

1975 Senate Bill 264

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CHAPTER 99, Laws of 1975

AN ACT to repeal 163.13 (3), 163.14 (7), 163.52 (2) and 163.61 (1) (d); to renumber 163.61 (1) (e) to (h); to renumber and amend 163.63 (2); to amend 77.51 (10) (a), 163.02 (1) and (2), 163.03 (1) and (8), 163.14 (4) and (5), 163.15 (1), 163.51 (2) (d), (7) (d), (9), (12) (a), (14) and (27), 163.52 (3), 163.53 (1), 163.61 (1) (a) and (d) and 163.63 (5); and to create 163.51 (17) (c) to (f) and 163.63 (2) (b) of the statutes, relating to miscellaneous bingo law changes.

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

SECTION 1. 77.51 (10) (a) of the statutes is amended to read:

77.51 (10) (a) Isolated and sporadic sales of tangible personal property or taxable services where the infrequency, in relation to the other circumstances, including the sales price and the gross profit, support the inference that the seller is not pursuing a vocation, occupation or business or a partial vocation or occupation or part-time business as a vendor of personal property or taxable services. No sale of any tangible personal property or taxable service may be deemed an occasional sale if at the time of such sale the seller holds or is required to hold a seller's permit, except that this provision shall not apply to an organization required to hold a seller's permit solely for the purpose of conducting bingo games.

SECTION 2. 163.02 (1) and (2) of the statutes are amended to read:

163.02 (1) All phases of the conduct of bingo, except bingo games using free cards and donated prizes for which no payment of consideration is made by participants, should be closely controlled by appropriate laws and rules which should be strictly and uniformly enforced throughout this state.

(2) The conduct of bingo and all attendant activities, except bingo games using free cards and donated prizes for which no payment of consideration is made by participants, should be so regulated as to discourage commercialization of bingo in all its forms, including the rental of commercial premises for bingo, and to ensure the maximum use of the profits of bingo exclusively for the lawful purposes specified in this chapter.

SECTION 3. 163.03 (1) and (8) of the statutes are amended to read:

163.03 (1) "Bingo" means a game of chance in which players pay a consideration in order to participate, in which 75 numbered objects are available for selection, and those objects actually selected are selected on a random basis, and in which each player participates by means of cards sold, rented or used only at the time and place of the game, each card containing 5 rows of 5 spaces each, each space printed with a number from 1 to 75, except the central space, which is marked "FREE". Winners are determined and prizes awarded on the basis of possessing a bingo card on which some combination of numbers are printed and conform to the numbered objects selected at random based on a predetermined winning arrangement. "Bingo" as used in this chapter shall not mean any game using free cards and donated prizes, if any, for which no payment of consideration is made by participants.

(8) (a) "Lawful purpose" means one or more of the following:

~~1) benefitting~~ 1. Benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens or by increasing their comprehension of and devotion to the principles upon which this nation was founded;

~~2) initiating~~ 2. Initiating, performing or fostering worthy public works or enabling or furthering the erection or maintenance of public structures; ~~or 3) lessening~~.

3. Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people.

4. Maintaining, improving, building an addition to, repairing or retiring the debt on existing buildings and real property used for purposes enumerated in subds. 1 to 3.

(b) "Lawful purpose" does not include the erection, ~~or acquisition, improvement, maintenance or repair~~ of any real property except as provided in par. (a) 4, unless the board specifically authorizes such expenditures after finding that the property will be used exclusively for one or more of the purposes specified in par. (a); nor does it include any activities consisting of an attempt to influence legislation or participate in any political campaign on behalf of any elected official or person who is or has been a candidate for public office.

SECTION 4. 163.13 (3) of the statutes is repealed.

SECTION 5. 163.14 (4) and (5) of the statutes are amended to read:

163.14 (4) No commission, fee, rent, salary, profit, compensation, reward or recompense is or will be paid or given to any person in connection with the holding, operating or conducting of any bingo occasion, except that reasonable rent may be paid for a tent to be used at a limited period bingo occasion.

(5) The premises in which a proposed bingo occasion will be conducted are adequate and suitable for the conduct of bingo and are owned by the applicant, another licensed organization or the public or are used by the applicant organization on a regular basis for purposes other than bingo and that no benefits of any kind are proposed to be transferred as rent for such premises, except as permitted under sub. (4).

SECTION 6. 163.14 (7) of the statutes is repealed.

SECTION 7. 163.15 (1) of the statutes is amended to read:

163.15 (1) Within 60 days after the filing of an application for a license to conduct bingo, the executive secretary, after making the determinations under s. 163.14, shall either notify the applicant organization in writing why a license is not being issued or issue a license to such applicant organization authorizing it to conduct

bingo at the times and places set forth therein. Except for limited period bingo, an applicant organization shall not be authorized to conduct or cosponsor more than ~~48~~ 24 bingo occasions in any year or more than 2 bingo occasions in any month. An applicant organization holding a regular license may, in addition, be issued one limited period bingo license during the 12-month period from the date of issuance or renewal of such regular license. An applicant organization not holding a regular bingo license may be issued 2 limited period licenses within a 12-month period. A license issued under this subsection shall be effective for one year from the first day of the month of its issuance, and may be renewed annually.

SECTION 8. 163.51 (2) (d), (7) (d), (9), (12) (a) and (14) of the statutes are amended to read:

163.51 (2) (d) Used regularly by the licensed organization for a purpose other than bingo, except that a tent that has been rented, borrowed or donated may be used at a limited period bingo occasion.

(7) (d) All objects used as markers on a regular bingo card or on an extra regular card shall be nonmetallic ~~and different in shape and size from any United States coin.~~

(9) LIMITATION ON VALUE OF PRIZES. No prize in a single bingo game shall exceed \$250 ~~and the~~. The aggregate value of prizes at any bingo occasion shall may not exceed \$1,000 except by the amount resulting from the awarding of minimum prizes under sub. (27).

(12) (a) Only a bona fide and active member of the licensed organization, or the spouse of such a member, or a bona fide and active member of the auxiliary of such organization, shall participate in the management or operation of any bingo occasion.

(14) ONLY CERTAIN EXPENSES PERMITTED. No expense shall be incurred or amounts paid in connection with the conduct of bingo by a licensed organization, except those reasonably and necessarily expended for bingo supplies and equipment, including blowers, flashboards, tables, chairs, public address systems, bingo cards, markers, filing cabinets and signs, and for prizes, utilities, license fees and taxes, fees regularly charged by the state or a municipality for use of a public premise, printing of bingo forms and house rules, repairs to bingo equipment and bank charges related to maintaining the required account under s. 163.63 (1). At a limited period bingo occasion a licensed organization may also pay reasonable rent for a tent.

SECTION 9. 163.51 (17) (c) to (f) of the statutes are created to read:

163.51 (17) (c) Signs, banners, flyers and circulars advertising a bingo occasion may be printed and distributed if such advertisements are donated by a person or organization other than the sponsoring licensed organization.

(d) Any radio or television station may advertise a bingo occasion during time donated for a public service announcement.

(e) Any newspaper may list a bingo occasion in space donated for a public service announcement.

(f) A licensed organization may advertise limited period bingo in the regular advertisement of its festival, bazaar, picnic, carnival or similar special function.

SECTION 10. 163.51 (27) of the statutes is amended to read:

163.51 (27) MORE THAN ONE WINNER. When more than one player is found to be the winner on the call of the same number in the same bingo game, a cash prize shall be divided equally, to the nearest nickel, among the winners, except that any licensed organization may elect to set a minimum prize of not exceeding \$5 for each winner. When equal division of a merchandise prize is not possible, identical substitute prizes whose aggregate retail value is approximately equal to that of the designated prize

shall may be awarded or a cash prize equal to the retail value may be divided to the nearest nickel.

SECTION 11. 163.52 (2) of the statutes is repealed.

SECTION 12. 163.52 (3) of the statutes is amended to read:

163.52 (3) No licensee shall conduct more than 60 games of limited period bingo on a single bingo occasion. Limited period bingo may be conducted on 2 bingo occasions in a single day, ~~if at least 20 minutes elapse between the bingo occasions.~~

SECTION 13. 163.53 (1) of the statutes is amended to read:

163.53 (1) All special bingo cards shall be in a form approved by the board ~~and shall have conspicuously printed thereon, in a type size approved by the board, the words "SPECIAL BINGO".~~

SECTION 14. 163.61 (1) (a) of the statutes is amended to read:

163.61 (1) (a) The name, ~~and address and date of birth~~ of each supervising member and each member responsible for the proper utilization of gross receipts.

SECTION 15. 163.61 (1) (d) of the statutes is repealed.

SECTION 16. 163.61 (1) (e) to (h) of the statutes are renumbered 163.61 (1) (d) to (g) and, as renumbered, 163.61 (1) (d) is amended to read:

163.61 (1) (d) An itemized statement of the gross receipts from the bingo occasion, including ~~separate lists for~~ gross receipts from sales of regular bingo cards, extra regular cards, special game cards and sale of supplies.

SECTION 17. 163.63 (2) of the statutes is renumbered 163.63 (2) (a) and amended to read:

163.63 (2) (a) All withdrawals from the bingo account shall be by checks having preprinted consecutive numbers, signed by the duly authorized person and made payable to a specific person. ~~No~~ Except as permitted in par. (b), no such check shall be issued payable to "cash" or to "bearer". All checks, including voided checks, shall be accounted for in the appropriate part of the financial statement of bingo operations.

SECTION 18. 163.63 (2) (b) of the statutes is created to read:

163.63 (2) (b) If more than one player is declared to be the winner on the call of the same number in the same bingo game and an equal division of the cash prize is \$5 or less for each winner, a check for the game total prize may be issued to "Cash _____ Game # _____" and the winners paid with cash from that check.

SECTION 19. 163.63 (5) of the statutes is amended to read:

163.63 (5) Gross receipts derived from the conduct of bingo shall not be commingled with any other funds of the licensed organization. ~~No~~ Except as permitted by sub. (3) (b) and (c), no part of such receipts shall be transferred to any other account maintained by the licensed organization, ~~except as provided in sub. (3) (e).~~