



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0208/en
SRM:eev:...

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 422**

1 **AN ACT** *to repeal* 563.03 (12m) and 563.935 (6) (b); *to renumber and amend*
2 563.90 and 563.935 (6) (a); *to amend* 563.03 (11), 563.05 (2), 563.91, 563.92
3 (1m), 563.92 (2), 563.93 (1) (e), 563.93 (4) (a), 563.93 (4) (b), 563.93 (4m), 563.93
4 (5), 563.93 (7), 563.93 (8), 563.93 (9), 563.935 (8), 563.935 (9), 563.935 (10)
5 (intro.) and 945.01 (3) (b) 1.; and *to create* 563.03 (4p), 563.03 (5r), 563.03 (12r),
6 563.908, 563.909 and 563.98 (1) (f) of the statutes; **relating to:** raffles that
7 involve the racing of plastic or rubber ducks and other types of raffles.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 563.03 (4p) of the statutes is created to read:
9 563.03 (**4p**) “Certificate of participation” means a form of raffle ticket that
10 entitles a person to enter into a raffle as described under s. 563.908 (2).

1 **SECTION 2.** 563.03 (5r) of the statutes is created to read:

2 563.03 (5r) “Drawing” means a method of random selection of a raffle ticket
3 portion from a container housing all raffle tickets purchased for the raffle, with such
4 selection used to determine a winner; determination of a winner in a plastic or rubber
5 duck race; or any other method that is used to determine a winner and that is
6 approved by the department under s. 563.909.

7 **SECTION 3.** 563.03 (11) of the statutes is amended to read:

8 563.03 (11) “Premises” means any room, hall, enclosure, tent, or outdoor area
9 in which bingo is being played or a raffle drawing is being held.

10 **SECTION 4.** 563.03 (12m) of the statutes is repealed.

11 **SECTION 5.** 563.03 (12r) of the statutes is created to read:

12 563.03 (12r) “Raffle game” means a game as described under s. 563.908 (1) or
13 a plastic or rubber duck race or other game of chance that has been approved by the
14 department under s. 563.909.

15 **SECTION 6.** 563.05 (2) of the statutes is amended to read:

16 563.05 (2) The department may promulgate rules requiring holders of licenses
17 issued under this chapter to post a notice in a conspicuous place where a bingo
18 occasion or raffle drawing is being conducted describing the procedures for filing a
19 complaint against the holder.

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

21 **563.907 Qualified organizations.** Any local religious, charitable, service,
22 fraternal or veterans organization or any organization to which contributions are
23 deductible for federal income tax purposes or state income or franchise tax purposes,
24 which has been in existence for one year immediately preceding its application for
25 a license or which is chartered by a state or national organization which has been in

1 existence for at least 3 years, may conduct a raffle upon receiving a license for the
2 raffle event from the department. No other person may conduct a raffle in this state.

3 **SECTION 8.** 563.908 of the statutes is created to read:

4 **563.908 Types of raffles allowed.** A raffle may not be conducted in this state
5 unless it is one of the following types:

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

8 (2) A game of chance for which a method, other than the methods described in
9 sub. (1), is used to determine a winner and that has been approved by the department
10 under s. 563.909. Any method approved under s. 563.909 shall be based on the
11 winner being determined by random selection with all participants having an equal
12 opportunity to win.

13 **SECTION 9.** 563.909 of the statutes is created to read:

14 **563.909 Approval for additional types of raffles.** (1) The department
15 shall approve a type of raffle that consists of flexible plastic or rubber ducks being
16 used in a race. In approving this type of raffle, the department shall establish
17 requirements for conducting this type of raffle so that the raffles will comply with the
18 requirements under this subchapter and any applicable rules promulgated under s.
19 563.04 or 563.05.

20 (2) An organization that holds a Class A or Class B license and that seeks to
21 conduct a raffle that is not of the type that is described under s. 563.908 (1) or sub.
22 (1) shall obtain approval from the department before conducting such a raffle. The
23 request for approval submitted to the department shall include all of the following
24 information:

25 (a) The name of the organization.

1 (b) The number of the license issued to the organization by the department.

2 (c) The address of the premises where the drawings will be held.

3 (d) A description of how this type of raffle will be conducted, including the
4 method to be used for selling certificates of participation and the type of random
5 selection process to be used for determining winners.

6 (e) A description of the record-keeping and accounting procedures that will be
7 used for this type of raffle.

8 (f) The date on which the membership of the organization approved this type
9 of raffle.

10 (g) The signature of a member of the organization whom the organization has
11 designated to submit the request for approval.

12 (3) The department may not approve a type of raffle under this section unless
13 it determines that the raffle will comply with the requirements under this
14 subchapter and with any applicable rules promulgated under s. 563.04 or 563.05.
15 The department shall issue a written determination as to whether the type of raffle
16 is approved or denied and the basis for its determination. If the raffle is approved,
17 the determination shall include a description of how the raffle must be conducted and
18 a description of record-keeping and accounting procedures that must be used. The
19 department shall post a copy of the determination on the department's Internet site.

20 (4) Upon approval of a type of raffle under this section, any organization
21 holding a Class A or Class B license issued under s. 563.92 may conduct this type of
22 raffle without receiving specific approval under this section.

23 **SECTION 10.** 563.91 of the statutes is amended to read:

24 **563.91 Limit.** No qualified organization under s. ~~563.90~~ 563.907 may conduct
25 more than 200 raffles or more than one calendar raffle during a year.

1 **SECTION 11.** 563.92 (1m) of the statutes is amended to read:

2 563.92 (1m) The department may issue a Class A license for the conduct of a
3 raffle in which some or all of the tickets for that raffle are sold on days other than the
4 same day as that the raffle drawing occurs and in which equal shares of a single ticket
5 may be sold to one or more purchasers. The department may issue a Class B license
6 for the conduct of a raffle in which all of the tickets for that raffle are sold on the same
7 day as that the raffle drawing occurs or within the 24 hours immediately preceding
8 the start of the drawing.

9 **SECTION 12.** 563.92 (2) of the statutes is amended to read:

10 563.92 (2) The fee for a raffle license shall be \$25 and shall be remitted with
11 the application. A raffle license shall be valid for 12 months and may be renewed as
12 provided in s. 563.98 (1g). The department shall issue the license within 30 business
13 days after the filing of an application if the applicant qualifies under s. ~~563.90~~
14 563.907 and has not exceeded the limits of s. 563.91. All moneys received by the
15 department under this subsection shall be credited to the appropriation account
16 under s. 20.505 (8) (j).

17 **SECTION 13.** 563.93 (1) (e) of the statutes is amended to read:

18 563.93 (1) (e) The date, time and place of the each drawing ~~or drawings~~.

19 **SECTION 14.** 563.93 (4) (a) of the statutes is amended to read:

20 563.93 (4) (a) Except as provided in par. (b), tickets for a proposed raffle may
21 not be offered for sale more than 270 days before the raffle date of the drawing.

22 **SECTION 15.** 563.93 (4) (b) of the statutes is amended to read:

23 563.93 (4) (b) An organization that existed at least 5 years before the
24 organization was issued a Class A license may offer tickets for sale for a proposed
25 raffle up to one year before the date of the raffle drawing.

1 **SECTION 16.** 563.93 (4m) of the statutes is amended to read:

2 563.93 (4m) The organization that conducts a raffle under a Class A license
3 shall provide the purchaser of a raffle ticket or calendar the purchaser's portion of
4 the ticket or calendar before the each raffle drawing is held, but need not provide it
5 to the purchaser at the time of purchase.

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

7 563.93 (5) All raffle drawings shall be held in public.

8 **SECTION 18.** 563.93 (7) of the statutes is amended to read:

9 563.93 (7) If a raffle drawing game is canceled, the organization shall refund
10 the receipts to the ticket or calendar purchasers.

11 **SECTION 19.** 563.93 (8) of the statutes is amended to read:

12 563.93 (8) The organization that holds a raffle drawing game shall furnish a
13 list of prize winners to each ticket or calendar holder who provides the organization
14 with a self-addressed stamped envelope and requests the list.

15 **SECTION 20.** 563.93 (9) of the statutes is amended to read:

16 563.93 (9) If a person who holds a Class A license sells equal shares of a single
17 ticket to one or more purchasers for a raffle game, the person shall, prior to the date
18 on which the raffle drawing ~~for which the shares were sold~~ is held, purchase any
19 shares of the ticket that have not been sold.

20 **SECTION 21.** 563.935 (6) (a) of the statutes is renumbered 563.935 (6) and
21 amended to read:

22 563.935 (6) ~~Except as provided in par. (b), the~~ The purchaser of a ticket must
23 be present at the drawing to win a prize, unless the purchaser gives the ticket to
24 another person who may claim the prize on behalf of the purchaser, but only if that
25 other person is present at the drawing. If the purchaser of the ticket gives the ticket

1 to another person to claim a prize on behalf of the purchaser, the organization
2 conducting the raffle and the department shall not be held responsible or liable in
3 any dispute regarding the ownership of the ticket.

4 **SECTION 22.** 563.935 (6) (b) of the statutes is repealed.

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

6 563.935 (8) The date, time, and place of the each drawing and, the prizes to be
7 awarded, and the prize amount or the methodology used to determine the prize
8 amount shall be posted or announced before the each drawing.

9 **SECTION 24.** 563.935 (9) of the statutes is amended to read:

10 563.935 (9) If a raffle ~~drawing~~ game is canceled, the organization shall refund
11 the receipts to the ticket purchasers.

12 **SECTION 25.** 563.935 (10) (intro.) of the statutes is amended to read:

13 563.935 (10) (intro.) A raffle that is of the type described in s. 563.908 (1) and
14 that is conducted under a Class B license to which all of the following apply is one
15 raffle for purposes of s. 563.91:

16 **SECTION 26.** 563.98 (1) (f) of the statutes is created to read:

17 563.98 (1) (f) For raffles of the type described in s. 563.908 (2), an accounting
18 of all sold and unsold tickets for each raffle.

19 **SECTION 27.** 945.01 (3) (b) 1. of the statutes is amended to read:

20 945.01 (3) (b) 1. A device used in conducting a bingo occasion or raffle event
21 game under ch. 563, used in conducting a lottery under ch. 565 or used in conducting
22 a race under ch. 562.

23 (END)