charitable gaming consisting of 5 residents of this state appointed for 5-year terms. Not more than 3 members of the council may belong to the same political party. Members of the council shall hold office until a successor is appointed and qualified.

SECTION 2. 563.052 of the statutes is created to read:

563.052 Council on charitable gaming. The council on charitable gaming shall advise the commission on all matters relating to the conduct of bingo and raffles under this chapter.

SECTION 3. 565.01 (6m) of the statutes is created to read:

565.01 (6m) (a) "The state lottery" means an enterprise, including a multistate lottery in which the state participates, in which the player, by purchasing a ticket, is entitled to participate in a game of chance in which any of the following applies:

1. The winning tickets are randomly predetermined and the player reveals preprinted numbers or symbols from which it can be immediately determined whether the ticket is a winning ticket entitling the player to win a prize as prescribed in the features and procedures for the

game, including an opportunity to win a prize in a secondary or subsequent chance drawing or game.

2. The ticket is evidence of the numbers or symbols selected by the player or, at the player's option, randomly selected by a computer, and the player becomes entitled to a prize as prescribed in the features and procedures for the game, including an opportunity to win a prize in a secondary or subsequent chance drawing or game, if some or all of the player's symbols or numbers are selected in a chance drawing or game, if the player's ticket is randomly selected by the computer at the time of purchase or if the ticket is selected in a chance drawing.

(b) "The state lottery" does not include any of the following games or games simulating any of the following games:

1. Any game in which winners are selected based on the results of a race or sporting event.

2. Any banking card game, including blackjack, baccarat or chemin de fer.

3. Poker.

4. Roulette.

5. Craps or any other game that involves utilizing dice.

6. Keno.

7. Bingo 21, bingo jack, bingolet or bingo craps.

8. Any game of chance that is played on a slot machine or any mechanical, electromechanical or elec-

tronic device that is generally available to be played at a gambling casino.

9. Any game or device that is commonly known as a video game of chance or a video gaming machine or that is commonly known as or considered to be a video gambling machine, except a video device authorized by the commission to permit the sale of tickets by retailers in a game authorized under par. (a) if all of the following apply:

a. The device does not determine whether the player has won a prize.

b. The device does not indicate whether the player has won a prize other than by verifying that the player's ticket or some or all of the player's symbols or numbers on the player's ticket have been selected in a chance drawing, or by verifying that the player's ticket has been randomly selected by a central system computer at the time of purchase.

10. Any game that is similar to a game listed in this paragraph.

11. Any other game that is commonly considered to be a form of gambling and is not, or is not substantially similar to, a game that the commission has the authority to conduct under this chapter.

(c) This subsection shall not affect the provisions of any Indian gaming compact entered into before the effective date of this paragraph [revisor inserts date], under s. 14.035.

SECTION 3m. 565.015 of the statutes is created to read:

565.015 Advisory referendum on additional forms of gambling. After the effective date of this section [revisor inserts date], neither house of the legislature may pass any bill that authorizes the conduct of any game specified in s. 565.01 (6m) (b), 1991 stats., unless, prior to the passage of that bill and during the same legislative session, all of the following occur:

(1) A bill requiring a statewide advisory referendum on the question of whether the legislature should authorize the conduct of such a game has been enacted.

(2) The advisory referendum required under sub. (1) has been held.

SECTION 4. 565.27 (1) (intro.) of the statutes, as affected by 1991 Wisconsin Act 269, is repealed and recreated to read:

565.27 (1) GAME FEATURES AND PROCEDURES. (intro.) Subject to this section, the rules promulgated under s. 565.02 (3) (d) and (4) (a) and commission approval, the administrator shall determine the particular features of and procedures for each lottery game offered. The

administrator shall recommend to the commission for promulgation by rule under s. 565.02 (3) (d) the types of state or multistate lottery games to be offered. The features and procedures shall be in writing, shall be accessible to the public and shall include all of the following:

SECTION 5. 945.01 (title) of the statutes is amended to read:

945.01 (title) Definitions.

SECTION 6. 945.01 (intro.) of the statutes is created to read:

945.01 (intro.) In this chapter:

SECTION 7. 945.01 (1) (c) of the statutes is repealed.

SECTION 8. 945.01 (1) (cm) and (e) of the statutes are created to read:

945.01 (1) (cm) Participation in bingo or a raffle conducted under ch. 563.

(e) Participation in a lottery conducted under ch. 565.

SECTION 9. Nonstatutory provisions; council on charitable gaming. Notwithstanding section 15.647 (1) of the statutes, as created by this act, the persons serving as members of the bingo control board on September 30, 1992, shall become the initial members of the council on charitable gaming, with the term of each member expiring on the date on which his or her term as a member of the bingo control board would expire if the bingo control board were not abolished on October 1, 1992, under 1991 Wisconsin Act 269.

SECTION 9m. Nonstatutory provisions; advisory referenda on gambling. There shall be submitted, for advisory purposes only, to the voters of this state at the spring election in April 1993, the following questions:

(1) "Do you favor a law that would allow gambling casinos on excursion vessels operating in this state on the Mississippi river, Lake Michigan and Lake Superior?"

(2) "Do you favor a constitutional amendment that would restrict gambling casinos in this state?"

(3) "Do you favor a law that would allow video poker and other forms of video gambling in this state?"

(4) "Do you favor continuing to allow pari-mutuel on-track betting on races in this state, such as horse, dog and snowmobile races?"

(5) "Do you favor continuing to allow the state-operated lottery?"

SECTION 10. Effective dates. This act takes effect on the first day of the 7th month beginning after publication, except as follows:

(1) The treatment of sections 15.647 and 563.052 of the statutes and SECTION 9 of this act take effect on October 1, 1992.