

State of Misconsin 1997 - 1998 LEGISLATURE

LRB-4823/1 RAC:jlg&mfd:jf

## **1997 SENATE BILL 428**

February 3, 1998 – Introduced by Senators MOEN, SCHULTZ, DARLING, WEEDEN, HUELSMAN and BRESKE, cosponsored by Representatives KAUFERT, ALBERS, JENSEN, HUBER, WALKER, LADWIG, F. LASEE, OURADA, FREESE, LINTON, OWENS, BRANDEMUEHL, GOETSCH, HARSDORF, VRAKAS, PORTER, KELSO, DUFF, CULLEN, HAHN, OLSEN, POWERS, HUBLER and WASSERMAN. Referred to Committee on Economic Development, Housing and Government Operations.

1 AN ACT to repeal and recreate 565.30 (6) of the statutes; relating to: the

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assignment of lottery prizes and granting rule-making authority.

### Analysis by the Legislative Reference Bureau

Under current law, the right of any person to a lottery prize may not be assigned. This bill establishes a process through which a person may make a voluntary assignment of a lottery prize or part of a lottery prize pursuant to a court order. Under the bill, a person who intends to voluntarily assign part or all of a lottery prize must petition the circuit court of the county in which he or she resides or the circuit court of Dane County for a court order confirming the assignment. The circuit court is required to issue an order confirming the assignment only if all of the following conditions are satisfied:

1. The person is represented by independent legal counsel.

2. A copy of the assignment is attached to the petition.

3. The assignment is in writing, is executed by the person and is subject to the laws of this state.

4. The person attests that he or she is of sound mind, is not acting under duress and acknowledges that the state will not make any of the assigned lottery prize payments or parts of lottery prize payments to him or her.

5. The person provides the court with an accounting of all claims to, or judgments, liens, security interests, garnishments, assignments or attachments against, all or any part of the lottery prize payments.

6. The assignment does not include the amounts of any withholdings otherwise required to be withheld by law.

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If the court issues an order confirming the assignment, the person must submit a certified copy of the court order to the administrator of the lottery division in the department of revenue and the administrator is required to make all lottery prize payments pursuant to the terms of the court order. Under the bill, the administrator is authorized to charge an initial processing fee, in an amount determined by administrative rule, to cover any costs associated with processing the lottery prize payments in accordance with the assignment.

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	<b>SECTION 1.</b> 565.30 (6) of the statutes is repealed and recreated to read:
2	565.30 (6) VOLUNTARY ASSIGNMENT OF LOTTERY PRIZE. (a) Definition. In this
3	subsection, "assignor" means a lottery prizewinner or a person who has the right to
4	assign all or part of a lottery prize.
5	(b) Voluntary assignment. An assignor may make a voluntary assignment of
6	a lottery prize or part of a lottery prize only pursuant to a court order issued under
7	this subsection.
8	(c) Judicial process for assignment. Any assignor who intends to voluntarily
9	assign part or all of a lottery prize to any individual or organization shall petition the
10	circuit court of the county in which the assignor resides or the circuit court of Dane
11	County for a court order confirming the assignment. The circuit court of the county
12	in which the assignor resides or the circuit court of Dane County shall issue an order
13	confirming the assignment only if all of the following occur:
14	1. The assignor is represented by independent legal counsel.
15	2. A copy of the assignment is attached to the petition.
16	3. The assignment is in writing, is executed by the assignor and is subject to
17	the laws of this state.

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2not acting under duress and acknowledges that the state will not make any of the3assigned lottery prize payments or parts of lottery prize payments to the assignor.45. The assignor, by sworn affidavit, provides the court with an accounting of all5claims to, or judgments, liens, security interests, garnishments, assignments or6attachments against, all or any part of the lottery prize payments.76. The assignment does not include the amounts of any withholdings specified8under sub. (4), (5) or (5m) or s. 565.37 (5r).9(d) Contents of court order. A court order issued under par. (c) shall include all10of the following:111. The name of the prizewinner or the name of the assignor, if different from12the prizewinner.132. The assignor's social security number if the assignor is an individual, or16federal income tax identification number if the assignor is an organization.153. The name of the individual or organization to whom part or all of the lottery16prize is assigned.174. The social security number of the individual or the federal income tax18identification number of the organization to whom part or all of the lottery prize is195. If part or all of the lottery prize is assigned to an individual, the citizenship205. If part or all of the individual's resident alien number.216. The number of assigned lottery prize payments and the dates on which the	1	4. The assignor attests, by sworn affidavit, that he or she is of sound mind, is
<ul> <li>5. The assignor, by sworn affidavit, provides the court with an accounting of all</li> <li>claims to, or judgments, liens, security interests, garnishments, assignments or</li> <li>attachments against, all or any part of the lottery prize payments.</li> <li>6. The assignment does not include the amounts of any withholdings specified</li> <li>under sub. (4), (5) or (5m) or s. 565.37 (5r).</li> <li>(d) Contents of court order. A court order issued under par. (c) shall include all</li> <li>of the following:</li> <li>1. The name of the prizewinner or the name of the assignor, if different from</li> <li>the prizewinner.</li> <li>2. The assignor's social security number if the assignor is an individual, or</li> <li>federal income tax identification number if the assignor is an organization.</li> <li>3. The name of the individual or organization to whom part or all of the lottery</li> <li>prize is assigned.</li> <li>4. The social security number of the individual or the federal income tax</li> <li>identification number of the organization to whom part or all of the lottery prize is</li> <li>assigned.</li> <li>5. If part or all of the lottery prize is assigned to an individual, the citizenship</li> <li>of the individual. If the individual's resident alien number.</li> </ul>	2	not acting under duress and acknowledges that the state will not make any of the
<ul> <li>claims to, or judgments, liens, security interests, garnishments, assignments or</li> <li>attachments against, all or any part of the lottery prize payments.</li> <li>6. The assignment does not include the amounts of any withholdings specified</li> <li>under sub. (4), (5) or (5m) or s. 565.37 (5r).</li> <li>(d) Contents of court order. A court order issued under par. (c) shall include all</li> <li>of the following:</li> <li>1. The name of the prizewinner or the name of the assignor, if different from</li> <li>the prizewinner.</li> <li>2. The assignor's social security number if the assignor is an individual, or</li> <li>federal income tax identification number if the assignor is an organization.</li> <li>3. The name of the individual or organization to whom part or all of the lottery</li> <li>prize is assigned.</li> <li>4. The social security number of the individual or the federal income tax</li> <li>identification number of the organization to whom part or all of the lottery prize is</li> <li>assigned.</li> <li>5. If part or all of the lottery prize is assigned to an individual, the citizenship</li> <li>of the individual. If the individual's resident alien number.</li> </ul>	3	assigned lottery prize payments or parts of lottery prize payments to the assignor.
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<ul> <li>6. The assignment does not include the amounts of any withholdings specified</li> <li>under sub. (4), (5) or (5m) or s. 565.37 (5r).</li> <li>(d) Contents of court order. A court order issued under par. (c) shall include all</li> <li>of the following:</li> <li>1. The name of the prizewinner or the name of the assignor, if different from</li> <li>the prizewinner.</li> <li>2. The assignor's social security number if the assignor is an individual, or</li> <li>federal income tax identification number if the assignor is an organization.</li> <li>3. The name of the individual or organization to whom part or all of the lottery</li> <li>prize is assigned.</li> <li>4. The social security number of the individual or the federal income tax</li> <li>identification number of the organization to whom part or all of the lottery prize is</li> <li>assigned.</li> <li>5. If part or all of the lottery prize is assigned to an individual, the citizenship</li> <li>of the individual. If the individual's resident alien number.</li> </ul>	5	claims to, or judgments, liens, security interests, garnishments, assignments or
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<ol> <li>11         <ol> <li>The name of the prizewinner or the name of the assignor, if different from</li> <li>the prizewinner.</li> </ol> </li> <li>13         <ol> <li>The assignor's social security number if the assignor is an individual, or</li> <li>federal income tax identification number if the assignor is an organization.</li> <li>The name of the individual or organization to whom part or all of the lottery</li> <li>prize is assigned.</li> </ol> </li> <li>17         <ol> <li>The social security number of the individual or the federal income tax</li> <li>identification number of the organization to whom part or all of the lottery prize is</li> <li>assigned.</li> <li>If part or all of the lottery prize is assigned to an individual, the citizenship</li> <li>of the individual. If the individual is not a citizen of the United States of America,</li> <li>the order shall include the individual's resident alien number.</li> </ol></li></ol>	9	(d) Contents of court order. A court order issued under par. (c) shall include all
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22 the order shall include the individual's resident alien number.	20	5. If part or all of the lottery prize is assigned to an individual, the citizenship
	21	of the individual. If the individual is not a citizen of the United States of America,
23 6. The number of assigned lottery prize payments and the dates on which the	22	the order shall include the individual's resident alien number.
	23	6. The number of assigned lottery prize payments and the dates on which the
24 assigned lottery prize payments are to begin and end.	24	assigned lottery prize payments are to begin and end.
25 7. The amount of each of the lottery prize payments that are assigned.	25	7. The amount of each of the lottery prize payments that are assigned.

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1 (e) Administration of lottery prize assignment. Upon receipt of a court order  $\mathbf{2}$ issued under par. (c), the assignor shall provide a certified copy of the court order to 3 the administrator. The administrator shall make all lottery prize payments due to the assignor and to the individual or organization to whom part or all of the lottery 4  $\mathbf{5}$ prize is assigned according to the terms specified in the court order. The 6 administrator may charge an initial processing fee, in an amount determined by  $\mathbf{7}$ rule, to cover any costs associated with processing the lottery prize payments in 8 accordance with the assignment.

9

### (END)