

2009 DRAFTING REQUEST

Bill

Received: 11/10/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Gambling - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to: jay.wadd@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Employee rewards contests

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rryan 12/01/2008	bkraft 12/11/2008	phenry 12/12/2008	_____	sbasford 12/12/2008		
/1	rryan 12/16/2008	bkraft 12/16/2008	phenry 12/17/2008	_____	mbarman 12/17/2008	sbasford 11/11/2009	

FE Sent For:

None

<END>

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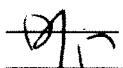
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/?	rryan	/Pl bjk 12/11	12/11 ph	12/11 ph			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Say, Sen Hansen

constituent works for AT&T

AT&T has contests - Wisconsin

employees can't participate due
to gambling laws



WISCONSIN STATE SENATE
DAVE HANSEN
SENATOR - 30TH DISTRICT

- In response to your recent request.
- I thought you might be interested in the enclosed material.

*Robin,
Here's the info per our
conversation.*

*Thanks!
Jay*



205 S Jefferson
Green Bay, WI 54301

September 5, 2007

Dave Hansen
Senator - 30th District
State Capitol
PO Box 7882
Madison, WI 53707-7882

Dear Senator Hansen,

This letter is in response to the enclosed letter you sent me dated August 28, 2007. I believe you had a misunderstanding with regards to what I was asking of you.

My employer (AT&T Wisconsin) does not permit its employees to participate in random company sponsored drawings due to WI state regulations. I am asking you to work towards a resolution amending these regulations and allowing corporate employees to be treated equally amongst our peers in other states.

I have researched the reasons why and this is the company's response:

There is a lot of history with respect to this issue. Numerous internal attorneys analyzed the Wisconsin law. In addition, we sought an outside law firm opinion on the issue. Lastly, we sought an opinion from the Attorney General of Wisconsin. The advice was consistent on the issue of whether our WI employees could participate in "sweepstakes", "drawings" and the like in connection with our ERIC program. All concluded that a change of state law was required in order to legally allow an ERIC type sweepstakes involving the elements of both chance and *stats contest?*
* consideration (requiring employees to make referrals in order to qualify). Furthermore, we concluded that a reasonable alternative was to reward top performers in WI.

Please see the enclosed flyer which depicts the current employee contest AT&T is offering. I have circled in red the paragraphs that state WI employees are not permitted to play by the same rules as everyone else.

I appreciate your time in this matter. Please respond at your earliest convenience.

Sincerely,

Nathan M. Prodell
AT&T Wisconsin
OSP Design Engineer, Manager
NP2472@att.com
920-433-4144



*AT&T Employee Referral Program
Enterprise-Wide Contest (June 18 – August 31)*



**Holiday Shopping Spree – 2007
"Race thru the Aisles"**

Holiday Shopping Spree!

All expense paid trip to
Cleveland, Ohio

Race thru the Aisles at the
rewards mall warehouse

Contest Highlights:

- Shopping Spree Page 1
- Spin 'n Win Page 2
- Cleveland, Ohio Page 3
- Making Referrals Page 4

ERIC/Just Ask referrals are always rewarding, but for a limited time, you can really win big!

Employees have the chance to "race thru the aisles" at the rewards mall warehouse.

The exciting merchandise "grab-fest," where participants earn time to race thru the aisles of a rewards mall warehouse and pack their carts with thousands of dollars in merchandise – is scheduled for Friday, October 19 thru Sunday, October 21, 2007.

Your chances to win increase with every ~~successful referral you~~ make. **For every successful referral that matches between June 18 and August 31, 2007, you'll be entered into a drawing for the chance to race thru the aisles at the rewards mall warehouse and grab as many prizes as you can! *See Official Rules*

Mark your calendars in case you're a lucky winner!

Nineteen lucky winners will have the chance to attend this event!

This is your chance to "race thru the aisles" at the rewards mall warehouse and grab as many prizes as you can!

Airfare and hotel accommodations will be included for the winner plus a guest.

In addition to attending this event, winners will have the opportunity to do some sightseeing around Cleveland as well!



Holiday Shopping Spree - 2007

Enjoy a Fun-Filled Weekend in Cleveland!

You and your guest will receive roundtrip airfare and will be treated to a two-night stay at the historic Hyatt Regency Cleveland. Also included are two tickets to Cleveland's famous Rock and Roll Hall of Fame, with its amazing selection of interactive exhibits, videos and priceless and poignant artifacts.

Spin 'n Win

To start the game, Click to Begin, and then click anywhere on the gameboard.

When you're feeling lucky, click on the gameboard again to make the game stop. (If you do not click the gameboard to stop, it will stop on its own after several seconds.)

The game will then display either a merchandise or Rewards Points prize, a Race thru the Aisles, or a message thanking you for your participation.

Official Rules

Random Drawing* Your chances to win increase with every successful referral.

Number of winners:

- AT&T Southwest: 3
- AT&T Midwest: 3
- AT&T West: 3
- AT&T Southeast: 3
- AT&T Mobility: 3
- AT&T East: 1
- Legacy T: 1

Plus...we'll award two more winners via the Spin 'n Win contest described below!

19 winners in total!

Visit the [ERIC.att.com](http://eric.att.com) website for complete rules and guidelines.
Notice to all employees:
<http://eric.att.com/guidelines.html>

**AT&T Southeast & Wisconsin: Due to anti-gaming regulations, AT&T Southeast & Wisconsin employees cannot participate in random drawings.*

AT&T Southeast will send (3) three winners plus guests to Cleveland, Ohio to race thru the aisles. 1) Employee with the most revenue, 2) Employee with the most FastAccess DSL sales, & 3) Employee with the highest average revenue per sold referral -- during the contest period June 18 -- August 31.

Wisconsin employees can not participate in random drawings. One (1) employee from the state of Wisconsin will be awarded 500 ERIC points based on top matched ERIC revenue attainment from June 18 -- August 31.

Employee is responsible for applicable payroll and sales taxes on total winnings.

Ready to Spin 'n Win? Qualifying is Easy as 1-2-3!

*You will earn a "spin" where you have a chance to earn one of up to 15,000 prizes, ranging in value from approximately \$5 to \$1000. And, for two lucky winners a spin will result in the chance to attend the Holiday Shopping Spree "race thru the aisles" event this October!

All you have to do is complete these 3 easy steps:

Step 1: Complete a 10-question quiz on your ERIC knowledge.

Step 2: Create a Rewards Mall "Wish List"

Step 3: Achieve a successful referral that matches between June 18 and August 31, 2007.

Go to www.ERICREWARDS.com.

**AT&T Southeast & Wisconsin: Due to anti-gaming regulations, AT&T Southeast & Wisconsin employees are not eligible to participate in the Spin 'n Win.*

Employee is responsible for applicable payroll and sales taxes on total winnings.



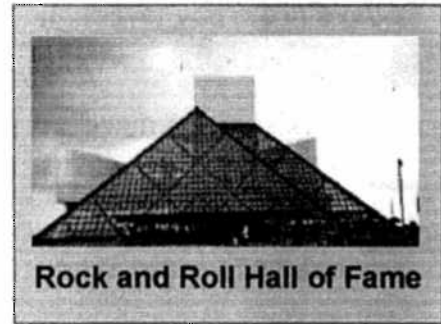
Good Luck -- There will be up to 15,000 winning spins!

Holiday Shopping Spree - Race thru the Aisles

Cleveland, a Rockin' Travel Destination! People everywhere are raving about Cleveland! With spectacular attractions, world-class performing arts and culture, great shopping, big league sports action, top-notch restaurants, award-winning breweries and wineries, premier accommodations, year-round events and much more, Cleveland ROCKS! From hot nightlife to exciting theme parks and family fun, Cleveland is extremely diverse and offers a multitude of things to do to suit everyone's interests. See why *Places Rated Almanac* and *MSN.com* have named Cleveland one of the nation's hottest destinations.

Highlights - Cleveland, Ohio (Leisure Activities)

If any one thing is most responsible for Cleveland's rebirth, it's the Rock and Roll Hall of Fame. Designed by I. M. Pei, this temple to rock music is a venerable house of worship to all things rock and roll. Guests will enjoy this high-concept, multimedia collection of exhibits, archives and films that tell the story of rock through the ages from its earliest roots through the post-grunge days. There's just no arguing that this is one of the coolest collections of pop-culture memorabilia.



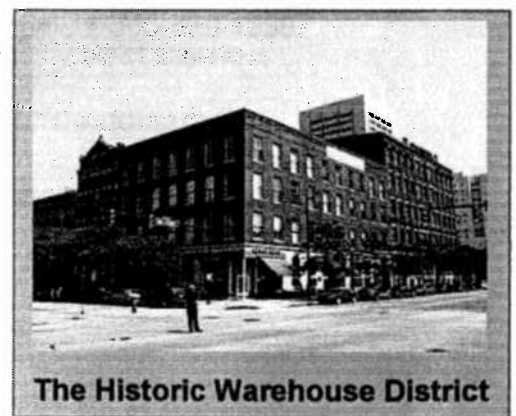
Rock and Roll Hall of Fame



Tower City Center

In the heart of Cleveland's public square, The Tower City Center is a beautifully renovated train terminal that now includes The Avenue, an upscale, indoor shopping mall with retail shops, restaurants and an 11-screen movie theater. Two distinguished hotels and several office buildings are attached to Tower City including the historic 52-story Terminal Tower with a 42nd floor observation deck. The lower level houses the Regional Transit Authority's light rail system hub. In addition, a convenient indoor walkway connects Tower City to Gund Arena (home of the Cleveland Cavaliers) and Jacobs Field (home of the Cleveland Indians).

This national historic landmark is a popular entertainment destination, featuring trendy restaurants, lounges and nighttime hot spots complete with live jazz and blues music. These chic venues include *Blue Point Grille*, *Mallorca*, *Cleveland Chophouse*, *Velvet Dog* and *Eve*. Guests will also find unique coffee shops, specialty shops and art galleries. The Historic Warehouse District is also Cleveland's premier downtown neighborhood featuring commercial buildings and warehouses converted into exquisite loft apartments and condominiums.



The Historic Warehouse District

These are just a few of the exciting activities in store!

Visit the ERIC.att.com website for additional program/contest details.



Employees at Legacy BellSouth, please visit the www.justaskleads.com website for more program details.

Questions? Please contact your ERIC regional team leads and/or business unit advocates.

What's New – June 1 '07

Great news! Our voluntary employee referral program has just been enhanced so that all AT&T employees—including wireless employees—can now make product referrals for customers within the entire AT&T 22-state local service area and everywhere we provide wireless service.

All AT&T employees can now participate in our employee referral program. This is a new opportunity for wireless employees to make product referrals and receive exciting rewards in the process.* And now it's easier than ever for all employees to receive awards for referring AT&T products and services to friends, neighbors and family members.

- **Wireless commission-based employees can submit referrals, but are not eligible to earn rewards.*
- **Wireless customer service employees (both consumer and business) can submit referrals and earn rewards and should do so on their own time outside of their normal course of business.*
- **This is not part of any expected or required job duties and your participation at any level is voluntary.*

All employees (except Legacy BellSouth), please visit the <http://eric.att.com> website for more information on the referral program.

Employees at Legacy BellSouth, please visit the www.justaskleads.com website for more information on the referral program.

Making Referrals are Easy

1. Talk about our **AT&T services** whenever you are in a group setting
2. Talk with **family and friends** about their services
3. Have family and friends **go thru you** to order AT&T services
4. Get involved in **company events**
5. **HAVE FUN!!!**

Helpful Numbers and Websites

For Employees

To Submit a Referral

- <http://ERICsystem.sbc.com>
- 1-800-246-EASY (employee-only number)
- Technicians may use their IFD

To Check the Status of a Referral

- <http://ERICsystem.sbc.com>
- 1-800-246-EASY (AT&T East, AT&T Southwest, AT&T West)
- 1-800-869-1598 (AT&T Midwest)

For Customers

External Customer Sign-up

- 1-877-U-ASK-ATT (and provide your User ID)
- www.att.com

AT&T Southeast employees will submit all product referrals via the website at: www.justaskleads.com

Ryan, Robin

From: Wadd, Jay
Sent: Monday, July 21, 2008 4:10 PM
To: Ryan, Robin
Subject: Additoinal info for our drafting request
Importance: High
Attachments: contest_rules_challenge.pdf

Hi, Robin.

I just got this from our constituent and told him i'd forward it over to you.

Thanks again.

Jay

From: PRODELL, NATHAN M (ATTWIB) [mailto:np2472@att.com]
Sent: Monday, July 21, 2008 4:07 PM
To: Wadd, Jay
Subject: RE: Update on your earlier letter to Senator Hansen
Importance: High

Jay,

I have attached another prime example of how WI employees are not "eligible" to win the same rewards as our fellow employees throughout the U.S.

This is due in part to the anti-gaming regulations that the state of WI enforces. Please forward this example to your drafting attorneys as well.

I support the states stance regarding gaming regulations, however, when it comes to employee contests such as these, corporations should have a different set of rules to ensure fairness amongst all employees.

Thank you!

Nathan Prodehl

From: Wadd, Jay [mailto:Jay.Wadd@legis.wisconsin.gov]
Sent: Monday, July 21, 2008 15:26
To: PRODELL, NATHAN M (ATTWIB)
Subject: Update on your earlier letter to Senator Hansen

Mr. Prodehl,

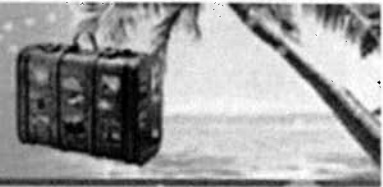
I just wanted to follow-up on one of our past emails to let you know that we have sent your letter and materials over to our drafting attorneys to begin drafting legislation for introduction next session.

07/21/2008

As soon as we hear back from them or have a bill draft for your review I'll let you know.

Jay

Jay Wadd
Senator Hansen's office
608-266-5670
866-221-9395



P2R Chairman's Challenge Official Rules

Contest Dates: July 15 – September 30, 2008

Contest Sponsor: AT&T Services Inc. is the sponsor of all of the contests included in the P2R Chairman's Challenge Contest.

Eligibility: All AT&T Employees who are (a) eligible to participate in the P2R program, (b) at least 18 years old, as of July 15, 2008, and (c) employed by an AT&T company at the time of the award and use of the relevant prize.

Ways to Win:

- **1st TIME PARTICIPANT RANDOM DRAWING* (the "1st Time Contest"):**
Any employee who has not made a successful/sold referral (whether in the P2R, Just Ask or ERIC programs) from 1/1/08 thru 7/14/08 is eligible to participate in the 1st Time Contest.
 - **Qualification:** Eligible employees will receive one entry in the 1st Time Contest to win 1 (one) of 3 (three) "Travel Your Way Vouchers" each valued at **\$5000** for each successful/sold product made between July 15 and September 30, 2008, that was successfully sold by October 7, 2008.
 - **Value of Primary Prize:** Total value of each primary prize is **\$5000**. Tax gross-up will be funded by the contest sponsor.
 - **Primary Prize:** Three (3) "Travel Your Way Voucher" prizes, each valued at **\$5000**. Travel arrangements must be made thru EIM (Excellence in Motivation) no later than October 31, 2010. All travel must be completed by December 31, 2010.
 - Wisconsin employees are not eligible to participate in the random drawing component of the 1st Time Contest, See Wisconsin Contest described below.
 - **Additional Prizes:** P2R logo items will be sent to the first 10,000 new P2R program participants. Items range from P2R coffee mugs, bags, pens, hats. Items valued at \$25 or less. Sponsor will determine specific prize and fund any tax gross-up. P2R logo items will be delivered to the referring employee's work address on or about either August 30 or October 31, 2008. Wisconsin employees are eligible to participate in this aspect of the 1st Time Contest.
 - **Winner Selection:** Primary Prize Contest winners will be selected in a random drawing to be conducted on or about October 9, 2008. Winners will be announced on or about October 20, 2008. Odds of winning depend on the number of successful/sold referrals received.
 - **Wisconsin Contest:** Eligible AT&T employees who work in Wisconsin are eligible to participate in the Wisconsin Contest. The eligible employee in Wisconsin who generates the highest revenue from P2R submitted referrals between July 15, 2008 and September 30, 2008, that was successfully sold by October 7, 2008 will receive a bonus of 200 P2R Referral Points, 3 (three winners total). Wisconsin employees must not have made a successful/sold referral from 1/1/08 thru 7/14/08 in order to be eligible for the Wisconsin Contest. In the event of a tie, the tied employee with the first successful/sold referral during the Contest period shall be the winner.

Why is this OK?
ble no chance?

what are these points? - spendable

- **BI-WEEKLY RANDOM DRAWINGS* (the "Bi-Weekly Contest"):**
 - July 15 thru July 31, 2008
 - Eligible employees will also receive one entry in the Bi-Weekly Contest to win one (1) "Travel Your Way Voucher" valued at **\$5000** for each sold product between July 15 and July 31, 2008. The Bi-Weekly Contest winner for referrals during the relevant period will be selected in a random drawing to be conducted on or about August 4, 2008. The winner will be announced on or about August 5, 2008. Odds of winning depend on the number of successful/sold referrals received. Wisconsin employees are not eligible to participate in the Bi-Weekly Contest. See Wisconsin Contest described below.
 - August 1 thru August 15, 2008
 - Eligible employees will also receive one entry in the Bi-Weekly Contest to win one (1) "Travel Your Way Voucher" valued at **\$5000** for each sold product made between August 1 and August 15, 2008. The Bi-Weekly Contest winner for referrals during the relevant period will be selected in a random drawing to be conducted on or about August 19, 2008. The winner will be announced on or about August 22, 2008. Odds of winning depend on the number of successful/sold referrals received. Wisconsin employees are not eligible to participate in the Bi-Weekly Contest. See Wisconsin Contest described below.
 - August 16 thru August 31, 2008
 - Eligible employees will also receive one entry in the Bi-Weekly Contest to win one (1) "Travel Your Way Voucher" valued at **\$5000** for each sold product made between August 16 and August 31, 2008. The Bi-Weekly Contest winner for referrals during the relevant period will be selected in a random drawing to be conducted on or about September 3, 2008. The winner will be announced on or about September 8, 2008. Odds of winning depend on the number of successful/sold referrals received. Wisconsin employees are not eligible to participate in the Bi-Weekly Contest. See Wisconsin contest described below.
 - September 1 thru September 15, 2008
 - Eligible employees will also receive one entry in the Bi-Weekly Contest to win one (1) "Travel Your Way Voucher" valued at **\$5000** for each sold product made between September 1 and September 15, 2008. The Bi-Weekly Contest winner for referrals during the relevant period will be selected in a random drawing to be conducted on or about September 17, 2008. The winner will be announced on or about September 22, 2008. Odds of winning depend on the number of successful/sold referrals received. Wisconsin employees are not eligible to participate in the Bi-Weekly Contest. See Wisconsin contest described below.
 - September 16 thru September 30, 2008
 - Eligible employees will also receive one entry in the Bi-Weekly Contest to win one (1) "Travel Your Way Voucher" valued at **\$5000** for each sold product made between September 16 and September 30, 2008 that was successfully sold by October 7, 2008. The Bi-Weekly Contest winner for the relevant period will be selected in a random drawing to be conducted on or about October 9, 2008. The winner will be announced on or about October 13, 2008. Odds of winning depend on the number of

successful/sold referrals received. Wisconsin employees are not eligible to participate in the Bi-Weekly Contest. See Wisconsin contest described below.

- **Bi-Weekly Contest Details:**

- **Prize:** Each "Travel Your Way Voucher" is valued at **\$5000**. Travel arrangements must be made thru EIM (Excellence in Motivation) no later than October 31, 2010. All travel must be completed by December 31, 2010.
- **Value of Prize:** Total value for each Bi-Weekly Contest prize is **\$5000**. A tax gross-up will be funded by the contest sponsor.
- **Wisconsin Contest:** Eligible AT&T Inc. employees who work in Wisconsin are eligible to participate in the Wisconsin Contest. The eligible employee in Wisconsin who generates the highest revenue through the P2R program will receive a bonus of 200 P2R points for each of the time periods set forth below.
 - o Sold product referrals between July 15 and July 31, 2008.
 - o Sold product referrals between August 1 and August 15, 2008.
 - o Sold product referrals between August 16 and August 31, 2008.
 - o Sold product referrals between September 1 and September 15, 2008.
 - o Sold product referrals between September 16 and September 30, 2008 that are successfully closed by October 7.

- **THE CHAIRMAN'S BONUS ROUND CONTEST (the "Chairman's Bonus Round Contest"):**

- **July 15 thru September 30, 2008**
 - Eligible employees will receive one entry in the Chairman's Bonus Round Contest to win one (1) of ten (10) "Travel Your Own Way Vouchers" each valued at **\$5000** for each sold product made between July 15 and September 30, 2008 that was successfully sold by October 7, 2008. Chairman's Bonus Round Contest winners will be selected in a random drawing to be conducted on or about October 9, 2008. Grand Prize Contest winners will be announced on or about October 20, 2008. Odds of winning depend on the number of Successful/Sold referrals received. Wisconsin employees are not eligible to participate in the Grand Prize Contest. See Wisconsin contest described below.
 - **Prize:** Ten (10) "Travel Your Own Way Vouchers" each valued at **\$5000**. Travel arrangements must be made thru EIM (Excellence in Motivation) no later than October 31, 2010. All travel must be completed by December 31, 2010.
 - **Value of Prize:** Total value of each prize is **\$5000**. A tax gross-up will be funded by the contest sponsor.
 - **Wisconsin Contest:** Eligible AT&T Inc. employees who work in Wisconsin are eligible to participate in the Wisconsin Contest. The eligible employee in Wisconsin who generates the highest revenue from the P2R program for submitted referrals between July 15 and September 30, 2008 that were successfully sold by October 7, 2008 will receive a bonus of 500 P2R Referral Points (10 winners total).

- **BUSINESS UNIT CHALLENGE:**

- July 15 thru September 30, 2008

- Participating Business Units include: Randall Stephenson's direct reports.
- There are 2 (two) separate challenges:
 1. Overall P2R participation (based on number of successful/sold product referrals) submitted between July 15 and September 30, 2008 that were successfully sold by October 7, 2008.
 2. Overall % in the following strategic products combined: U-verse TV, U-verse High-speed Internet, DSL, DISH and Wireless / Total Products sold. Referrals must be submitted between July 15 and September 30, 2008 and successfully sold by October 7, 2008.
- A prize will be awarded to the Business Unit Leader for each one (1) of the two (2) categories outlined above.
- The prize for each category will be a trophy.
- Winners will be announced on or about October 31, 2008.

- **MARKET AREA CHALLENGE:**

- July 15 thru September 30, 2008

- Participating Markets Areas include: Connecticut, Chicago, Detroit/Indiana, Ohio, Wisconsin, Austin/San Antonio/Houston, Dallas, St. Louis/Kansas City, Oklahoma/Arkansas, Los Angeles/Orange County, San Francisco/Sacramento/Nevada, San Diego, Alabama/Louisiana/Mississippi, North Florida, South Florida, Georgia, Kentucky/Tennessee, North Carolina/South Carolina.
- Prize will be awarded to the top market area, with the highest increase in sold (consumer only) products over goal for the following products: U-verse TV, U-verse High-speed Internet, DSL, DISH and Wireless. Trophies, banners, posters awarded to the top market area with the highest increase in sold products. Winner will be announced on or about October 31, 2008.
- VPGM team members may submit off-the-job referrals for any product through normal process, via P2R at 1-877-U-ASK-ATT or on-line at p2r.att.com.
- For any on-the-job referrals. VPGM team members must opt-out before calling the P2R call center or submitting the referral on-line. They may opt back in after the referral has been closed and matched.

DISCLOSURES:

- **PRIZES:** The maximum number of "Travel Your Own Way Vouchers" that any one Contest participant can win is one (1). This does not limit multiple entries in any given contest.
- **TRAVEL YOUR WAY VOUCHER:** A personal travel consultant will contact you to discuss your travel plans and the associated costs, working within your award amount. You can use your voucher for virtually any travel service, from airfare to hotels to cruises...even tickets to a Broadway show! Please note that the voucher is not transferable, and the entire value of the voucher must be used for travel services. (Cash cannot be provided in lieu of travel services.) Please allow at least 21 days prior to departure when requesting travel arrangements. Travel arrangements must be made thru EIM (Excellence in Motivation) no later than October 31, 2010. All travel must be completed by December 31, 2010.
- **SYSTEMS:** Mobility employees referring customers in the SE (9-state footprint) with wired product go through JustAsk. Mobility employees go through P2R with all other customers and product - both wired and wireless.

Legacy BellSouth employees must submit all referrals through the Just Ask referral system at www.justaskleads.com. A "Successful Referral" and/or a "Sold Referral" shall be determined by referencing the standard P2R or Just Ask system for reporting successful / sold referrals. All referral activity must comply with the rules and guidelines set forth on the P2R website, including the Notice to All Employees – <http://P2R.att.com> or the Just Ask website – www.justaskleads.com. All standard P2R employee benefits will apply to any referral qualifying or contributing to qualification of an employee for all aspects of the P2R Chairman's Challenge Contest (the "Contest").

- **CONDITIONS:** Winners are responsible for all applicable taxes and for all costs associated with prizes, other than as specified in these Official Rules (including the requirement that Sponsor funds a tax gross-up), and for obtaining all required travel authorizations and documents. Trips must be taken on employees' personal time. Sponsor, AT&T SERVICES, INC, reserves the right to terminate or modify any aspect of the Contest at any time and for any reason in its sole discretion. Noncompliance with these Official Rules or Sponsor's inability to timely contact a winner may result in forfeiture of the prize. In the event of such forfeiture and if time permits, Sponsor may, in its sole discretion, select an alternate winner from remaining eligible entries. Sponsor's decisions with respect to Contest are final and binding in all respects.
- **EFFECT OF PARTICIPATION:** Participants agree to abide by these Official Rules. Each winner agrees to be photographed and further agrees to the use of his/her name, likeness for publicity purposes. If Sponsor requests: (a) each winner must execute a liability and publicity release; and (b) the guest of each Prize winner (or, if the guest is a minor, his/her parent or legal guardian) must execute a liability and publicity release.
- **INDEMNIFICATION:** Each Participant ("Indemnifying Party") shall indemnify, defend, and hold harmless Sponsor, its affiliates, and their respective directors, officers, employees, and representatives (collectively, "Indemnified Parties") from and against any and all claims, demands, suits, liabilities, damages, costs, and expenses, including reasonable attorneys' fees and expenses, relating to or arising from Contest, including Indemnifying Party's acts or omissions, except to the extent relating to or arising from Indemnified Parties' gross negligence or willful misconduct. Indemnified Parties are not responsible for the following regardless of cause: (a) printing or typographical errors in Contest-related materials; (b) lost, stolen, or mishandled P2R referrals, notices, prizes, or other matter relating to Contest; (c) malfunction of any device or mechanism relating to Contest, including malfunction of the P2R referral processing system, Internet, or server. If there is any suspected or actual electronic or other tampering with any aspect of Contest, or if computer virus, bugs, unauthorized access, fraud, technical difficulties, or other failures compromise, corrupt or otherwise affects the administration, integrity, security, fairness, or proper conduct of Contest, Sponsor reserves the right, in its sole discretion, to do any of the following: (a) disqualify any individual involved in any of the foregoing; (b) void any entries that may be affected by the foregoing; or (c) modify, suspend, or terminate Contest.
- **GENERAL DISCLOSURES:** Participation in the Contest or the P2R program is not a condition of employment for any employee, including employees whose normal job duties encompass sales. Participation is strictly voluntary. The language used in these Official Rules or the description of the Contest is not intended to create, nor is it to be construed to constitute a contract between AT&T and any one or all of its employees.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

July '08 notes

Kuyden Industries 3rd Wis 2d 718,

State v. Currie - 1939

"bank night" - registrants at theater patrons given chance to win cash regardless of whether purchased theater ticket

Ct. called this consideration

State v. Blumer - 1940

store gave \$ by drawing - could register without purchase consideration b/c registrant needs to visit store

consideration consists of a disadvantage to the one party or an advantage to the other

State v. Laven (1955) stats. w/ exception for watching TV - violates Constitution

AG opinions

79 OAG 14 (1990)

80 OAG 53 (1991)

79 OAG 33

Ryan, Robin

From: Ryan, Robin
Sent: Wednesday, July 30, 2008 4:00 PM
To: Wadd, Jay
Subject: gambling questions

Jay, here are my questions:

Do you have any further information as to whether the AT&T attorneys believe that the gambling issue may be resolved with a statutory change alone, i.e. that there is no constitutional problem.

With respect to the specifics of the AT&T Referral Program contest, are employees otherwise compensated for making referrals? Is it their job to make referrals and sell AT&T services or are the referrals something they just do on the side to participate in the contest?

For the Wisconsin P2R program, what are the points that a Wisconsin winner receives? I take they are not points to be entered in a prize drawing. Are they points that the winner uses to "purchase" some prize. The reason I ask is that I am trying to understand why the Wisconsin Program is legal. If I understand what is going on, it is because there is no chance involved.

I need to look more at the case law on gambling, but I think ultimately I have to draft an exception that says that whatever an employee does to earn prize drawing points does not constitute "consideration" for purposes of the gambling laws. Any further description of what an employee does to earn points and how he or she is otherwise compensated by the company will help me craft that exception.

Thanks,
Robin

Ryan, Robin

From: Wadd, Jay
Sent: Monday, November 10, 2008 2:39 PM
To: Ryan, Robin
Subject: FW: your email to Sen. Hansen

Hi, Robin.

I think this is what we're talking about. not sure how helpful it is, but here it is.

From: PRODELL, NATHAN M (ATTWIB) [mailto:np2472@att.com]
Sent: Thursday, July 31, 2008 8:19 AM
To: Wadd, Jay
Subject: RE: your email to Sen. Hansen

Mr. Wadd,

I'll do my best to answer your questions below, however, I'd like it noted that I am in no way providing legal answers on behalf of AT&T and they are subject to interpretation.

1. Employees are given 'points' for successful referrals. It is not our 'job' to make referrals, it is strictly voluntary.
2. The points we receive are awarded based on the types of products the customer purchases. They are not entered into a drawing and they may be used to 'purchase' a prize from an online catalog. There is no 'chance' involved.

MY interpretation of the WI anti-gaming law is that it is preventing me, as an employee, to be eligible to receive awards from my employer when large contests are run. Such as the examples I have previously forwarded you. I realize the importance of these laws, however, do not feel that employees of corporations such as mine should be subject to them. We are also taxed on the 'prizes' we purchase/receive so WI is losing out on that revenue by not allowing us to be eligible.

Please let me know if this helps or if there is anything else I can do.

Thank you again!

Nathan

From: Wadd, Jay [mailto:Jay.Wadd@legis.wisconsin.gov]
Sent: Wednesday, July 30, 2008 17:11
To: PRODELL, NATHAN M (ATTWIB)
Subject: RE: your email to Sen. Hansen

Nathan,

11/10/2008

Talking with our drafter today I have some questions that I need help answering for her so we can figure out how to draft the legislation to address your concerns.

When you have a moment could you look these over and send back whatever answers you can provide?

Questions:

With respect to the specifics of the AT&T Referral Program contest, are employees otherwise compensated for making referrals? Is it their job to make referrals and sell AT&T services or are the referrals something they just do on the side to participate in the contest?

For the Wisconsin P2R program, what are the points that a Wisconsin winner receives? I take they are not points to be entered in a prize drawing. Are they points that the winner uses to "purchase" some prize. The reason I ask is that I am trying to understand why the Wisconsin Program is legal. If I understand what is going on, it is because there is no chance involved.

Thanks, Jay



State of Wisconsin
2009-2010 LEGISLATURE

PI
LRB-0895A
RLR:.....
Lbjk

In 12/1/08

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
X-ref ✓

RMR
D-N

1

AN ACT ^{gen.} relating to: consideration for the purpose of gambling.

Analysis by the Legislative Reference Bureau

The Wisconsin Constitution and current statutory law prohibit gambling except for the state lottery, charitable bingo, charitable raffles, and pari-mutuel wagering. The statutory prohibition against gambling specifically prohibits an enterprise wherein, for consideration, a participant is given an opportunity to win a prize, the award of which is determined by chance. Consideration means something of value. ✓

This bill specifies that making a referral of a potential customer does not constitute consideration for purposes of the statutory prohibition against gambling.

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

- 2 SECTION 1. 945.01 (1) (f) of the statutes is created to read:
- 3 945.01 (1) (f) An agreement under which an individual is given an opportunity
- 4 to win a prize, the award of which is determined by chance, in return for the
- 5 individual making a referral or identification described in s. 945.01 (5) (b) 2. h. ✓
- 6 SECTION 2. 945.01 (5) (b) 2. h. of the statutes is created to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0895/P1dn

RLR:.....

Lbjk

Date

Senator Hansen:

This bill provides that making a customer referral does not constitute consideration for purposes of the statutory prohibitions against lotteries and betting. However, courts may find that the constitutional prohibition against gambling prohibits contests in which a participant must make a customer referral in order to win a prize. Article ✓
> IV, Section 24, of the Wisconsin Constitution prohibits gambling except for the state
> lottery, charitable bingo or raffles, and pari-mutuel wagering. The Constitution
further specifies three activities that do not constitute consideration for purposes of the
prohibition against gambling (listening to the radio or watching television) filling out e ↗
a coupon or entry blank and visiting a mercantile establishment without being
required to make a purchase or pay an admittance fee.) Courts may construe these
three items as an exclusive list of items that do not constitute consideration.

> The exception to consideration in this bill applies to referrals made by any person, not
> just an employee. Is this ok? ↗

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0895/P1dn
RLR:bjk:ph

December 12, 2008

Senator Hansen:

This bill provides that making a customer referral does not constitute consideration for purposes of the statutory prohibitions against lotteries and betting. However, courts may find that the constitutional prohibition against gambling prohibits contests in which a participant must make a customer referral in order to win a prize. Article IV, Section 24, of the Wisconsin Constitution prohibits gambling except for the state lottery, charitable bingo or raffles, and pari-mutuel wagering. The constitution further specifies three activities that do not constitute consideration for purposes of the prohibition against gambling (listening to the radio or watching television, filling out a coupon or entry blank, and visiting a mercantile establishment without being required to make a purchase or pay an admittance fee.) Courts may construe these three items as an exclusive list of items that do not constitute consideration.

The exception to consideration in this bill applies to referrals made by any person, not just an employee. Is this ok?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Wadd, Jay
Sent: Monday, December 15, 2008 3:34 PM
To: Ryan, Robin
Subject: LRB-0895/P1

Hi, Robin.

Got the draft oof our bill to add the exemption for employees (per the AT&T case).

I think we would want it narrowed to employees, at least for now, unless there is a reason why it might need to be the broader "persons."

Thanks,

Jay



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0895/P1

RLR:bjk:ph

In 12/16/08

1
L stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

SAV

reign

1 AN ACT to create 945.01 (1) (f) and 945.01 (5) (b) 2. h. of the statutes; relating
2 to: consideration for the purpose of gambling.

Analysis by the Legislative Reference Bureau

The Wisconsin Constitution and current statutory law prohibit gambling except for the state lottery, charitable bingo, charitable raffles, and pari-mutuel wagering. The statutory prohibition against gambling specifically prohibits an enterprise wherein, for consideration, a participant is given an opportunity to win a prize, the award of which is determined by chance. Consideration means something of value.

> This bill specifies that making a referral of a potential customer, does not constitute consideration for purposes of the statutory prohibition against gambling.

to the employees employer

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

3 SECTION 1. 945.01 (1) (f) of the statutes is created to read:

4 945.01 (1) (f) An agreement under which an individual is given an opportunity
5 to win a prize, the award of which is determined by chance, in return for the
6 individual making a referral or identification described in s. 945.01 (5) (b) 2. h.

employees

employee

An employee

the employee's employer

1
2
3
4
5
6

SECTION 2. 945.01 (5) (b) 2. h. of the statutes is created to read:

945.01 (5) (b) 2. h. Referring a person to a promoter to purchase goods or services from the promoter, or identifying for a promoter a person who may purchase goods or services from the promoter, if the individual who makes the referral or identification is not compensated for the referral or identification.

(END)

employer

the employer

employee

Ryan, Robin

From: Wadd, Jay
Sent: Wednesday, November 11, 2009 10:15 AM
To: Ryan, Robin
Subject: RE: Jacket Request

Sorry..i think it's supposed to be 0895/1.

From: Ryan, Robin
Sent: Wednesday, November 11, 2009 9:53 AM
To: Wadd, Jay
Subject: RE: Jacket Request

Jay, will you verify the number? The LRB has not drafted 8000 bills this session (and I hope we never come close).

Robin

From: Wadd, Jay
Sent: Tuesday, November 10, 2009 3:11 PM
To: Ryan, Robin
Subject: Jacket Request

Hi, Robin,

Would you please jacket LRB-8095/1...?

Thanks,

jay