



2011 SENATE BILL 151

July 13, 2011 - Introduced by Senators COWLES, HANSEN and KEDZIE, cosponsored by Representatives WEININGER, BERNIER, FIELDS and BALLWEG. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

- 1 **AN ACT** *to amend* 945.01 (5) (b) 2. h. of the statutes; **relating to:** opportunities
2 to win prizes that are received by employees as compensation from employers.

Analysis by the Legislative Reference Bureau

Under current statutory law, a person is engaged in gambling if he or she places a bet or participates in or conducts a lottery. The Wisconsin Constitution and current statutory law prohibit gambling except for the state lottery, charitable bingo, charitable raffles, and pari-mutuel wagering.

Current law exempts from the definition of "bet" an agreement under which an employee is given an opportunity to win a prize, the award of which is determined by chance, in return for referring a potential customer to his or her employer for goods or services offered by the employer. Current law defines "lottery" as an enterprise in which, in exchange for consideration, the participants are given an opportunity to win a prize, the award of which is determined by chance even though it may be accompanied by some skill. Consideration in general is something of value. For purposes of the definition of "lottery," consideration does not include the situation where an employee refers to his or her employer a potential customer but only if the employee is not receiving compensation for the referral. Under the bill, such a referral is outside the definition of consideration regardless of whether the employee receives any compensation.

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

