

WISCONSIN

GENERAL ORGANIZATION OF THE STATE, EXCEPT THE JUDICIARY

CHAPTER 13. LEGISLATIVE BRANCH

SUBCHAPTER IV. LEGISLATIVE SERVICE AGENCIES

13.094 Review of University of Wisconsin Hospitals and Clinics Authority lease and affiliation agreements.

(1) FIVE-YEAR REVIEW. By June 29, 2001, and every 5 years thereafter by June 29, the joint committee on finance shall review the lease agreement under s. 233.04 (7) or (7g) and the affiliation agreement under s. 233.04 (7m) or (7p). If the joint committee on finance determines that either the lease agreement or the affiliation agreement, or both, should be terminated, the committee shall submit its recommendations regarding the agreements to the legislature under s. 13.172 (2). The committee's recommendations shall include any suggested legislation necessary to adequately provide for the protection of the bondholders and those entering into contracts with the authority or to modify the powers and duties of the University of Wisconsin Hospitals and Clinics Authority to reflect termination of the lease agreement or affiliation agreement, or both.

(2) TERMINATION OF AGREEMENTS. If legislation has been enacted to adequately provide for the protection of the bondholders and those entering into contracts with the authority or to modify the powers and duties of the University of Wisconsin Hospitals and Clinics Authority to reflect termination of the lease agreement or affiliation agreement, or both, or if such legislation is not necessary to adequately provide for the protection of the bondholders and those entering into contracts with the authority or to modify the powers and duties of the authority, the committee may terminate the lease agreement or affiliation agreement, or both.

(3) RECOMMENDED LEGISLATION. If the lease agreement under s. 233.04 (7) or (7g) or the affiliation agreement under s. 233.04 (7m) or (7p) ceases to be in effect for a reason other than termination under sub. (2), the joint committee on finance shall recommend any legislation that it considers appropriate or desirable in light of the lease agreement or affiliation agreement ceasing to be in effect to adequately provide for the protection of the bondholders of the University of Wisconsin Hospitals and Clinics Authority and those entering into contracts with the authority or to modify the powers and duties of the authority. The joint committee on finance shall submit its recommendations to the legislature under s. 13.172 (2).

CHAPTER 15. STRUCTURE OF THE EXECUTIVE BRANCH

SUBCHAPTER II. DEPARTMENTS

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15.09 Councils. (1) SELECTION OF MEMBERS. (a) Unless otherwise provided by law, the governor shall appoint the members of councils for terms prescribed by law. Except as provided in par. (b), fixed terms shall expire on July 1 and shall, if the term is for an even number of years, expire in an odd-numbered year.

(b) The terms of the members of the council on recycling shall expire as specified under s. 15.347 (17) (c).

(2) SELECTION OF OFFICERS. Unless otherwise provided by law, at its first meeting in each year every council shall elect a chairperson, vice chairperson and secretary from among its members. Any officer may be reelected for successive terms. For any council created under the general authority of s. 15.04 (1) (c), the constitutional officer or secretary heading the department or the chief executive officer of the independent agency in which such council is created shall designate an employe of the department or independent agency to serve as secretary of the council and to be a voting member thereof.

(3) LOCATION AND FREQUENCY OF MEETINGS. Unless otherwise provided by law, every council shall meet at least annually and shall also meet on the call of the head of the department or independent agency in which it is created, and may meet at other times on the call of the chairperson or a majority of its members. A council shall meet at such locations as may be determined by it unless the constitutional officer or secretary heading the department or the chief executive officer of the independent agency in which it is created determines a specific meeting place.

(4) QUORUM. Except as otherwise expressly provided, a majority of the membership of a council constitutes a quorum to do business, and a majority of a quorum may act in any matter within the jurisdiction of the council.

(5) POWERS AND DUTIES. Unless otherwise provided by law, a council shall advise the head of the department or independent agency in which it is created and shall function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

(6) REIMBURSEMENT FOR EXPENSES. Members of a council shall not be compensated for their services, but members of councils created by statute shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, such reimbursement in the case of an elective or appointive officer or employe of this state who represents an agency as a member of a council to be paid by the agency which pays his or her salary.

(7) REPORTS. Unless a different provision is made by law for transmittal or publication of a report, every council created in a department or independent agency shall submit to the head of the department or independent agency, upon request of that person not more often than annually, a report on the operation of the council.

(8) OFFICIAL OATH. Each member of a council shall take and file the official oath prior to assuming office.

History: 1971 c. 211; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 34, 346; 1983 a. 27, 388, 410; 1985 a. 84; 1989 a. 335; 1991 a. 39, 189; 1993 a. 184.

SUBCHAPTER II

DEPARTMENTS

15.103 Same; specified divisions. (1) DIVISION OF HEARINGS AND APPEALS. There is created a division of hearings and appeals which is attached to the department of administration under s. 15.03. The administrator of the division shall be appointed by the secretary of administration in the classified service.

(1m) DIVISION OF GAMING. There is created in the department of administration a division of gaming.

(2) DIVISION OF HOUSING. There is created in the department of administration a division of housing. The administrator of the division shall be appointed outside the classified service by the secretary of administration.

(3) DIVISION OF INFORMATION TECHNOLOGY SERVICES. There is created in the department of administration a division of information technology services.

(4) DIVISION OF TRUST LANDS AND INVESTMENTS. There is created a division of trust lands and investments which is attached to the department of administration under s. 15.03. This division is under the direction and supervision of the board of commissioners of public lands.

(5) DIVISION OF TECHNOLOGY MANAGEMENT. There is created in the department of administration a division of technology management.

History: 1977 c. 170, 418; 1979 c. 361 s. 15; 1981 c. 121; 1983 a. 27; 1989 a. 31, 107; 1991 a. 39; 1993 a. 16 s. 55m; 1995 a. 27; 1997 a. 27 ss. 26, 49.

CHAPTER 20. APPROPRIATIONS AND BUDGET MANAGEMENT

SUBCHAPTER V. HUMAN RELATIONS AND RESOURCES

20.435 Health and family services, department of.

There is appropriated to the department of health and family services for the following programs:

(1) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS. (a) *General program operations.* The amounts in the schedule for general program operations, including health services regulation, administration and field services. (bm) *Medical assistance administration.* Biennially, the amounts in the schedule to provide the state share of administrative contract costs for the medical assistance program under ss. 49.45 and 49.665, to reimburse insurers for their costs under s. 49.475 and for costs associated with outreach activities. No state positions may be funded in the department of health and family services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the medical assistance program between the subunit of the department primarily responsible for administering the medical assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under sub. (5) (bc) and (p).

(cg) *Emergency medical services; general program operations.*

The amounts in the schedule for general program operations relating to emergency medical services.

(dg) *Health care information; physician encounter data.* The amounts in the schedule for collection under ch. 153 of physician encounter data from health care providers.

NOTE: Par. (dg) is repealed eff. 7-1-99 by 1997 Wis. Act 237.

(gm) *Licensing, review and certifying activities.* The amounts in the schedule for the purposes specified in ss. 146.50 (8), 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2) and ch. 150. All moneys received under ss. 146.50 (8) (d), 150.13, 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2) (b) shall be credited to this appropriation account. From the fees collected under s. 50.135 (2), \$444,700 in fiscal year 1997-98 and \$451,600 in fiscal year 1998-99 shall be credited to this appropriation account.

(gp) *Health care; aids.* All moneys received under s. 146.99,

to be used for purchase of primary health care services under s. 146.93.

(gr) *Supplemental food program for women, infants and children administration.* All moneys received from the enforcement assessments on fines, forfeitures and recoupments that are levied by a court under s. 253.06 (4) (c) and on forfeitures and recoupments that are levied by the department under s. 253.06 (5) (c) to finance fraud reduction in the supplemental food program for women, infants and children under s. 253.06.

(hg) *General program operations; health care information.* The amounts in the schedule to fund the activities of the department of health and family services and the board on health care information under ch. 153. The contract fees paid under s. 153.05 (6m) and assessments paid under s. 153.60 shall be credited to this appropriation account.

(hi) *Compilations and special reports.* All moneys received from user fees imposed under s. 153.65 for the purpose of financing the costs of producing special data compilations or special reports under s. 153.65.

(i) *Gifts and grants.* See sub. (9) (i).

(in) *Community options program; costs of care recovery administration.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035, the amounts in the schedule for administration of the recovery of costs of the care.

(j) *Fees for services and supplies.* The amounts in the schedule for the purposes provided in ch. 69 and s. 254.41, for the purchase and distribution of the medical supplies and to analyze and provide data under s. 250.04. All moneys received under ch. 69 and ss. 250.04 (3m) and 254.41 and as reimbursement for medical supplies shall be credited to this appropriation.

(jb) *Congenital disorders; operations.* From all moneys received under s. 253.13 (2), the amounts in the schedule to be used for the costs of consulting with appropriate experts as specified in s. 253.13 (5).

(km) *Internal services.* The amounts in the schedule for clerical licensing operations and other similar services as are required. All moneys received from services rendered by the internal services unit shall be credited to this appropriation.

(kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (km) or sub. (6) (k) for the administration of programs or projects for which received.

(m) *Federal project operations.* See sub. (9) (m).

(mc) *Block grant operations.* See sub. (9) (mc).

(n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs to be expended for the purposes specified.

(p) *Federal aid; medical assistance contracts administration.* All federal moneys received for the federal share of the cost of contracting for payment and services administration and reporting, and to reimburse insurers for their costs under s. 49.475.

(q) *Groundwater and air quality standards.* From the environmental fund, the amounts in the schedule to develop groundwater standards and implement ch. 160 and to assist in the development

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of emission standards for hazardous air contaminants under s. 46.34.

(u) *Health insurance risk-sharing plan; administration.* The

amounts in the schedule from the health insurance risk-sharing plan fund for the administration of ch. 149.

(2) CARE AND TREATMENT FACILITIES. (a) *General program operations.* The amounts in the schedule to operate institutions, to provide administrative services and to evaluate, treat and care for persons under ch. 980, including persons placed on supervised release under s. 980.06 (2) or 980.08.

(aa) *Institutional repair and maintenance.* The amounts in the schedule for repair and maintenance expenses of the institutions. Expenditures for materials, supplies, equipment and contracts for services involving the repair and maintenance of structures and equipment, excluding vehicles, shall be made from this appropriation.

(b) *Wisconsin resource center.* The amounts in the schedule for general program operations, other than operations related to security, of the Wisconsin resource center.

(bj) *Conditional and supervised release treatment and services.* Biennially, the amounts in the schedule for payment by the department of costs for treatment and services for persons released under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5), for which the department has contracted with county departments under s. 51.42 (3) (aw) 1. d., with other public agencies or with private agencies to provide the treatment and services.

(bm) *Secure mental health units or facilities.* The amounts in the schedule for the general program operations of secure mental health units or facilities under s. 980.065 for persons committed to institutional care under s. 980.06 (2) (b) and placed in a secure mental health unit or facility.

(ee) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, development, enlargement or extension of mental health facilities.

(ef) *Lease rental payments.* A sum sufficient to pay the rentals required to be made on mental health facilities under leases entered into under s. 46.035.

(f) *Energy costs.* The amounts in the schedule to be used at mental health institutes and centers for the developmentally disabled to pay for utilities and for fuel, heat and air conditioning, to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

(gk) *Institutional operations and charges.* The amounts in the schedule for care provided by the centers for the developmentally disabled to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes; for repair or replacement of property damaged at the mental health institutes or at centers for the developmentally disabled; and for reimbursing the total cost of using, producing and providing services, products and care. All moneys received as payments from medical assistance on and after August 1, 1978; as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10 and payments under s. 51.42 (3) (as) 2.

received on and after January 1, 1979; as payments under s. 51.07 (4); as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled

and mental health institutes; for the sale of electricity, steam or chilled water; as payments in restitution of property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of patients transferred from a state prison under s. 51.37 (5), to Mendota mental health institute or Winnebago mental health institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4).

(gs) *Sex offender honesty testing*. All moneys received from persons who are required to pay for polygraph examinations, as prescribed by rule in accordance with s. 51.375 (3), for expenditures related to the lie detector test program for persons under s. 51.375.

(i) *Gifts and grants*. See sub. (9) (i).

(kx) *Interagency and intra-agency programs*. All moneys received from other state agencies and all moneys received by the department from the department for the administration of programs or projects for which received.

(ky) *Interagency and intra-agency aids*. All moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations.

(kz) *Interagency and intra-agency local assistance*. All moneys received from other state agencies and all moneys received by the department from the department for local assistance.

(m) *Federal project operations*. See sub. (9) (m).

(3) CHILDREN AND FAMILY SERVICES. (a) *General program operations*. The amounts in the schedule for general program operations relating to children's services, including field services and administrative services.

(c) *Statutory rape prosecution pilot program*. As a continuing appropriation, the amounts in the schedule for the statutory rape prosecution pilot program under 1997 Wisconsin Act 280, section 5 (1).

NOTE: Par. (c) is repealed eff. 7-1-00 by 1997 Wis. Act 280.

(cd) *Domestic abuse grants*. The amounts in the schedule for the purposes of s. 46.95. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department under s. 46.95 (2) but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

(cf) *Foster, treatment foster and family-operated group home parent insurance and liability*. The amounts in the schedule to purchase insurance or pay claims as provided under s. 48.627.

(cw) *Milwaukee child welfare services; general program operations*. The amounts in the schedule for general program operations relating to providing services to children and families under s. 48.48 (17).

(cx) *Milwaukee child welfare services; aids*. The amounts in the schedule for providing services to children and families under s. 48.48 (17).

(cz) *Foster care services, kinship care, long-term kinship care and aid to minor custodial parents*. The amounts in the schedule for the cost of foster care and treatment foster care provided by

nonlegally responsible relatives under s. 46.261 (2) (a) 3. or 4., for kinship care payments under s. 48.57 (3m), for long-term kinship care payments under s. 48.57 (3n) and for aid to minor custodial parents under s. 46.261 (2) (a) 1.

(db) *Foster care assessments*. The amounts in the schedule for **assessments of nonlegally responsible relatives who provide care** **Unofficial text from 97–98 Wis. Stats. database. See printed 97–98 Statutes and 99 Wis. Acts for official text under s. 35.18 (2)**

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and maintenance for children to determine if those relatives are eligible to receive foster care payments.

(dd) *State foster care and adoption services*. The amounts in the schedule for foster care, treatment foster care, institutional child care and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s. 49.19 (10) (d) and for the cost of the foster care monitoring system.

(de) *Child abuse and neglect prevention grants*. The amounts in the schedule for child abuse and neglect prevention grants under s. 46.515.

(df) *Child abuse and neglect prevention technical assistance*. The amounts in the schedule for child abuse and neglect prevention technical assistance and training under s. 46.515 (8).

(dg) *State adoption information exchange and state adoption center*. The amounts in the schedule to operate a state adoption information exchange under s. 48.55 and a state adoption center under s. 48.551.

(dn) *Food distribution grants*. The amounts in the schedule for grants for food distribution programs under ss. 46.75 and 46.77.

(dr) *Community-based hunger prevention program grants*.

The amounts in the schedule for grants for start-up of community-based hunger prevention programs under s. 46.765.

(eg) *Programs for adolescents and adolescent parents*. The amounts in the schedule for the provision of adolescent self-sufficiency and pregnancy prevention programs under s. 46.995, for adolescent services under s. 46.996 and for adolescent choices project grants under s. 46.997 (2).

(fm) *Community alcohol and other drug abuse prevention program*.

The amounts in the schedule for the community alcohol and other drug abuse prevention program under s. 51.45 (5).

(gx) *Milwaukee child welfare services; collections*. All moneys received by the department in payment for services provided to children and families under s. 48.48 (17), to be used to provide those services.

(hh) *Domestic abuse assessment grants*. All moneys received from the domestic abuse assessment surcharge on court fines, as authorized under s. 971.37 (1m) (c) 1. or 973.055, to provide grants to domestic abuse services organizations under s. 46.95.

(i) *Gifts and grants*. See sub. (9) (i).

(jb) *Fees for administrative services*. All moneys received from fees charged for providing state mailings, special computer services, training programs, printed materials and publications, for the purpose of providing state mailings, special computer services, training programs, printed materials and publications.

(jj) *Searches for birth parents and adoption record information; foreign adoptions*. The amounts in the schedule for paying the cost of searches for birth parents under ss. 48.432 (4) and 48.433 (6) and for paying the costs of reviewing, certifying and approving foreign adoption documents under s. 48.838 (2) and (3). All moneys received as fees paid by persons requesting a search under s. 48.432 (3) (c) or (4), 48.433 (6) or 48.93 (1r) and paid by persons for the review, certification and approval of foreign adoption documents under s. 48.838 (2) and (3) shall be credited

to this appropriation.

(jm) *Licensing activities.* The amounts in the schedule for the costs of licensing child welfare agencies under s. 48.60, foster homes and treatment foster homes under s. 48.62, group homes under s. 48.625, day care centers under s. 48.65 and shelter care facilities under s. 938.22 (7). All moneys received for these licensing activities and from fees under ss. 48.615, 48.625, 48.65 (3) and 938.22 (7) (b) and (c) shall be credited to this appropriation account.

(kc) *Interagency and intra-agency aids; kinship care and long-term kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) and (3n). All moneys transferred from the appropriation account under s. 20.445 (3) (md) to this appropriation account shall be credited to this appropriation account.

Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year is transferred to the appropriation account under s. 20.445 (3) (ky).

(kd) *Kinship care and long-term kinship care assessments.* The amounts in the schedule for assessments of kinship care relatives, as defined in s. 48.57 (3m) (a), and long-term kinship care relatives, as defined in s. 48.57 (3n) (a), who provide care and maintenance for children to determine if those kinship care relatives and long-term kinship care relatives are eligible to receive payments under s. 48.57 (3m) or (3n). All moneys transferred from the appropriation account under s. 20.445 (3) (md) to this appropriation account shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year is transferred to the appropriation account under s. 20.445 (3) (ky).

(ke) *Tribal kinship care.*

NOTE: Par. (ke) is repealed eff. 7-1-98 by 1997 Wis. Act 27.

(kw) *Interagency and intra-agency aids; Milwaukee child welfare services.* All moneys received from other state agencies and all moneys received by the department from the department for providing services to children and families under s. 48.48 (17), for such purposes.

(kx) *Interagency and intra-agency programs.* Except as provided in par. (kw), all moneys received from other state agencies and all moneys received by the department from the department for the administration of programs or projects for which received, for such purposes.

(ky) *Interagency and intra-agency aids.* Except as provided in par. (kw), all moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations, for such purposes.

(kz) *Interagency and intra-agency local assistance.* Except as provided in par. (kw), all moneys received from other state agencies and all moneys received by the department from the department for local assistance, for such purposes.

(m) *Federal project operations.* See sub. (9) (m).

(ma) *Federal project aids.* See sub. (9) (ma).

(mb) *Federal project local assistance.* See sub. (9) (mb).

(mc) *Federal block grant operations.* See sub. (9) (mc).

(md) *Federal block grant aids.* See sub. (9) (md).

(mw) *Federal aid; Milwaukee child welfare services general program operations.* All federal moneys received for general program operations relating to providing services to children and families under s. 48.48 (17), to carry out the purposes for which received.

(mx) *Federal aid; Milwaukee child welfare services aids.* All federal moneys received for providing services to children and families under s. 48.48 (17), to carry out the purposes for which

received.

(n) *Federal program operations*. See sub. (9) (n).

(na) *Federal program aids*. See sub. (9) (na).

(nL) *Federal program local assistance*. See sub. (9) (nL).

(o) *Community aids; prevention activities*. All federal moneys received under 42 USC 300x–21 to 300x–35 in amounts pursuant to allocation plans developed by the department of health and family services for the provision or purchase of services authorized under sub. (7) (b) and s. 46.70 for distribution under s. 46.40 (2m) (a) for prevention related activities.

(pd) *Federal aid; state foster care and adoption services*. All federal moneys received for meeting the costs of providing foster care, treatment foster care and institutional child care under s. 48.52, and for the cost of care for children under s. 49.19 (10) (d). Disbursements for foster care under s. 46.03 (20) and for the purposes described under s. 48.627 may be made from this appropriation.

(pm) *Federal aid; adoption incentive payments*. All federal moneys received as adoption incentive payments under 42 USC 473A, as authorized by the governor under s. 16.54, to be

expended for the purposes for which received.

Unofficial text from 97–98 Wis. Stats. database. See printed 97–98 Statutes and 99 (5) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY;

AIDS AND LOCAL ASSISTANCE. (af) *Health insurance risk-sharing plan; costs*. The amounts in the schedule for paying a portion of the operating costs of the health insurance risk-sharing plan under ch. 149.

(ah) *Health insurance risk-sharing plan; premium and deductible reduction subsidy*. Biennially, the amounts in the schedule for the purpose of subsidizing premium reductions under s. 149.165 and deductible reductions under s. 149.14 (5) (a).

(am) *Services, reimbursement and payment related to acquired immunodeficiency syndrome*. The amounts in the schedule for the purchase of services under s. 252.12 (2) (a) for individuals with respect to acquired immunodeficiency syndrome and related infections, to subsidize premium payments under ss. 252.16 and 252.17 and to reimburse or supplement the reimbursement of the cost of AZT, pentamidine and certain other drugs under s. 49.686.

(b) *Medical assistance program benefits*. Biennially, the amounts in the schedule to provide the state share of medical assistance program benefits administered under s. 49.45, to provide medical assistance program benefits administered under s. 49.45 that are not also provided under par. (o) and to fund the pilot project under s. 46.27 (9) and (10). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation under sub. (7) (kb) funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between fiscal years funds that it transfers from the appropriation under sub. (7) (kb) for the purposes specified in s. 46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation account under sub. (7) (bd) funds in the amount and for the purposes specified in s. 49.45 (6v).

(bc) *Health care for low-income families*. As a continuing appropriation, the amounts in the schedule for the badger care health care program for low-income families under s. 49.665.

(bs) *Relief block grants to tribal governing bodies*. The amounts in the schedule for relief block grants under s. 49.029 to tribal governing bodies.

(bt) *Relief block grants to counties with a population of 500,000 or more*. The amounts in the schedule for relief block

grants under s. 49.025 to counties with a population of 500,000 or more.

(bu) *Relief block grants to counties with a population of less than 500,000.* The amounts in the schedule for relief block grants under s. 49.027 to counties with a population of less than 500,000.

(cb) *Women's health services.* The amounts in the schedule for health screening for low-income women under s. 255.075, for conduct of a women's health campaign under 1997 Wisconsin Act 27, section 9123 (6) (a) and for women's health projects under 1997 Wisconsin Act 27, section 9123 (6) (b) and (6m).

(cc) *Cancer treatment, training, follow-up, control and pre-vention.* The amounts in the schedule for cancer control and pre-vention grants under s. 255.05, for the breast cancer screening program under s. 255.06, for grants for training to perform colposcopic examinations and follow-up activities under s. 255.07 and for breast cancer screening activities under 1997 Wisconsin Act 27, section 9123 (10). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds for grants under s. 255.05, funds for screening and services under s. 255.06 and funds for grants under s. 255.07 between fiscal years under this paragraph. All funds allocated by the department under s. 255.05 (2) but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

(ce) *Services for homeless individuals.* As a continuing appropriation, the amounts in the schedule for services for homeless individuals under s. 46.972 (2).

(ch) *Emergency medical services; aids.* The amounts in the schedule to pay the costs for emergency medical technician — basic training and examination aid under s. 146.55 (5) and for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equipment or emergency medical training for personnel under s. 146.55 (4).

(cm) *Immunization.* A sum sufficient not to exceed in fiscal year 1997–98 the difference between \$8,550,700 and the sum of the moneys received from the federal government under the federal vaccines for children program and under section 317 of the Public Health Service Act in fiscal year 1997–98 and not to exceed in fiscal year 1998–99 the difference between \$8,776,400 and the sum of the moneys received from the federal government under the federal vaccines for children program and under section 317 of the Public Health Service Act in fiscal year 1998–99 for the provision of vaccine to immunize children under s. 252.04 (1).

(d) *Facility appeals mechanism.* The amounts in the schedule for the execution of functions under s. 49.45 (6m) (e).

(de) *Dental services.* The amounts in the schedule for the provision of dental services under s. 250.10.

(dg) *Tobacco prevention and education program.* The amounts in the schedule for the Thomas T. Melvin tobacco prevention and education program under s. 255.10.

(ds) *Statewide poison control program.* The amounts in the schedule to supplement the operation of a statewide poison control program under s. 146.57 (3) and for the statewide collection and reporting of poison control data.

(e) *Disease aids.* Biennially, the amounts in the schedule for assisting victims of diseases, as provided in ss. 49.68, 49.683, 49.685, 58.06, 252.08 (4) and (5) and 252.10 (6) and (7), as allocated by the department.

(ed) *Radon aids.* The amounts in the schedule for the provision of state aid for local radon services under s. 254.34 (4).

(ef) *Lead-poisoning or lead-exposure services.* The amounts in the schedule for the purposes of providing grants under s.

254.151.

(eg) *Pregnancy counseling*. The amounts in the schedule for grants for pregnancy counseling under s. 253.08.

(ek) *Cooperative American Indian health projects*. The amounts in the schedule for grants for cooperative American Indian health projects under s. 146.19.

(em) *Supplemental food program for women, infants and children benefits*. As a continuing appropriation, the amounts in the schedule to provide a state supplement under s. 253.06 to the federal special supplemental food program for women, infants and children authorized under 42 USC 1786.

(er) *Neonatal intensive care unit training grants*. As a continuing appropriation, the amounts in the schedule for neonatal intensive care unit training grants under 1997 Wisconsin Act 237, section 9122 (3ty).

NOTE: Par. (er) is repealed eff. 7-1-00 by 1997 Wis. Act 237.

(ev) *Pregnancy outreach and infant health*. The amounts in the schedule for outreach to low-income pregnant women and for maternal and infant health projects under s. 253.085.

(f) *Family planning*. The amounts in the schedule to provide family planning services under s. 253.07 and under 1991 Wisconsin Act 39, section 9125 (21q). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds distributed by the department under s. 253.07 (2) (b) and (4) but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

(gh) *Health insurance risk-sharing plan; premium reduction*.

All moneys received from the plan administrator under s. 149.143

(2) (a) 1. c., to be used as specified in s. 149.143 (1) (b) 1. b. **Unofficial text from 97-98 Wis. Stats. database. See printed 97-98 Statutes and 99 Wis. Acts for official text under s. 35.18 (2) stats. Report errors to the Revisor of Statutes at (608) 266-2011, FAX 264-6978, email bruce.munson@legis.state.wi.us**

(i) *Gifts and grants; aids*. All moneys received from gifts, grants and bequests to provide aids to individuals for health services consistent with the purpose of the gift, grant or bequest.

(im) *Medical assistance; recovery of correct payments*. All moneys received from the recovery of correct medical assistance payments under ss. 49.496 and 867.035 for payments to counties and tribal governing bodies under s. 49.496 (4), payment of claims under s. 867.035 (3), payments to the federal government for its share of medical assistance benefits recovered and for the state share of medical assistance benefits under subch. IV of ch. 49 as provided in ss. 49.496 (5) and 867.035 (4).

(ja) *Congenital disorders; diagnosis, special dietary treatment and counseling*. The amounts in the schedule to provide diagnostic services, special dietary treatment and follow-up counseling for congenital disorders and periodic evaluation of infant screening programs as specified under s. 253.13. All moneys received by the department under s. 253.13 (2), less the amounts appropriated under sub. (1) (jb), shall be credited to this appropriation.

(jz) *Badger care premiums*. All moneys received from payments under s. 49.665 (5) to be used for the badger care health care program for low-income families under s. 49.466 [49.665].

NOTE: The bracketed language indicates the correct cross reference. Corrective legislation is pending.

(ky) *Interagency and intra-agency aids*. All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under sub.

(1) (km) or (6) (k) for aids to individuals and organizations.

(kz) *Interagency and intra-agency local assistance*. All moneys received from other state agencies and all moneys received by

the department from the department not directed to be deposited under par. sub. (1) (km) or (6) (k) for local assistance.

(ma) *Federal project aids*. See sub. (9) (ma).

(md) *Block grant aids*. See sub. (9) (md).

(na) *Federal program aids*. See sub. (9) (na).

(o) *Federal aid; medical assistance*. All federal moneys received for meeting costs of medical assistance administered under ss. 49.45 and 49.665.

(p) *Federal aid; health care for low-income families*. All federal moneys received for the badger care health care program for low-income families under s. 49.665, to be used for that purpose.

(6) SUPPORTIVE LIVING; STATE OPERATIONS. (a) *General program operations*. The amounts in the schedule for general program operations, including field services and administrative services, and for the pilot project under 1997 Wisconsin Act 237, section 9122 (4).

(d) *Council on physical disabilities*. The amounts in the schedule for operation of the council on physical disabilities under s. 46.29.

(dm) *Nursing home monitoring and receivership supplement*. A sum sufficient to supplement the appropriations made under par. (k).

(e) *Principal repayment and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the development or improvement of the workshop for the blind.

(ee) *Administrative expenses for state supplement to federal supplemental security income program*. The amounts in the schedule for state administration of state supplemental grants to supplemental security income recipients under s. 49.77.

(g) *Nursing facility resident protection*. The amounts in the schedule to finance nursing facility resident protection under s. 49.499. All moneys received from the penalty assessment surcharges on forfeitures that are levied by the department under s. 49.498 (16) (c) 1., 2. and 3. and the interest under s. 49.498 (16)

(d) shall be credited to this appropriation.

(ga) *Community-based residential facility monitoring and receivership operations*. All moneys received as payments from medical assistance and from all other sources to reimburse the department for the costs of placing a monitor in a community-based residential facility under s. 50.05 (2) and (3), receivership of a community-based residential facility and operation of a community-based residential facility held in receivership by the department under s. 50.05 (4) and (5).

(gb) *Alcohol and drug abuse initiatives*. All moneys received from the state treasurer under s. 961.41 (5) (c), to be expended on programs providing prevention, intervention and treatment for alcohol and other drug abuse problems. In fiscal year 1997-98, the department shall transfer \$250,000 from the appropriation account under this paragraph to the appropriation account under sub. (7) (kw).

(gd) *Group home revolving loan fund*. The amounts in the schedule to continue a revolving fund to make loans under s. 46.976 (2). All moneys received from repayments of loans made under s. 46.976 (2) and from interest on the loans shall be credited to this appropriation.

(gg) *Contractual services*. All moneys received from nongovernmental agencies for providing health or social services under contract, for the purpose of providing those services.

(hs) *Interpreter services for hearing impaired*. The amounts in the schedule for interpreter services for hearing-impaired persons under s. 46.295 (1). All moneys received from fees charged

for the interpreter services shall be credited to this appropriation. (hx) *Services related to drivers, receipts.* The amounts in the schedule for services related to drivers. All moneys received by the state treasurer from the driver improvement surcharge on court fines and forfeitures authorized under s. 346.655 shall be credited to this appropriation. The secretary of administration shall annually transfer to the appropriation account under s. 20.395 (5) (di) 31.29% of all moneys credited to this appropriation. The moneys remaining may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5) (ci) and 20.455 (5) (h) by the secretary of administration after consultation with the secretaries of health and family services and transportation, the superintendent of public instruction, the attorney general and the president of the university of Wisconsin system.

(i) *Gifts and grants.* See sub. (9) (i).

(jb) *Fees for administrative services.* All moneys received from fees charged for providing state mailings, special computer services, training programs, printed materials and publications, for the purpose of providing state mailings, special computer services, training programs, printed materials and publications.

(jm) *Licensing and support services.* The amounts in the schedule for the purposes specified in ss. 50.02 (2), 50.025, 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and for the costs of inspecting, licensing and approving facilities, issuing permits and providing technical assistance that are not specified under any other paragraph in this subsection. All moneys received under ss. 50.02 (2), 50.025, 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys received from fees for the costs of inspecting, licensing and approving facilities, issuing permits and providing technical assistance that are not specified under any other paragraph in this subsection, and all moneys received under 50.135 (2), less the amounts credited to the appropriation account under sub. (1) (gm), shall be credited to this appropriation account.

(k) *Nursing home monitoring and receivership operations.* All moneys received as payments from medical assistance and from all other sources to reimburse the department for the costs of placing a monitor in a nursing home under s. 50.05 (2) and (3), receivership of a nursing home and operation of a nursing home held in receivership by the department under s. 50.05 (4) and (5).

(kx) *Interagency and intra-agency programs.* All moneys **received from other state agencies and all moneys received by the Unofficial text from 97–98 Wis. Stats. database. See printed 97–98 Statutes and 99 Wis. Acts for official text under s. 35.18 (2)**

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department from the department for the administration of programs or projects for which received.

(m) *Federal project operations.* See sub. (9) (m).

(mc) *Federal block grant operations.* See sub. (9) (mc).

(n) *Federal program operations.* See sub. (9) (n).

(7) SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE. (b) *Community aids.* The amounts in the schedule for human services under s. 46.40, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22 and for foster care and treatment foster care under s. 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made

under s. 46.03 (20) (b) for the provision of services for which mon-ey-s are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and family services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

(bc) *Grants for community programs.* The amounts in the schedule for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department of health and family services may credit or deposit into this appropriation funds for the purpose specified in s. 46.48 (13) that the department transfers from the appropriation under par. (bL) that are allocated by the department under that appropriation but unexpended or unencumbered on June 30 of each year. Except for amounts authorized to be carried forward under s. 46.48, all funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

(bd) *Community options program and long-term support pilot projects.* The amounts in the schedule for assessments, case planning, services and administration under s. 46.27 and for pilot projects under s. 46.271 (1), and the amounts carried forward under 1997 Wisconsin Act 27, section 9123 (2), for the pilot project under s. 46.271 (2m). If the department transfers funds to this appropriation from the appropriation account under sub. (5) (b), the amounts in the schedule for the fiscal year for which the transfer is made are increased by the amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. Except for moneys authorized for transfer under this appropriation, under s. 46.27 (7) (fm) or (g) or under 1997 Wisconsin Act 27, section 9123 (2), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties or by the department by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance.

(be) *Mental health treatment services.* The amounts in the schedule for mental health treatment services for individuals who are in or are relocated from institutions for mental diseases under ss. 46.266 and 46.268. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

(bg) *Alzheimer's disease; training and information grants.* The amounts in the schedule to provide a grant to an organization to carry out the activities related to Alzheimer's disease under s. 46.856.

(bL) *Community support program grants.* The amounts in the schedule for one-time grants under s. 51.423 (3) to counties that

currently do not operate certified community support programs. Notwithstanding s. 20.002 (1), the department of health and family services may transfer from this appropriation to the appropriation under par. (bc) funds as specified in par. (bc).

(bm) *Purchased services for clients.* The amounts in the schedule for the purchase of goods and services authorized under s. 46.293.

(bt) *Early intervention services for infants and toddlers with disabilities.* The amounts in the schedule for the early intervention services under s. 51.44. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds distributed by the department under s. 51.44 but not encumbered by December 31 of each year shall lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

(c) *Independent living centers.* The amounts in the schedule for the purpose of making grants to independent living centers for the severely disabled under s. 46.96.

(ce) *Services for homeless individuals.* The amounts in the schedule for services for homeless individuals under s. 46.972 (3).

(cg) *Guardianship grant program.* The amounts in the schedule for guardianship grants under s. 46.977.

(co) *Integrated service programs for children with severe disabilities.* The amounts in the schedule to fund county integrated service programs for children with severe disabilities.

(cp) *Capacity building for treatment programs.* The amounts in the schedule for capacity building for treatment programs under s. 46.86.

(d) *Telecommunication aid for the hearing impaired.* The amounts in the schedule for the purpose of providing assistance under the telecommunication assistance program for the hearing impaired under s. 46.297.

(da) *Reimbursements to local units of government.* A sum sufficient for the cost of care as provided in s. 51.22 (3).

(dh) *Programs for senior citizens and elder abuse services.* The amounts in the schedule for the programs for senior citizens, including but not limited to the purpose of distributing funds under s. 46.80 (2m) (b) to supplement any federal foster grandparent project funds received under 42 USC 5011 (a) and the purposes of ss. 46.80 (5) and 46.85, and for direct services for elder persons and other individuals under s. 46.90 (5m). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and family services may transfer funds between fiscal years under this paragraph. All funds allocated under ss. 46.80 (2m) (b) and (5) and 46.85 but not encumbered by December 31 of each year lapse to the general fund on the next January 1, unless transferred to the next calendar year by the joint committee on finance, but the department may carry forward funds allocated under s. 46.90 (5m) that are not encumbered by June 30 of each year for allocation under s. 46.90 (5m) in the following state fiscal year. For the purposes of this paragraph, funds are encumbered by December 31 if allocated for services received or for goods ordered by December 31.

(dj) *Benefit specialist program.* The amounts in the schedule for the benefit specialist program for older persons under s. 46.81. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department under s. 46.81 (2) but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

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(dL) *Indian aids.* The amounts in the schedule to facilitate delivery of social services and mental hygiene services to American Indians under s. 46.70. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between state fiscal years under this paragraph. All funds allocated under s. 46.70 but not spent or encumbered by September 30 of each year lapse to the general fund on the next October 1, unless transferred to the next federal fiscal year by the joint committee on finance. For the purposes of this paragraph, funds are encumbered by September 30 if allocated for services received or for goods ordered by September 30.

(dm) *Indian drug abuse prevention and education.* The amounts in the schedule for the American Indian drug abuse prevention and education program under s. 46.71.

(ed) *State supplement to federal supplemental security income program.* A sum sufficient for payments of supplemental grants to supplemental security income recipients under s. 49.77 and, except as provided in 1997 Wisconsin Act 237, section 9122 (4e) (a), for payments for the support of children of supplemental security income recipients under s. 49.775.

(gg) *Collection remittances to local units of government.* All moneys received under ss. 46.03 (18) and 46.10 for the purposes of remitting departmental collections under s. 46.03 (18) (g) or 46.10 (8m) (a) 3. and 4.

(hy) *Services for drivers, local assistance.* The amounts in the schedule for the purpose of s. 51.42 for drivers referred through assessment, to be allocated according to a plan developed by the department of health and family services. All moneys transferred from sub. (6) (hx) shall be credited to this appropriation, except that the unencumbered balance on June 30 of each year shall revert to the appropriation under sub. (6) (hx).

(i) *Gifts and grants; local assistance.* All moneys received from gifts, grants, bequests and trust funds to provide local assistance for community services consistent with the purpose of the gift, grant, bequest or trust fund.

(im) *Community options program; recovery of costs of care.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035, all moneys not appropriated under sub. (1) (in), for payments to county departments and aging units under s. 46.27 (7g) (d), payment of claims under s. 867.035 (3) and payments for long-term community support services funded under s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m).

(kb) *Severely emotionally disturbed children.* As a continuing appropriation, all moneys transferred from the appropriation under sub. (5) (b) to this appropriation to provide, under s. 46.485, mental health care and treatment and community-based mental health services for severely emotionally disturbed children. Notwithstanding s. 20.002 (1), the department of health and family services may transfer from this appropriation to the appropriation under sub. (5) (b) funds as specified in s. 46.485 (3r).

(kc) *Independent living center grants.* The amounts in the schedule for the purpose of making grants to independent living centers for the severely disabled under s. 46.96. All moneys transferred from s. 20.445 (5) (na) for the purpose of providing grants to independent living centers for the severely disabled under s. 46.96 shall be credited to this appropriation.

(kd) *Rehabilitation teaching aids.* All moneys transferred from the appropriation under s. 20.445 (5) (hd) to provide assistance under the rehabilitation teaching program for blind and visually impaired persons under s. 46.293.

(kg) *Compulsive gambling awareness campaigns.* The amounts in the schedule for the purpose of awarding grants under s. 46.03 (43). All moneys transferred from ss. 20.505 (8) (g) and (h) and 20.566 (8) (q) shall be credited to this appropriation account.

(kw) *Interagency community aids.* The amounts in the schedule for human services under s. 46.40, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, for foster care and treatment foster care under s. 49.19 (10) and for mental health services under s. 51.423 (1). All moneys transferred from the appropriation account under s. 20.445 (3) (md) for those purposes shall be credited to this appropriation account.

(ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par.

(kc) for aids to individuals and organizations.

(kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (kc) for local assistance.

(ma) *Federal project aids.* See sub. (9) (ma).

(mb) *Federal project local assistance.* See sub. (9) (mb).

(md) *Federal block grant aids.* See sub. (9) (md).

(me) *Federal block grant local assistance.* All block grant moneys received from the federal government or any of its agencies for community services local assistance, for the purposes for which received.

(na) *Federal program aids.* See sub. (9) (na).

(nL) *Federal program local assistance.* See sub. (9) (nL).

(o) *Federal aid; community aids.* All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under par. (b) and s. 46.70; all federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985; all moneys transferred under 1997 Wisconsin Act 237, section 9222 (3), from the appropriation account under par. (md); and all unanticipated federal social services block grant funds received under 42 USC 1397 to 1397e, in accordance with s. 46.49 (2), for distribution under s. 46.40. Disbursements from this appropriation may be made directly to counties for social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the disbursement of federal funds.

(8) GENERAL ADMINISTRATION. The amounts indicated herein for expenses not immediately identifiable with a specific program. When practicable, the expenditures from these appropriations shall be distributed to the various programs.

(a) *General program operations.* The amounts in the schedule for executive, management and policy and budget services and activities.

(g) *Legal services collections.* All moneys received as reimbursement for costs of legal actions authorized under ss. 46.03 (18) and 46.10 to be used to pay costs associated with such legal actions.

(i) *Gifts and grants.* See sub. (9) (i).

(k) *Administrative and support services.* The amounts in the schedule for administrative and support services and products. All moneys received as payment for administrative and support services and products shall be credited to this appropriation.

(ka) *Information technology development projects.* The

amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

(kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k) for the administration of programs or projects for which received.

(ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par.

(k) for aids to individuals and organizations.

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(kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (k) for local assistance.

(m) *Federal project operations.* See sub. (9) (m).

(ma) *Federal project aids.* See sub. (9) (ma).

(mb) *Income augmentation services receipts.* All moneys that are received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd and 42 USC 1396 to 1396v as the result of income augmentation activities for which the state has contracted, to be used as provided in s. 46.46.

(mc) *Federal block grant operations.* All block grant moneys received from the federal government for the state administration of federal block grants for the purposes specified.

(n) *Federal program operations.* See sub. (9) (n).

(pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

(9) GENERAL APPROPRIATIONS AND PROVISIONS. The following general appropriations and provisions shall apply to all of the programs of the department unless otherwise specified.

(b) *Services to institutional employes.* The money received in reimbursement for services rendered institutional employes under s. 46.03 (13) shall be refunded to the respective general purpose revenue appropriations from which the institution is funded. The reimbursements shall be accumulated in an account named “employe maintenance credits”.

(c) *Witness fees of inmates.* The money received in reimbursement of expenses incurred in taking inmates of state institutions into court under s. 51.20 (18) or 782.45 shall be refunded to the appropriation made by sub. (2) (a) for operation of the institutions.

(d) *Water and sewer services receipts.* All moneys received from the collection of water and sewer services furnished, pursuant to s. 46.37, to be refunded to the appropriation made by sub. (2) (a) for operation of the institutions.

(g) *Care of dependent persons intercounty payments.* All moneys collected under s. 49.11 (7) (e), 1983 stats., to be remitted to the county or municipality as provided in said paragraph by the department of administration.

(h) *Services to institutional employes.* The money received in reimbursement for services rendered institutional employes under s. 46.03 (13) shall be refunded to the respective program revenue appropriations from which the institution is funded. The reimbursements shall be accumulated in an account named “Employe maintenance credits”.

(i) *Gifts and grants.* All moneys received from gifts, grants, donations and burial trusts for the execution of the department's functions consistent with the purpose of the gift, grant, donation or trust. In this section, expenditure estimates from gifts and grants are assigned paragraph letter (i) in the schedule of each applicable subsection.

(m) *Federal project operations.* All moneys received from the federal government or any of its agencies for the state administration of specific limited term projects to be expended for the purposes specified. In this section, expenditure estimates for federal aid for the operation of projects shall appear in the schedule of subs. (1) to (8) as par. (m).

(ma) *Federal project aids.* All moneys received from the federal government or any of its agencies for specific limited term projects to be expended as aids to individuals or organizations for the purposes specified. In this section, expenditure estimates for federal aid to individuals or organizations shall appear in the schedule of subs. (1) to (8) as par. (ma).

(mb) *Federal project local assistance.* All moneys received from the federal government or any of its agencies for specific limited term projects to be expended as local assistance for the purposes specified. In this section, expenditure estimates for federal local assistance shall appear in the schedule of subs. (1) to (8) as par. (mb).

(mc) *Federal block grant operations.* All block grant moneys received from the federal government or any of its agencies for the state administration of federal block grants for the purposes specified. In this section, expenditure estimates for the administration of federal block grants shall appear in the schedule of subs. (1) to (8) as par. (mc).

(md) *Federal block grant aids.* All block grant moneys received from the federal government or any of its agencies to be expended as aids to individuals or organizations. In this section, expenditure estimates for federal block grant aids to individuals or organizations shall appear in the schedule of subs. (1) to (8) as par. (md).

(me) *Federal block grant local assistance.* All block grant moneys received from the federal government or any of its agencies to be expended on local assistance to counties and municipalities. In this section, expenditure estimates for federal block grant local assistance to counties and municipalities shall appear in the schedule of subs. (1) to (8) as par. (me).

(n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs to be expended for the purposes specified. In this section, expenditure estimates for the operation of continuing federal programs shall appear in the schedule of subs. (1) to (8) as par. (n).

(na) *Federal program aids.* All moneys received from the federal government or any of its agencies for continuing programs to be expended as aids to individuals or organizations for the purposes specified. In this section, expenditure estimates for federal aid to individuals or organizations shall appear in the schedule of subs. (1) to (8) as par. (na).

(nL) *Federal program local assistance.* All moneys received from the federal government or any of its agencies for continuing programs to be expended as local assistance for the purposes specified. In this section, expenditure estimates for federal local assistance shall appear in the schedule of subs. (1) to (8) as par. (nL).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975

c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293.

20.455 Justice, department of. There is appropriated to the department of justice for the following programs:

(1) LEGAL SERVICES. (a) *General program operations.* The amounts in the schedule for general program operations, including s. 165.065.

(b) *Special counsel.* A sum sufficient, subject to the procedure established in s. 14.11 (2) (c), for the compensation of special counsel appointed as provided in ss. 14.11 (2) and 21.13.

(d) *Legal expenses.* Biennially, the amounts in the schedule for the payment of expenses, except staff salaries and fringe benefits, incurred by the department of justice in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, for any abstract of title, clerk of court's fees, sheriff's fees or any other expense actually necessary to the prosecution or defense of those cases, for the payment of expenses incurred where the department of justice is not involved, and where the statutes provide that those expenses shall be paid from this appropriation, unless the cost or expenses are charged to some other appropriation.

(gh) *Investigation and prosecution.* The amounts in the schedule for the expenses of investigation and prosecution of violations, including attorney fees, under ss. 49.49 (6), 100.263, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b) and 299.97. Ten percent of all moneys received under ss. 49.49 (6), 100.263, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b) and 299.97, for the expenses of investigation and prosecution of violations, including attorney fees, shall be credited to this appropriation account.

(gs) *Delinquent obligation collection.* From the moneys received under s. 165.30 (3) (b), the amounts in the schedule for expenses related to the collection of delinquent obligations under s. 165.30.

(hm) *Restitution.* All moneys received by the department to provide restitution to victims when ordered by the court as the result of prosecutions under s. 49.49 and chs. 100, 133, 281 to 285 and 289 to 299 and under a federal antitrust law for the purpose of providing restitution to victims of the violation when ordered by the court.

(k) *Environment litigation project.* All moneys received from the department of natural resources for materials or services provided by the department of justice regarding a project involving the use of environmental litigation to protect air, land and water resources to be used to pay for costs and expenses associated with those materials and services.

(km) *Interagency and intra-agency assistance.* The amounts in the schedule to provide legal services to state agencies. All moneys received from the department or any other state agency for legal services shall be credited to this appropriation.

(kt) *Telecommunications positions.* All moneys received from

the public service commission under s. 196.85 (2m) for services provided by the department of justice relating to telecommunications matters. No moneys may be encumbered from this appropriation after June 30, 1999.

(m) *Federal aid*. All moneys received as federal aid as authorized by the governor under s. 16.54.

(2) LAW ENFORCEMENT SERVICES. (a) *General program operations*.

The amounts in the schedule for general program operations, including operating the state crime laboratories, performing criminal investigations, providing law enforcement services and providing independent crime laboratory services for defendants in a felony case upon authorization by the presiding judge.

(am) *Officer training reimbursement*. A sum sufficient to make payments under s. 165.85 (5x). The amount appropriated under this paragraph may not exceed \$150,000 in any fiscal year.

(b) *Investigations and operations*. The amounts in the schedule for conducting undercover investigations and operations.

(c) *Crime laboratory equipment*. Biennially, the amounts in the schedule for the acquisition, maintenance, repair and replacement costs of the laboratory equipment in the state and regional crime laboratories.

(cm) *Computers for transaction information for management of enforcement system*. The amounts in the schedule for payments for a lease with option to purchase regarding computers for the transaction information for the management of enforcement system.

(d) *County-tribal law enforcement programs*. The amounts in the schedule for distribution under s. 165.90.

(dg) *Weed and seed and law enforcement technology*. The amounts in the schedule to provide grants for weed and seed projects under s. 165.982 and for law enforcement technology under s. 165.983.

(dq) *Law enforcement community policing grants*. Biennially, the amounts in the schedule to provide law enforcement community policing grants under s. 165.984.

(e) *Drug enforcement*. The amounts in the schedule for drug law enforcement programs to work with local law enforcement agencies in a coordinated effort and for operating costs of the crime laboratory in the city of Wausau.

(g) *Gaming law enforcement; racing revenues*. From all moneys received under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3) (d) and (4) and 562.09 (2) (e), the amounts in the schedule for the performance of the department's gaming law enforcement responsibilities as specified in s. 165.70 (3m).

(gc) *Gaming law enforcement; Indian gaming*. From the moneys received under s. 569.06, the amounts in the schedule for investigative services for Indian gaming under ch. 569.

(gm) *Criminal history searches; fingerprint identification*. All moneys received as fee payments under s. 165.82 (1) for the provision of services under s. 165.82 (1) and the provision of an automated **fingerprint identification system**.

Unofficial text from 97-98 Wis. Stats. database. See printed 97-98 Statutes (gr) *Handgun purchaser record check*.

All moneys received as fee payments under s. 175.35 (2i) to provide services under s. 175.35.

(h) *Terminal charges*. The amounts in the schedule for the transaction information for management of enforcement system. All moneys collected under s. 165.827 from law enforcement agencies for rentals, terminal fees and related charges associated with the transaction information for management of enforcement system shall be credited to this appropriation.

(hm) *County-tribal programs, surcharge receipts*. The amounts in the schedule for the purposes of s. 165.90. All moneys

received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) (bp) shall be credited to this appropriation. These moneys may be transferred to pars. (hn) and (ho) by the secretary of administration for expenditures based upon determinations by the department of justice.

(hn) *County-tribal programs, local assistance.* The amounts in the schedule for distribution under s. 165.90. All moneys transferred from par. (hm) shall be credited to this appropriation.

(ho) *County-tribal programs, state operations.* The amounts in the schedule to finance state operations associated with county-tribal law enforcement programs under s. 165.90. All moneys transferred from par. (hm) shall be credited to this appropriation.

(i) *Penalty assessment surcharge, receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and (5m) and for crime laboratory equipment. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) and all moneys transferred from s. 20.505 (6) (h) shall be credited to this appropriation. Moneys may be transferred from this paragraph to pars. (j) and (ja) by the secretary of administration for expenditures based upon determinations by the department of justice.

(j) *Law enforcement training fund, local assistance.* The amounts in the schedule to finance local law enforcement training as provided in s. 165.85 (5) (b) and (5m). All moneys transferred from par. (i) shall be credited to this appropriation.

(ja) *Law enforcement training fund, state operations.* The amounts in the schedule to finance state operations associated with the administration of the law enforcement training fund and to finance training for state law enforcement personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) shall be credited to this appropriation.

(jb) *Crime laboratory equipment and supplies.* Biennially, the amounts in the schedule for the maintenance, repair, upgrading and replacement costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade and replace that equipment, in the state and regional crime laboratories. All moneys transferred from par. (i) shall be credited to this appropriation.

(k) *Interagency and intra-agency assistance; investigations.* All moneys received from any state agency regarding anti-drug abuse law enforcement assistance and drug investigations and analysis to carry out the purposes for which received.

(kd) *Drug law enforcement and crime laboratories.* The amounts in the schedule for activities relating to drug law enforcement, drug law violation prosecution assistance and activities of the state and regional crime laboratories. All moneys transferred from the appropriation account under par. (Lm) shall be credited to this appropriation account.

(kg) *Interagency and intra-agency assistance; fingerprint identification.* The amounts in the schedule for the purchase of an automated fingerprint system. All moneys received from the department or any other state agency for the purchase of an automated fingerprint identification system shall be credited to this appropriation.

(Lm) *Crime laboratories; deoxyribonucleic acid analysis.* All moneys received from crime laboratories and drug law enforcement assessments authorized under s. 165.755 and deoxyribonucleic acid analysis surcharges authorized under s. 973.046 to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay for the costs of mailing and materials under s. 165.76 for the submission of biological specimens by the departments of corrections and health and family services and by county sheriffs and to transfer to the appropriation account under par. (kd) the amounts

in the schedule under par. (kd).

(m) *Federal aid, state operations.* All moneys received as federal aid, as authorized by the governor under s. 16.54, for state operations.

(ma) *Federal aid, drug enforcement.* All moneys received from the federal government under subtitle K of title I of P.L. 99-570 for state programs, except as provided under s. 20.505 (6) (pc), as authorized by the governor under s. 16.54, for drug law enforcement programs to work with local law enforcement agencies in a coordinated effort and for operating costs of the crime laboratory in the city of Wausau.

(n) *Federal aid, local assistance.* All moneys received as federal aid, as authorized by the governor under s. 16.54, for local assistance.

(r) *Gaming law enforcement; lottery revenues.* From the lottery fund, the amounts in the schedule for the performance of the department's gaming law enforcement responsibilities as specified in s. 165.70 (3m).

(3) ADMINISTRATIVE SERVICES. (a) *General program operations.* The amounts in the schedule for the general administration of the department of justice.

(g) *Gifts, grants and proceeds.* All moneys received from gifts and grants and all proceeds from services, conferences and sales of publications and promotional materials to carry out the purposes for which made or collected, except as provided in sub. (2) (gm).

(k) *Interagency and intra-agency assistance.* The amounts in the schedule to provide administrative services to state agencies. All moneys received from the department or any other state agency for administrative services shall be credited to this appropriation.

(ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

(m) *Federal aid, state operations.* All moneys received as federal aid as authorized by the governor under s. 16.54, for state operations relating to administrative services.

(pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

(5) VICTIMS AND WITNESSES. (a) *General program operations.* The amounts in the schedule for general program operations under chs. 949 and 950.

(b) *Awards for victims of crimes.* The amounts in the schedule for the payment of compensation and funeral and burial expenses awards to the victims of crimes under ch. 949.

(c) *Reimbursement for victim and witness services.* The amounts in the schedule to provide reimbursement to counties under s. 950.06 (2).

(g) *Crime victim and witness assistance surcharge, general services.* The amounts in the schedule for purposes of ch. 950. All moneys received from part A of crime victim and witness assistance surcharges authorized under s. 973.045 (3) (a) 1. and from delinquency victim and witness assistance surcharges authorized under s. 938.34 (8d) (a) shall be credited to this appropriation account. The department of justice shall transfer from this appropriation account to the appropriation account under par. (kj) the amounts in the schedule under par. (kj).

(gc) *Crime victim and witness surcharge, sexual assault victim services.* All moneys received from part B of crime victim and

witness assistance surcharges authorized under s. 973.045 (3) (a)

2. to provide grants for sexual assault victim services under s. 165.93.

(h) *Crime victim compensation services.* The amounts in the schedule to provide crime victim compensation services. All moneys transferred from s. 20.435 (6) (hx) shall be credited to this appropriation, except that the unencumbered balance on June 30 of each year shall revert to the appropriation under s. 20.435 (6) (hx).

(i) *Victim compensation, inmate payments.* All moneys received under s. 303.06 (2) and (3) for the administration of ch. 949 and for crime victim compensation payments or services.

(k) *Interagency and intra-agency assistance.* The amounts in the schedule to provide services to state agencies relating to victims and witnesses. All moneys received from the department or any other state agency for services relating to victims and witnesses shall be credited to this appropriation.

(kj) *Victim payments, victim surcharge.* The amounts in the schedule for the payment of compensation and funeral and burial expenses awards to the victims of crimes under ch. 949. All moneys transferred from the appropriation account under par. (g) shall be credited to this appropriation account. If the department of justice determines that the total of the amounts in this appropriation account and the amounts for compensation and awards to victims of crime under ch. 949 in the appropriation accounts under pars. (b), (h), (i) and (m) exceeds the amount needed to fully fund compensation and awards to victims of crimes under ch. 949, the department of justice may transfer moneys from this appropriation account to the appropriation account under par. (kk). The amount transferred to the appropriation account under par. (kk) may not exceed the amount by which the total amounts appropriated under this paragraph and pars. (b), (h), (i) and (m) for compensation and awards to victims of crimes under ch. 949 exceed the amount needed to fully fund compensation and awards to victims of crimes under ch. 949.

(kk) *Reimbursement to counties for providing victim and witness services.* All moneys transferred from the appropriation account under par. (kj) for the purpose of reimbursing counties under s. 950.06 for costs incurred in providing services to victims and witnesses.

(m) *Federal aid; victim compensation.* All moneys received from the federal government for crime victim compensation, as authorized by the governor under s. 16.54, to carry out the purposes for which made and received.

(mh) *Federal aid; victim assistance.* All moneys received from the federal government for crime victim assistance, as authorized by the governor under s. 16.54, to carry out the purposes for which made and received.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237.

SUBCHAPTER VI. GENERAL EXECUTIVE FUNCTIONS

20.505 Administration, department of. There is appropriated to the department of administration for the following programs:

(1) SUPERVISION AND MANAGEMENT; LAND INFORMATION BOARD. (a) *General program operations.* The amounts in the schedule for administrative supervision, policy and fiscal planning and management services and to defray the expenses

incurred by the building commission not otherwise appropriated.

NOTE: Sub. (1) (title) is amended eff. 9-1-03 by 1995 Wis. Act 27 to read:

(1) SUPERVISION AND MANAGEMENT.

(ab) *General program operations; state prosecutor.* The amounts in the schedule for general program operations related to ch. 978.

(am) *Information technology investment fund administration.* The amounts in the schedule for the administration of the information technology investment fund under s. 16.971.

NOTE: Par. (am) is repealed eff. 7-1-99 by 1997 Wis. Act 27.

(b) *Midwest interstate low-level radioactive waste compact; loan from general fund.* As a continuing appropriation, the amounts in the schedule for purposes of funding 25% of the state's costs enumerated in s. 16.115 (3) incurred prior to the acceptance of low-level radioactive waste for disposal by the host state under s. 16.11.

(d) *Energy development and demonstration fund.* The amounts in the schedule for funding the energy development and demonstration program under s. 16.956.

(f) *Badger state games assistance.* The amounts in the schedule to provide financial assistance to the badger state games.

(fn) *Free books to organizations.* The amounts in the schedule for the purpose of contracting to supply free books to organizations under s. 16.23 (1).

(g) *Midwest interstate low-level radioactive waste compact; membership and costs.* The amounts in the schedule for the purposes specified in s. 16.115 (3). All moneys received from fees under s. 16.115 (1) and (2) shall be credited to this appropriation. The secretary of administration shall lapse moneys from this appropriation to the general fund as provided under s. 16.115 (2).

(ie) *Land information board; general program operations.* From the moneys received by the land information board under s. 59.72 (5) (a), the amounts in the schedule for general program operations of the board under s. 16.967.

NOTE: Par. (ie) is repealed eff. 9-1-03 by 1997 Wis. Act 27.

(ig) *Land information board; technical assistance and education.* The amounts in the schedule for the land information board to provide technical assistance to counties and to conduct educational seminars, courses or conferences under s. 16.967 (9). The charges paid by the counties and participants in educational seminars, courses and conferences under s. 16.967 (9) shall be credited to this appropriation account.

NOTE: Par. (ig) is repealed eff. 9-1-03 by 1997 Wis. Act 27.

(ij) *Land information board; aids to counties.* From the moneys received by the land information board under s. 59.72 (5) (a),

all moneys not appropriated under par. (ie) for the purpose of providing aids to counties for land information projects under s. 16.967 (7).

NOTE: Par. (ij) is repealed eff. 9-1-03 by 1997 Wis. Act 27.

(im) *Services to nonstate governmental units.* The amounts in the schedule to provide services and to repurchase inventory items that are provided primarily to purchasers other than state agencies. All moneys received from the sale of services, other than services provided under par. (is), and inventory items which are provided primarily to purchasers other than state agencies shall be credited to this appropriation account.

(is) *Information technology processing services to nonstate entities.* All moneys received from local governmental units and entities in the private sector for provision of computer services, telecommunications services and supercomputer services under s. 16.973 (2) (b) and (c) or under s. 196.218 (4r) (c) 4., to be used for the purpose of providing those services.

(iu) *Plat review*. All moneys received from service fees for plat review, for plat review services under s. 70.27 and ch. 236.

(j) *Gifts and donations*. Except as provided in par. (jb), all moneys received from gifts, grants, bequests and devises, to carry out the purposes for which made and received.

(ja) *Justice information systems*. The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). Four-sevenths of the moneys received under s. 814.635 (1) shall be credited to this appropriation account.

(jb) *Gifts and grants; free books to organizations*. All moneys received from gifts, grants and bequests provided by foundations and private donors to supply free books to organizations under s. 16.23 (1).

(ka) *Materials and services to state agencies and certain districts*. The amounts in the schedule to provide services primarily to state agencies or local professional baseball park districts created under subch. III of ch. 229, other than services specified in pars. (im), (is) and (kb) to (ks) and subs. (2) (k) and (5) (ka), and to repurchase inventory items sold primarily to state agencies or such districts. All moneys received from the provision of services primarily to state agencies and such districts and from the sale of inventory items primarily to state agencies and such districts, other than moneys received and disbursed under pars. (im), (is) and (kb) to (ks) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

NOTE: Par. (ka) is amended eff. 9-1-03 by 1997 Wis. Act 27 to read:

(ka) *Materials and services to state agencies and certain districts*. The amounts in the schedule to provide services primarily to state agencies or local professional baseball park districts created under subch. III of ch. 229, other than services specified in pars. (im), (is) and (kb) to (kr) and subs. (2) (k) and (5) (ka), and to repurchase inventory items sold primarily to state agencies or such districts. All moneys received from the provision of services primarily to state agencies and such districts and from the sale of inventory items primarily to state agencies and such districts, other than moneys received and disbursed under pars. (im), (is) and (kb) to (kr) and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

(kb) *Transportation services*. The amounts in the schedule to provide state vehicle and aircraft fleet services and inventory items primarily to state agencies. All moneys received from the provision of state vehicle and aircraft fleet services and sale of inventory items primarily to state agencies shall be credited to this appropriation.

(kc) *Capital planning and building construction services*. The amounts in the schedule to provide capital planning services under s. 13.48 (5) and building construction services under subch. V of ch. 16 on behalf of state agencies and local professional baseball park districts created under subch. III of ch. 229. The secretary of administration may credit moneys received for the provision of building construction and capital planning services on behalf of state agencies and such districts to this appropriation account.

(kd) *Printing, document sales, mail distribution and records services*. The amounts in the schedule to provide printing, document sales, mail distribution and records services, and to provide and repurchase inventory items related to those services primarily for state agencies, to transfer the proceeds of document sales to state agencies publishing documents and to fund services of the public records board under s. 16.61. All moneys received from the provision of printing, document sales, mail distribution and records services primarily to state agencies, from documents sold on behalf of state agencies and from services provided to state agencies by the public records board shall be credited to this appropriation account.

(ke) *Telecommunications and data processing services*. The amounts in the schedule to provide state telecommunications services

and data processing oversight and management services and telecommunications and data processing inventory items primarily to state agencies and to provide for the initial costs of establishment and operation of the division of information technology services. All moneys received from the provision of state telecommunications and data processing services and sale of telecommunications and data processing inventory items primarily to state agencies, other than moneys received and disbursed under par. (kL) and s. 20.225 (1) (kb), and all reimbursements of advances received by the division of information technology services shall be credited to this appropriation account.

(kj) *Financial services.* The amounts in the schedule to provide accounting, auditing, payroll and other financial services to state agencies and to transfer the amounts appropriated under s. 20.585 (1) (kb) to the appropriation account under s. 20.585 (1) (kb). All moneys received from the provision of accounting, auditing, payroll and other financial services to state agencies shall be credited to this appropriation.

(kL) *Information technology processing services to agencies.* All moneys received from state agencies for the provision of information technology processing services under ss. 16.973 and 16.974, to be used for the purpose of providing those services.

(kn) *Multi-agency information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for 2 or more state agencies. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

(ko) *Information technology development projects; justice information systems.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for justice information systems under s. 16.971 (9). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

(kp) *Interagency assistance; justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). All moneys transferred from the appropriation account under sub. (6) (pc) shall be credited to this appropriation account.

(kr) *Information technology development and management services.* From the source specified in s. 16.971 (11), to provide information technology development and management services to executive branch agencies under s. 16.971, the amounts in the schedule.

(ks) *Wisconsin land council; state agency support.* All moneys received from assessments levied against state agencies under s. 16.966 for the functions of the Wisconsin land council under s. 16.023.

NOTE: Par. (ks) is repealed eff. 9-1-03 by 1997 Wis. Act 27.

(ma) *Federal grants and contracts.* All moneys received from the federal government to carry out the purposes for which made.

(mb) *Federal energy grants and contracts.* All federal moneys received under federal energy grants or contracts as authorized by the governor under s. 16.54 to carry out the purposes for which made.

Unofficial text from 97-98 Wis. Stats. database. See printed 97-98 Statutes and 99 Wis. Acts for official text under s. 35.18 (2)

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(mc) *Coastal zone management.* All federal moneys received under federal coastal zone management grants or contracts as authorized by the governor under s. 16.54 to carry out the purposes

for which made.

(md) *Oil overcharge restitution funds.* All federal moneys received as oil overcharge funds, as defined in s. 14.065 (1), for expenditure under proposals approved by the joint committee on finance under s. 14.065 and for transfers under 1993 Wisconsin Act 16, section 9201 (1z).

(n) *Federal aid; local assistance.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for local assistance.

(pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

(qm) *Recycling activities.* From the recycling fund, the amounts in the schedule for recycling procurement specifications activities under s. 16.72 (2) and administering the recycled materials clearinghouse under s. 16.72 (6).

(r) *Information technology investment fund administration.* From the information technology investment fund, the amounts in the schedule for administration of the fund under s. 16.971.

(v) *General program operations — environmental improvement programs; state funds.* From the environmental improvement fund, the amounts in the schedule for general program operations under s. 281.58, 281.59, 281.60 or 281.61.

(x) *General program operations — clean water fund program; federal funds.* As a continuing appropriation, from the clean water fund program federal revolving loan fund account in the environmental improvement fund, the amounts in the schedule for general program operations of the clean water fund program under s. 281.58 or 281.59.

(y) *General program operations — safe drinking water loan program; federal funds.* As a continuing appropriation, from the safe drinking water loan program federal revolving loan fund account in the environmental improvement fund, the amounts in the schedule for general program operations of the safe drinking water loan program under s. 281.59 or 281.61.

(2) RISK MANAGEMENT. (a) *General fund supplement — risk management claims.* A sum sufficient to supplement the appropriation under par. (k) whenever the amounts collected under par.

(k) are insufficient to pay all claims under that paragraph and all administrative costs under par. (ki) in any fiscal year.

(k) *Risk management costs.* All moneys received from agencies under s. 16.865 (8) and all moneys transferred from the appropriation under par. (ki) for the costs of paying claims for losses of and damage to state property, settlements of state liability under ss. 165.25 (6), 775.04, 895.46 (1) and 895.47, and state employer costs for worker's compensation claims of state employees under ch. 102, and for related administrative costs under par. (ki).

(ki) *Risk management administration.* The amounts in the schedule from moneys transferred under par. (k) for the administration of state risk management programs for worker's compensation claims, losses of and damage to state property and state liability. Notwithstanding s. 20.001 (3) (a), the unencumbered balance of this appropriation at the end of each fiscal year shall be transferred to the appropriation under par. (k).

(3) COMMITTEES AND INTERSTATE BODIES. (a) *General program operations.* The amounts in the schedule for the expenses of committees created by law or executive order, for the state's contribution to the advisory commission on intergovernmental relations, and for state membership dues and travel expenses and miscellaneous expenses for state participation in the Council of State Governments, Education Commission of the States under s. 39.76, Midwestern Higher Education Compact under s. 39.80,

Northeast Midwest Institute, Council of Great Lakes Governors, Great Lakes Commission, and such other national or regional interstate governmental bodies as the governor determines.

(b) *Women's council operations.* The amounts in the schedule for the general program operations of the women's council under s. 16.01.

(c) *Criminal penalties study committee.* Biennially, the amounts in the schedule for the operation of the criminal penalties study committee established under 1997 Wisconsin Act 283, section 454 (1).

(e) *Mediation office operations.* The amounts in the schedule for the office of mediation if the office is created by executive order under s. 14.019.

(g) *Gifts and grants.* All moneys received from gifts, grants or bequests by any committee created by law or executive order, by the women's council or by the office of mediation if the office is created by executive order under s. 14.019, to be used for the purposes for which made and received.

(h) *Program fees.* The amounts in the schedule to carry out the responsibilities of special and executive committees. All moneys received from fees which are authorized by law or executive order to be collected by any special or executive committee shall be credited to this appropriation.

(m) *Federal aid.* All moneys received from the federal government to carry out the purposes for which received.

(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS.

(a) *Adjudication of tax appeals.* The amounts in the schedule for the adjudication of tax appeals.

(b) *Adjudication of equalization appeals.* A sum sufficient for adjudication of property tax equalization appeals and for the review and reassessment of taxable general property as provided in s. 70.64.

(c) *Claims board; general program operations.* The amounts in the schedule for general program operations of the claims board.

(d) *Claims awards.* A sum sufficient for payment of awards made by the claims board or department of administration under ss. 16.007, 775.05 (4), 775.06 and 775.11 and awards made by an act of the legislature arising from a claim filed with the claims board which are not directed by law or under s. 16.007 (6m) to be paid from another appropriation.

(f) *Hearings and appeals operations.* The amounts in the schedule for the general program operations of the division of hearings and appeals.

(fm) *National and community service board; Wisconsin promote challenge grants.* As a continuing appropriation, the amounts in the schedule for grants, training and technical assistance under 1997 Wisconsin Act 237, section 9101 (1z) (b) and (h).

NOTE: Par. (fm) is repealed eff. 1-1-00 by 1997 Wis. Act 237.

(gm) *Gifts and grants.* All moneys received from gifts, grants or bequests by any division, commission, board or council, other than the women's council, attached to the department of administration, to be used for the purposes for which made and received.

(h) *Program services.* The amounts in the schedule to carry out the responsibilities of divisions, boards and commissions attached to the department of administration, other than the board on aging and long-term care and the public records board. All moneys received from fees which are authorized by law or administrative rule to be collected by any division, board or commission attached to the department, other than the board on aging and long-term care and the public records board, shall be credited to this appropriation account and used to carry out the purposes for

which collected.

(is) *Relay service*. The amounts in the schedule for a statewide telecommunications relay service and for general program operations. All moneys received from the assessments authorized under s. 196.858 shall be credited to this appropriation.

(j) *National and community service board; gifts and grants*. All moneys received from gifts, grants and bequests for the activities of the national and community service board under s. 16.22,

to carry out the purpose for which made and received.

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(k) *Waste facility siting board; general program operations*.

The amounts in the schedule for the general program operations of the waste facility siting board. All moneys transferred from the appropriation account under s. 20.370 (2) (eg) shall be credited to this appropriation account.

(ka) *State use board — general program operations*. The amounts in the schedule for general program operations of the state use board. All moneys received by the department from state agencies under s. 16.752 (2) (i) shall be credited to this appropriation.

(kb) *Information technology development projects; attached divisions, boards and commissions*. The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for any division, board or commission attached to the department except the board on aging and long-term care. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

(kp) *Hearings and appeals fees*. The amounts in the schedule for hearings and appeals services to the department of health and family services under s. 227.43 (1) (bu), the department of work-force development under s. 227.43 (1) (by) and to all agencies under s. 227.43 (1m). All moneys received from the fees charged under s. 227.43 (3) (c), (d) and (e) shall be credited to this appropriation account.

(o) *National and community service board; federal aid for administration*. From the moneys received from the corporation for national and community service under 42 USC 12542 (a) and 12571 (a), as a continuing appropriation, the amounts in the schedule for the administration of the national and community service program under s. 16.22.

(p) *National and community service board; federal aid for grants*. From the moneys received from the corporation for national and community service under the national and community service trust act of 1993, P.L. 103–82, all moneys not appropriated under par. (o) for national service program grants under s. 16.22 (2) (h).

(r) *State capitol and executive residence board; gifts and grants*. From the state capitol restoration fund, all moneys received by the state capitol and executive residence board from gifts, grants and bequests to be used for the purposes set forth in s. 16.83 (2) (e).

(5) FACILITIES MANAGEMENT. (c) *Principal repayment and interest; Black Point Estate*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in adapting for public use the property known as Black Point Estate.

(g) *Principal repayment, interest and rebates; parking*. From the fees collected under s. 16.843 (2) (cm), a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing land acquisition for and construction

of parking located in the city of Madison, and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing parking.

(ka) *Facility operations and maintenance; police and protection functions.* The amounts in the schedule for the purpose of financing the costs of operation of state-owned or operated facilities that are not funded from other appropriations, including custodial and maintenance services; minor projects; utilities, fuel, heat and air conditioning; costs incurred under ss. 16.858 and 16.895 by or on behalf of the department; repayment to the energy efficiency fund loans made to the department under s. 16.847 (6); and supplementing the costs of operation of child care facilities for children of state employees under s. 16.841; and for police and protection functions under s. 16.84 (2) and (3). All moneys received from state agencies for the operation of such facilities, parking rental fees established under s. 16.843 (2) (bm) and miscellaneous other sources, all moneys received from assessments under s. 16.895, all moneys received for the performance of gaming protection functions under s. 16.84 (3), and all moneys transferred from the appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation account.

(kb) *Parking.* The amounts in the schedule for the purpose of financing the costs specified in s. 16.843 (2) (cm) related to parking located in the city of Madison. All moneys received from parking rental fees established under s. 16.843 (2) (cm) shall be credited to this appropriation.

(kc) *Principal repayment, interest and rebates.* All moneys transferred from par. (ka), to be transferred to the appropriation under s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of facilities housing state agencies and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

(q) *Energy efficiency.* From the energy efficiency fund, a sum sufficient for maintenance of projects with an energy efficiency benefit, for energy efficiency monitoring and for education programs under s. 16.847 (9) and to make loans to agencies under s. 16.847 (6).

(6) OFFICE OF JUSTICE ASSISTANCE. (a) *General program operations.* The amounts in the schedule for general program operations.

(c) *Law enforcement officer supplement grants.* The amounts in the schedule to provide grants for uniformed law enforcement officers under s. 16.964 (5).

(g) *Anti-drug enforcement program, penalty assessment — local.* All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) to match federal funds made available under subtitle K of title I of P.L. 99-570, except as provided in par. (h) and s. 20.410 (3) (kj). The executive staff director of the office of justice assistance may transfer moneys not needed as matching funds under this paragraph to par. (h). The secretary of administration shall transfer \$645,000 from this paragraph to s. 20.410 (3) (kj) in each fiscal year. The secretary of administration shall transfer \$200,000 in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year 1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug enforcement strategic intelligence unit.

(h) *Anti-drug enforcement program, penalty assessment — state.* All moneys transferred from par. (g) to match federal funds made available under subtitle K of title I of P.L. 99–570 regarding allocations to state agencies for planning, programs and administration regarding anti-drug abuse law enforcement assistance.

The secretary of administration shall transfer \$500,000 in fiscal year 1991–92 from this paragraph to s. 20.455 (2) (i).

(k) *Anti-drug enforcement program — administration.* All moneys received from any state agency for planning, programs and administration regarding anti-drug abuse law enforcement assistance.

(m) *Federal aid, planning and administration, state operations.*

All moneys received from the federal government to be allocated to state agencies for planning and administration of programs to improve the administration of criminal justice.

(o) *Federal aid, criminal justice improvement projects, state operations.* All moneys received from the federal government to be allocated to state agencies for project grants to improve the administration of criminal justice.

(p) *Federal aid, criminal justice improvement projects, local assistance.* All moneys received from the federal government to be allocated to local governments for project grants to improve the administration of criminal justice.

(pa) *Federal aid, criminal justice improvement projects, aid to organizations.* All moneys received as federal aid as authorized

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by the governor under s. 16.54 to be allocated to organizations for project grants to improve the administration of criminal justice.

(pb) *Federal aid, anti-drug enforcement program, aids and local assistance.* All moneys received from the federal government under subtitle K of title I of P.L. 99–570, except as provided in par. (pc), as authorized by the governor under s. 16.54, to carry out the purposes for which received.

(pc) *Federal aid, anti-drug enforcement program, state operations.* All moneys received from the federal government under subtitle K of title I of P.L. 99–570, as authorized by the governor under s. 16.54, to be allocated to state agencies to carry out the purposes for which received.

(7) HOUSING ASSISTANCE. (a) *General program operations.*

The amounts in the schedule for general program operations under subch. II of ch. 16.

(b) *Housing grants and loans.* Biennially, the amounts in the schedule for grants and loans under s. 16.33.

(c) *Payments to designated agents.* The amounts in the schedule for payments for services provided by agents designated under s. 16.334 (2), in accordance with agreements entered into under s. 16.334 (1).

(d) *Grants to local housing organizations.* Biennially, the amounts in the schedule to make grants to community-based organizations, organizations operated for profit or housing authorities under s. 16.336.

(dm) *Transitional housing grants.* The amounts in the schedule for transitional housing grants under s. 16.339.

(fm) *Shelter for homeless and transitional housing.* The amounts in the schedule for grants to agencies and shelter facilities for homeless individuals and families as provided under s.

16.352. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1

unless transferred to the next calendar year by the joint committee on finance.

(g) *Gifts and grants.* All moneys received from gifts, grants and bequests related to housing assistance under subch. II of ch. 16 to carry out the purposes for which made or received.

(gm) *Funding for the homeless.* All moneys received under s. 704.05 (5) (a) 2. for grants to agencies and shelter facilities for homeless individuals and families under s. 16.352 (2) (a) and (b).

(h) *Interest on real estate trust accounts.* All moneys received from interest on real estate trust accounts under s. 452.13 for grants under s. 16.351.

(jf) *Mobile home parks, dealers and salespersons.* The amounts in the schedule for the licensing and regulation of mobile home parks under s. 16.366 and the regulation of mobile home dealers and salespersons under subch. VI of ch. 218. All moneys received under s. 16.366 and subch. VI of ch. 218 shall be credited to this appropriation.

(k) *Sale of materials or services.* All moneys received from the sale of materials or services related to housing assistance under subch. II of ch. 16 to the department or other state agencies, for the purpose of providing those materials and services.

(kg) *Housing program services.* All moneys received from other state agencies for housing program services, for that purpose.

(km) *Weatherization assistance.* All moneys transferred from the appropriation under par. (o) and all moneys received from other state agencies or the department, for the weatherization program under s. 16.39, for that purpose.

(m) *Federal aid; state operations.* All moneys received from the federal government for state operations related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purposes of state operations.

(n) *Federal aid; local assistance.* All moneys received from the federal government for local assistance related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purposes of providing local assistance.

(o) *Federal aid; individuals and organizations.* All moneys received from the federal government for aids to individuals and organizations related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purpose of providing aids to individuals and organizations.

(8) DIVISION OF GAMING. (g) *General program operations; racing.* The amounts in the schedule for general program operations under ch. 562. All moneys received by the department of administration under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3) (d) and (4), 562.09 (2) (e) and 562.124 (2), less the amounts appropriated under s. 20.455 (2) (g), shall be credited to this appropriation account. Annually, of the moneys received under this appropriation account, an amount equal to 14% of the amount in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation account under s. 20.435 (7) (kg). The unencumbered balance in this appropriation on June 30 of each fiscal year which exceeds 10% of that fiscal year's expenditures under this appropriation, but not more than the total amount received during that fiscal year under s. 562.065 (3) (d) and (4), shall be transferred as follows:

1. An amount equal to \$650,000 shall be transferred to the appropriation under s. 20.115 (4) (g).

1r. After the transfer under subd. 1., \$50,000 shall be transferred to the appropriation under s. 20.115 (4) (h).

2. Any amount remaining after the transfers under subds. 1. and 1r. shall lapse to the general fund.

(h) *General program operations; Indian gaming.* The

amounts in the schedule for general program operations under ch. 569. All Indian gaming receipts, as defined in s. 569.01 (1m), less the amounts appropriated under s. 20.455 (2) (gc), shall be credited to this appropriation account. Annually, of the moneys received under this appropriation account, an amount equal to 50% of the amount in the schedule under s. 20.435 (7) (kg) shall be transferred to the appropriation account under s. 20.435 (7) (kg).

(i) *County fair association grants.* All moneys received under s. 562.065 (3m) (c) 2., for grants to the Wisconsin association of fairs under s. 562.077.

(j) *General program operations; charitable and crane games.*

The amounts in the schedule for general program operations under chs. 563 and 564. All moneys received by the department of administration under ch. 563, except s. 563.80, and under s. 564.02 (2) shall be credited to this appropriation account.

(9) COLLEGE TUITION PREPAYMENT PROGRAM. (a) *Administrative expenses; initial funds.* As a continuing appropriation, the amounts in the schedule for the administrative expenses of the college tuition prepayment program under s. 16.24, including the expense of promoting the program.

(q) *Payment of tuition.* From the tuition trust fund, a sum sufficient for the payment of tuition under s. 16.24 (5).

(r) *Payment of refunds.* From the tuition trust fund, a sum sufficient for the payment of refunds under s. 16.24 (7).

(s) *Administrative expenses.* From the tuition trust fund, the amounts in the schedule for the administrative expenses of the college tuition prepayment program under s. 16.24, including the expense of promoting the program.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283.

SUBCHAPTER X. GENERAL ADMINISTRATIVE PROVISIONS

20.923 Statutory salaries. The purpose of this section is to establish a consistent and equitable salary setting mechanism for all elected officials, appointed state agency heads, division administrators and other executive-level unclassified positions. All such positions shall be subject to the same basic salary establishment, implementation, modification, administrative control and application procedures. The salary-setting mechanism contained in this section shall be directed to establishing salaries that are determined on a comprehensive systematic basis, bear equitable relationship to each other and to the salaries of classified service subordinates, and be reviewed and established with the same frequency as those of state employees in the classified service.

(1) ESTABLISHMENT OF EXECUTIVE SALARY GROUPS. To this end, a compensation plan consisting of 10 executive salary groups is established in schedule one of the state compensation plan for the classified service from ranges 18 through 27. No salary range established above salary range 23 may be utilized in the establishment and compensation of positions in the classified service without specific approval of the joint committee on employment relations.

The dollar value of the salary range minimum and maximum for each executive salary group shall be reviewed and established in the same manner as that provided for positions in the classified service under s. 230.12 (3). The salary-setting authority of individual boards, commissions, elective and appointive officials elsewhere provided by law is subject to and limited by this section, and the salary rate for these positions upon appointment and subsequent thereto shall be set by the appointing authority pursuant to this section, except as otherwise required by article IV, section 26, of the constitution.

(2) CONSTITUTIONAL OFFICERS AND OTHER ELECTED STATE OFFICIALS.

(a) The annual salary for each elected state official position shall be set at the dollar value for the point of the assigned salary range for its respective executive salary group specified in this subsection in effect at the time of taking the oath of office, except as provided in par. (b) and s. 978.12 (1) (a). No adjustment to the salary of an official enumerated in this subsection is effective until it is authorized under article IV, section 26, of the constitution.

(b) The annual salary of each state senator, representative to the assembly, justice of the supreme court, court of appeals judge and circuit judge shall be reviewed and established in the same manner as provided for positions in the classified service under s. 230.12 (3). The salary established for the chief justice of the supreme court shall be different than the salaries established for the associate justices of the supreme court.

(c) The annual salary of the governor shall be set at 21.6% above the minimum of the salary range for executive salary group 10.

(e) The annual salary of the attorney general shall be set at 18% above the minimum of the salary range for executive salary group 10.

(f) The annual salary of the state superintendent of public instruction shall be set at 27.4% above the minimum of the salary range for executive salary group 7.

(g) The annual salary of the lieutenant governor shall be set at 1.9% above the minimum of the salary range for executive salary group 4.

(h) The annual salary of the secretary of state shall be set at 15.4% above the minimum of the salary range for executive salary group 1.

(i) The annual salary of the state treasurer shall be set at 15.4% above the minimum of the salary range for executive salary group 1.

(j) The annual salary of a district attorney shall be set under s. 978.12.

(3) JUSTICES AND JUDGES. The annual salary for any supreme court justice or judge of the court of appeals or circuit court shall be established under sub. (2), except that any compensation adjustments granted under s. 230.12 shall not become effective until such time as any justice or judge takes the oath of office.

(4) STATE AGENCY POSITIONS. State agency heads, the administrator of the division of merit recruitment and selection in the department of employment relations and commission chairpersons and members shall be identified and limited in number in accordance with the standardized nomenclature contained in this subsection, and shall be assigned to the executive salary groups listed in pars. (a) to (i). Except for positions specified in par. (c) 3m. and sub. (12), all unclassified division administrator positions enumerated under s. 230.08 (2) (e) shall be assigned, when approved by the joint committee on employment relations, by the secretary of employment relations to one of 10 executive salary groups. The joint committee on employment relations, by majority

vote of the full committee, may amend recommendations for initial position assignments and changes in assignments to the executive salary groups submitted by the secretary of employment relations. All division administrator assignments and amendments to assignments of administrator positions approved by the committee shall become part of the compensation plan. Whenever a new unclassified division administrator position is created, the appointing authority may set the salary for the position until the joint committee on employment relations approves assignment of the position to an executive salary group. If the committee approves assignment of the position to an executive salary group having a salary range minimum or maximum inconsistent with the salary paid to the incumbent at the time of such approval, the incumbent's salary shall be adjusted by the appointing authority to conform with the committee's action, effective on the date of that action. Positions are assigned as follows:

(a) Positions assigned to executive salary group 1:

2. Arts board: executive secretary.
- 2m. Corrections, department of; director of prison industries.
3. Justice, department of; program director for crime victims compensation.
4. Law library, state: librarian.
- 4q. Recycling market development board: executive director.

NOTE: Subdpar. q. is repealed eff. 6-30-01 by 1997 Wis. Act 27.

6. Wisconsin conservation corps board: executive secretary.

(b) Positions assigned to executive salary group 2:

4. Judicial commission: executive director.
6. Parole commission: chairperson.

(c) Positions assigned to executive salary group 3:

1. Administration, department of; director of federal-state relations office.
3. Office of credit unions: director of.
- 3m. Employment relations, department of; division of merit recruitment and selection: administrator.
4. Higher educational aids board: executive secretary.

(d) Positions assigned to executive salary group 4:

1. Administration, department of; tax appeals commission:

chairperson and members. The chairperson of the commission

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and the governor, at the time a new member is appointed, shall jointly determine the salary of the new member within the range for this group.

3. Elections board: executive director.
4. Ethics board: executive director.
7. Office of the governor: executive secretary.
- 7m. Personnel commission: chairperson and other members.
- 10s. Regulation and licensing, department of: secretary.

(e) Positions assigned to executive salary group 5:

- 1b. Administration, department of; technology for educational achievement in Wisconsin board: executive director.
- 1e. Educational communications board: executive director.
- 1m. Employee trust funds, department of: secretary.
2. Employment relations commission: chairperson and members.
3. Workforce development: employment and training: executive director.
4. Workforce development, department of: labor and industry review commission: member and chairperson.
5. Insurance, commissioner of.
- 5m. Legislature, legislative technology services bureau: director.
6. Legislature, revisor of statutes bureau: director.
7. Military affairs, department of: adjutant general.

10. Public service commission: chairperson and members.
11. Public service commission; office of the commissioner of railroads: commissioner.
12. State fair park board: state fair park director.
- (f) Positions assigned to executive salary group 6:
 2. Agriculture, trade and consumer protection, department of: secretary.
 - 2g. Corrections, department of: secretary.
 - 2m. Commerce, department of: secretary.
 - 3f. Financial institutions, department of: secretary.
 4. Workforce development, department of: secretary.
 6. Legislature; legislative council staff: director.
 - 6m. Legislature; legislative audit bureau: director.
 7. Veterans affairs, department of: secretary.
 - 7m. Legislature; legislative reference bureau: chief.
 - 7s. Legislature; legislative fiscal bureau: director.
 - 7w. Public defender board: state public defender.
 8. Technical college system board: director.
 9. Tourism, department of: secretary.
- (g) Positions assigned to executive salary group 7:
 - 1m. Employment relations, department of: secretary.
 - 1r. Historical society: director.
 2. Natural resources, department of: secretary.
 3. Revenue, department of: secretary.
 4. Transportation, department of: secretary.
- (h) Positions assigned to executive salary group 8:
 1. Administration, department of: secretary.
- (i) Positions assigned to executive salary group 9:
 1. Health and family services, department of: secretary.

(4g) UNIVERSITY OF WISCONSIN SYSTEM SENIOR EXECUTIVE POSITIONS. A compensation plan consisting of 6 university senior executive salary groups is established for certain administrative positions at the University of Wisconsin System. The salary ranges for the university senior executive salary groups shall be contained in the recommendations of the secretary of employment relations under s. 230.12 (3) (e). The board of regents of the University of Wisconsin System shall set the salaries for these positions within the ranges to which the positions are assigned to reflect the hierarchical structure of the system, to recognize merit, to permit orderly salary progression and to recognize competitive factors. The salary of any incumbent in the positions identified in pars. (a) to (f) may not exceed the maximum of the salary range for the group to which the position is assigned. The positions are assigned as follows:

- (a) The positions assigned to university senior executive group 1 are the chancellors at the University of Wisconsin System campuses at Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior and White-water and the chancellors of the University of Wisconsin Colleges and the University of Wisconsin-extension.
- (b) The position assigned to university senior executive group 2 is the vice chancellor who is serving as deputy at the University of Wisconsin-Milwaukee.
- (c) The position assigned to university senior executive group 3 is the vice chancellor who is serving as deputy at the University of Wisconsin-Madison.
- (d) The position assigned to university senior executive group 4 is the chancellor at the University of Wisconsin-Milwaukee.
- (e) The position assigned to university senior executive group 5 is the chancellor at the University of Wisconsin-Madison.
- (f) The position assigned to university senior executive group 6 is the president of the University of Wisconsin system.

(4m) UNIVERSITY OF WISCONSIN SYSTEM EXECUTIVE POSITIONS.

The board of regents of the University of Wisconsin System shall set the salaries of the vice presidents, the vice chancellor who is serving as a deputy at each University of Wisconsin campus, other than the University of Wisconsin–Madison and the University of Wisconsin–Milwaukee, and the vice chancellors at the University of Wisconsin Colleges and the University of Wisconsin–extension to reflect the hierarchical structure of the system, to recognize merit, to permit orderly salary progression and to recognize competitive factors. No salary for a position may be set at a point lower than the minimum dollar value of the salary range for executive salary group 7 nor at a point equal to or higher than the maximum dollar value of the salary range for executive salary group 10.

(5) OTHER UNIVERSITY OF WISCONSIN SYSTEM ADMINISTRATIVE POSITIONS. The board of regents of the University of Wisconsin System shall assign the positions of associate and assistant vice presidents, vice chancellors not identified in sub. (4g) or (4m), assistant chancellors, associate and assistant vice chancellors and administrative directors and associate directors of physical plant, general operations and services and auxiliary enterprises activities or their equivalent, of each University of Wisconsin institution, the University of Wisconsin–extension and the University of Wisconsin System administration to salary ranges. The salary for each such position is limited only by the maximum dollar value of the salary range to which the position is assigned. No position specified in this subsection may be assigned to a salary range having a maximum dollar value higher than the maximum dollar value of the salary range for executive salary group 6. The board of regents shall annually review the assignment of the positions specified in this subsection and report any changes therein to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

(6) SALARIES SET BY APPOINTING AUTHORITIES. Salaries for the following positions may be set by the appointing authority, subject to restrictions otherwise set forth in the statutes and the compensation plan under s. 230.12, except where the salaries are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91:

(ac) Administration, department of: deputy and assistant district attorneys.

(ah) Administration, department of; federal–state relations office: director and staff assistant.

(aL) Administration, department of: director of Indian gaming, and the attorney appointed under s. 569.015 (2).

(am) Each elective executive officer: a stenographer.

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(as) Each elective executive officer other than the attorney general and superintendent of public instruction: a deputy or assistant.

(b) Educational communications board: unclassified professional staff.

(bd) Health and family services, department of: director of the office of urban development.

(bg) Historical society: state historian.

(bm) Investment board: all positions except blue collar and clerical positions.

(bp) Legislative technology services bureau: staff employees.

(c) Organized militia: offices and positions, except as provided

in sub. (8).

(cm) Judicial commission: staff member.

(d) Judicial council: technical and clerical help.

(dm) Justice, department of: director of research and information.

(e) Law library, state: assistant librarian, clerical and expert assistants.

(em) Legislative audit bureau: legislative auditors, assistants and clerical employees.

(f) Legislative council staff: clerical and expert assistants.

(g) Legislative fiscal bureau: assistants, analysts and clerical employees.

(gm) Legislative reference bureau: all positions other than the chief.

(h) Legislature: policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses and other persons employed under s. 13.20.

(hh) Lower Wisconsin state riverway board: staff employees.

(hm) Public defender board: staff attorneys.

(i) Supreme court: assistants, clerks and employees.

(j) Supreme court: clerk.

(k) Supreme court: deputy clerk.

(L) Tourism, department of; Kickapoo reserve management board: executive director and staff.

(m) University of Wisconsin system: deans, principals, professors, instructors, research assistants, librarians and other teachers, as defined in s. 40.02 (55), and the staff of the environmental education board.

(n) Veterans affairs, department of: superintendent of Wisconsin veterans museum.

(o) Wisconsin sesquicentennial commission; staff. This paragraph does not apply after June 30, 1999.

(8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3) (b), 15.04 (2) and 551.51 (1) shall be set by the appointing authority. The salary shall not exceed the maximum of the salary range one range below the salary range of the executive salary group to which the department or agency head is assigned. The positions of assistant secretary of state, assistant state treasurer and associate director of the historical society shall be treated as unclassified deputies for pay purposes under this subsection.

(9) EXECUTIVE ASSISTANTS. Salaries for executive assistants appointed under ss. 15.05 (3) and 15.06 (4m) shall be set by the appointing authority. The salary may not exceed the maximum of the salary range 2 ranges below the salary range of the executive salary group to which the department or agency head is assigned. The position of administrative assistant to the lieutenant governor shall be treated as are executive assistants for pay purposes under this subsection.

(10) OFFICE OF THE GOVERNOR STAFF. The salary for key professional staff of the office of the governor identified as office of the governor assistants, other than the executive secretary, shall not exceed the maximum of the salary range for executive salary group 3.

(12) OTHER DEPARTMENT OF REGULATION AND LICENSING POSITIONS. The salaries for division administrators and bureau directors appointed under s. 440.04 (6) shall not exceed the maximum of the salary range for executive salary group 1.

(14) SALARY ADMINISTRATION. (a) Except as provided in s. 36.09 (1) (j), any adjustment of salary for any incumbent in a position specified in subs. (4), (4m), (8), (9) and (12) is governed by the provisions of the compensation plan concerning executive salary groups as adopted by the joint committee on employment relations under s. 230.12 (3) (b).

(b) Except as provided in s. 36.09 (1) (j), any adjustment of salary for an incumbent specified in sub. (4g) is governed by the provisions of the proposal concerning senior university executives, faculty and academic staff as approved by the joint committee on employment relations under s. 230.12 (3) (e).

(15) SALARY ADJUSTMENT LIMITATIONS. (a) An incumbent of a position that has been assigned to an executive salary group of the compensation plan or to a university senior executive salary group under this section, whose current salary exceeds the maximum of the salary range to which his or her position's group is assigned, shall remain at his or her current rate of pay while he or she remains employed in that position until the maximum of the salary range to which his or her executive salary group or university senior executive salary group is assigned equals or exceeds his or her current rate of pay.

(b) Except for the positions identified in subs. (4g) and (4m), the pay of any incumbent whose salary is subject to a limitation under this section may not equal or exceed that amount paid the governor.

(16) OVERTIME AND COMPENSATORY TIME EXCLUSION. The salary paid to any person whose position is included under subs. (2), (4), (4g), (4m), (5) and (8) to (12) is deemed to compensate that person for all work hours. No overtime compensation may be paid, and no compensatory time under s. 103.025 may be provided, to any such person for hours worked in any workweek in excess of the standard basis of employment as specified in s. 230.35 (5) (a).

(17) PSYCHIATRIC RESIDENTS. The salaries of psychiatric residents employed in an educational training program by the department of health and family services shall be established by the appointing authority. The maximum salary payable to any such employee may not exceed 75% of the minimum salary payable to psychiatrists in the classified service, as specified in the compensation plan adopted under s. 230.12.

(18) PRISON INDUSTRIES SALES POSITIONS. (a) The department, as defined in s. 230.03 (9), shall determine what positions in the classified service are comparable positions to the unclassified positions of 3 sales representatives of prison industries and one sales manager of prison industries who are appointed under s. 303.01 (10). For each such unclassified position, the department, as defined in s. 230.03 (9), shall determine the minimum salary for each comparable position in the classified service and shall set an amount equal to that minimum salary as the salary for that unclassified position.

(b) In addition to the salary set under par. (a), each sales representative of prison industries and each sales manager of prison industries who is appointed in the unclassified service under s. 303.01 (10) shall be eligible to earn commission compensation in an amount established by the appointing authority as defined in s. 230.03 (4). That appointing authority shall establish the amount of commission compensation based on invoiced sales and new customers.

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 W (2d) xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237.

CHARITABLE, CURATIVE, REFORMATORY AND PENAL INSTITUTIONS AND AGENCIES

CHAPTER 46. SOCIAL SERVICES

46.03 Department, powers and duties. The department shall:

(1) INSTITUTIONS GOVERNED. Maintain and govern the Mendota and the Winnebago mental health institutes; and the centers for the developmentally disabled.

(2) SUPERVISION OVER PROPERTY. Supervise, manage, preserve and care for the buildings, grounds and other property pertaining to said institutions, and promote the objects for which they are established.

(2a) GIFTS. The department may accept gifts, grants or donations of money or of property from private sources to be administered by the department for the execution of its functions. All moneys so received shall be paid into the general fund and are appropriated therefrom as provided in s. 20.435 (9) (i).

(3) TRUSTEE DUTY. Take and hold in trust, whenever it considers acceptance advantageous, all property transferred to the state to be applied to any specified purpose, use or benefit pertaining to any of the institutions under its control or the inmates thereof, and apply the same in accordance with the trust; and when ordered by the court, act as trustee of funds paid for the support of any child if appointed by the court or family court commissioner under s. 767.475 (7).

(4) EDUCATION AND PREVENTION. (a) Develop and maintain such programs of education and prevention as it deems proper.

(b) 1. The department, in order to discharge more effectively its responsibilities under this chapter and ch. 48 and other relevant provisions of the statutes, is authorized to study causes and methods of prevention and treatment of mental illness, mental deficiency, mental infirmity, and related social problems, including establishment of demonstration projects to apply and evaluate such methods in actual cases. The department is directed and authorized to utilize all powers provided by the statutes, including the authority under sub. (2a), to accept grants of money or property from federal, state or private sources, and to enlist the cooperation of other appropriate agencies and state departments; it may enter into agreements with local government subdivisions, departments and agencies for the joint conduct of such projects; and it may purchase services when deemed appropriate.

(5) MENTAL HYGIENE. (a) Execute the laws relating to the custody, care and treatment of mentally ill, mentally infirm and mentally deficient persons, inebriates and drug addicts. It shall examine all institutions, public and private, authorized to receive and care for such persons, and inquire into the method of government and the management of persons therein, and examine into the condition of buildings, grounds and other property connected with any such institution and into matters relating to its management.

(b) Direct the psychiatric field work, aftercare and community supervision and exercise such powers in relation to prevention as the department deems appropriate.

(7) CHILDREN AND YOUTH. (a) Promote the enforcement of laws for the protection of developmentally disabled children, children and unborn children in need of protection or services and nonmarital children; and to this end cooperate with courts

assigned to exercise jurisdiction under chs. 48 and 938, licensed child welfare agencies and public and private institutions and take the initiative in all matters involving the interests of those children and unborn children when adequate provision for those interests has not already been made, including the establishment and enforcement of standards for services provided under ss. 48.345 and 48.347.

(bm) Maintain a file containing records of artificial inseminations under s. 891.40 and records of declarations of paternal interest under s. 48.025 and of statements acknowledging paternity under s. 69.15 (3) (b). The department shall release these records only upon an order of the court except that the department may use nonidentifying information concerning artificial inseminations for the purpose of compiling statistics and except that records relating to declarations of paternal interest and statements acknowledging paternity shall be released to the department of workforce development or a county child support agency under s. 59.53 (5) without a court order upon the request of the department of workforce development or a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or by any other person with a direct and tangible interest in the record.

(c) Administer the laws relating to child care centers, day nurseries and nursery schools.

(cm) Promote the establishment of adequate child care facilities and services in this state by providing start-up grants to newly operating day care facilities and services under rules promulgated by the department.

(d) With the assistance of the judicial conference, develop simplified forms for filing petitions for child abuse restraining orders and injunctions under s. 813.122. The department shall provide these forms to clerks of circuit court without cost.

(e) Administer child welfare services as described in s. 48.48 (17) in a county having a population of 500,000 or more. The requirement of statewide uniformity with respect to the organization and governance of human services does not apply to the administration of child welfare services under this paragraph.

(f) As part of its biennial budget request under s. 16.42, submit a request for funding for child abuse prevention efforts in an amount equal to or greater than 1% of the total proposed budget of the department of corrections for the same biennium, as indicated by the estimate provided by the department of corrections under s. 301.03 (14).

(7m) FOSTER CARE. In each federal fiscal year, ensure that there are no more than 2,200 children in foster care and treatment foster care placements for more than 24 months, consistent with the best interests of each child. Services provided in connection with this requirement shall comply with the requirements under **P.L. 96-272**.

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stats. Report errors to the Revisor of Statutes at (608) 266-2011, FAX 264-6978, email bruce.(10) TRAINING STAFF.

In its discretion, conduct a training program of in-service training and staff development; and, in cooperation with educational institutions, provide facilities for work experience for students, including subsistence.

(13) CHARGES. In compliance with the compensation plan established under s. 230.12 (3), have authority to make and determine charges for meals, living quarters, laundry and other services furnished to employes of the several institutions and members of the employe's family maintained as such. All moneys received from each person on account of these services shall be used for

operation of the institutions under s. 20.435 (2) (a) and (gk). If a chaplain employed in any state institution administered by the department is not furnished a residence by the state, \$1,800 or 20% of the chaplain's salary, whichever is greater, is designated as his or her housing allowance.

(14) VENDING STANDS. Establish and maintain a revolving fund not exceeding \$60,000 in any of the state institutions administered by the department, for the education, recreation and convenience of the patients, inmates and employees, to be used for the operation of vending stands, canteen operations, reading clubs, musical organizations, religious programs, athletics and similar projects. The funds are exempt from s. 20.906, but are subject to audit by the department and the legislative audit bureau in its discretion.

(15) COMMISSARY. Pursuant to its rules the department may, with the approval of the governor and the director of personnel, provide employees in its institutions with laundry, food, housing and necessary furnishings.

(17) PURCHASE OF CARE AND SERVICES. Be empowered to contract with public or voluntary agencies or others:

(a) To purchase in full or in part care and services which it is authorized by any statute to provide as an alternative to providing such care and services itself.

(b) To purchase or provide in full or in part the care and services which county agencies may provide or purchase under any statute and to sell to county agencies such portions thereof as the county agency may desire to purchase.

(d) To sell services, under contract, which the department is authorized to provide by statute, to any federally recognized tribal governing body.

(18) UNIFORM FEE SCHEDULE, LIABILITY AND COLLECTIONS. (a) Except as provided in s. 46.10 (14) (b) and (c), the department of health and family services shall establish a uniform system of fees for services provided or purchased by the department of health and family services, or a county department under s. 46.215, 46.22, 51.42 or 51.437, except for services provided under subch. III of ch. 49; services relating to adoption; services provided to courts; outreach, information and referral services; or where, as determined by the department of health and family services, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it collects under this program to cover the cost of such services. The department of health and family services shall report to the joint committee on finance no later than March 1 of each year on the number of children placed for adoption by the department of health and family services during the previous year and the costs to the state for services relating to such adoptions.

(am) Paragraph (a) does not prevent the department from charging and collecting the cost of adoptive placement investigations and child care as authorized under s. 48.837 (7).

(b) Except as provided in s. 46.10 (14) (b) and (c), any person receiving services provided or purchased under par. (a) or the spouse of the person and, in the case of a minor, the parents of the person, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, shall be liable for the services in the amount of the fee established under par. (a). If a minor receives services without consent of a parent or guardian under s. 51.47, the department shall base the fee solely on the minor's ability to pay.

(c) The department shall make collections from the person who in the opinion of the department is best able to pay, giving due regard to the present needs of the person or of his or her lawful dependents. The department may bring action in the name of the department to enforce the liability established under par. (b). The department may not collect from the parent of a minor receiving treatment for alcohol or drug abuse, except as provided in s. 51.47. This paragraph does not apply to the recovery of fees for the care and services specified under s. 46.10.

(d) The department may compromise or waive all or part of the liability for services received. The sworn statement of the collection and deportation counsel appointed under s. 46.10 (7) or the department secretary, shall be evidence of the services provided and the fees charged for such services.

(e) The department may delegate to county departments under s. 46.215, 46.22, 51.42 or 51.437 and other providers of care and services the powers and duties vested in the department by pars. (c) and (d) as it deems necessary to efficiently administer this sub-section, subject to such conditions as the department deems appropriate.

(f) Notwithstanding par. (a), any person who submits to an assessment or driver safety plan under s. 23.33 (13) (e), 30.80 (6) (d), 343.16 (5) (a), 343.30 (1q), 343.305 (10) or 350.11 (3) (d) shall pay a reasonable fee therefor to the appropriate county department under s. 51.42 or traffic safety school under s. 345.60. A county may allow the person to pay the assessment fee in 1, 2, 3 or 4 equal instalments. The fee for the driver safety plan may be reduced or waived if the person is unable to pay the complete fee, but no fee for assessment or attendance at a traffic safety school under s. 345.60 may be reduced or waived. Nonpayment of the assessment fee is noncompliance with the court order that required completion of an assessment and driver safety plan.

Upon a finding that the person has the ability to pay, nonpayment of the driver safety plan fee is noncompliance with the court order that required completion of an assessment and driver safety plan.

(fm) Notwithstanding par. (a), any person who submits to an assessment under s. 961.472 shall pay a fee to the appropriate county department under s. 51.42. The department of health and family services shall set fees for each county department under s. 51.42 designed to offset all the costs to the county in providing the assessment program. The department of health and family services shall provide for the reduction or waiver of the fee for persons who are unable to pay the complete fee.

(g) The department shall return to county departments under s. 46.215, 46.22, 51.42 or 51.437 50% of collections made by the department on and after January 1, 1978, for delinquent accounts previously delegated under par. (e) and then referred back to the department for collections.

(19) PROTECTIVE SERVICES. Administer the statewide program of protective services under ch. 55.

(20) PAYMENT OF BENEFITS. (a) Except for payments provided under subch. III of ch. 49, the department may make payments directly to recipients of public assistance or to such persons authorized to receive such payments in accordance with law and rules of the department on behalf of the counties. Except for payments provided under subch. III of ch. 49, the department may charge the counties for the cost of operating public assistance systems which make such payments.

(b) The department may make social service payments directly to recipients, vendors or providers in accordance with law and rules of the department on behalf of the counties which have contracts to have such payments made on their behalf.

(c) The county department under s. 46.215, 46.22 or 46.23 shall provide the department with information which the department shall use to determine each person's eligibility and amount
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of payment. The county department under s. 46.215, 46.22 or 46.23 shall provide the department all necessary information in the manner prescribed by the department.

(d) The department shall disburse from state or federal funds or both the entire amount and charge the county for its share under s. 46.495.

(22) COMMUNITY LIVING ARRANGEMENTS. (a) “Community living arrangement” means any of the following facilities licensed or operated, or permitted under the authority of the department: child welfare agencies under s. 48.60, group homes for children under s. 48.02 (7) and community-based residential facilities under s. 50.01; but does not include adult family homes, as defined in s. 50.01, day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. “Community living arrangement” also includes a youth village program as described in s. 118.42.

(b) Community living arrangements shall be subject to the same building and housing ordinances, codes and regulations of the municipality or county as similar residences located in the area in which the facility is located.

(c) The department shall designate a subunit to keep records and supply information on community living arrangements under ss. 59.69 (15) (f), 60.63 (7) and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all complaints regarding community living arrangements and for coordinating all necessary investigatory and disciplinary actions under the laws of this state and under the rules of the department relating to the licensing of community living arrangements.

(d) A community living arrangement with a capacity for 8 or fewer persons shall be a permissible use for purposes of any deed covenant which limits use of property to single-family or 2-family residences. A community living arrangement with a capacity for 15 or fewer persons shall be a permissible use for purposes of any deed covenant which limits use of property to more than 2-family residences. Covenants in deeds which expressly prohibit use of property for community living arrangements are void as against public policy.

(e) If a community living arrangement is required to obtain special zoning permission, as defined in s. 59.69 (15) (g), the department shall, at the request of the unit of government responsible for granting the special zoning permission, inspect the proposed facility and review the program proposed for the facility.

After such inspection and review, the department shall transmit to the unit of government responsible for granting the special zoning permission a statement that the proposed facility and its proposed program have been examined and are either approved or disapproved by the department.

(25) UNIFORM REGULATION AND LICENSING. The department shall promulgate rules to establish licensing and program compliance standards for care and residential facilities, hospitals, hotels, restaurants and the vending of food and beverages after due consideration of the relationship of a licensing code to other related licensing codes, the need for uniform administration, the need to maximize the use of federal funds and the need to encourage the development and operation of needed facilities statewide. In establishing licensing standards designed to ensure that the

facility qualifies for federal financial participation, the department shall establish federal regulations as the base requirement.

The department may promulgate such additional health and safety standards as it determines to be in the public interest.

(26) DATA PROCESSING PROJECTS. Submit a report each December 31 to the joint committee on finance and to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), regarding the data processing projects under development. The report shall include:

- (a) The schedule for implementation;
- (b) Estimates of development and operating costs; and
- (c) Proposed methods of determining charges for service where applicable.

(29) MEDIA PHOTO. The department may use in the media a picture or description of a child in the guardianship of the department for the purpose of finding adoptive parents for that child.

(30) PRIMARY PSYCHIATRIC CARE CONTRACTS. (a) To provide for an orderly reduction of state institutional primary psychiatric services the department may approve the institutes entering into contracts with county departments under s. 51.42 for providing primary psychiatric care. If excess capacity exists at state operated mental health institutes, the department shall explore whether such excess facilities may be sold or leased to a county department under s. 51.42.

(b) No contract may be approved for a period of time greater than one year, and no contract shall be approved except under par. (c).

(c) The counties where the mental health institutes are located may contract with the institutes for primary psychiatric care on an ongoing basis, which contracts shall be approved by the department and shall be renewed annually.

(33) RELIEF AMERICAN INDIANS. The department may negotiate and enter into an agreement with any appropriate agency of the federal government for provision of relief to needy American Indians.

(34) FETAL ALCOHOL SYNDROME AND DRUG DANGER PAMPHLETS. The department shall acquire, without cost if possible, pamphlets that describe the causes and effects of fetal alcohol syndrome and the dangers to a fetus of the mother's use of cocaine or other drugs during pregnancy and shall distribute the pamphlets free of charge to each county clerk in sufficient quantities so that each county clerk may provide pamphlets to marriage license applicants under s. 765.12 (1).

(37) FIRST AID INSTRUCTION. In connection with first aid and cardiopulmonary resuscitation instruction to fitness center employees required under s. 100.178, do all of the following:

- (a) Promulgate rules establishing standards and procedures under s. 100.178 (5) (a) to (c).
- (b) Approve individuals, organizations or institutions of higher education which teach fitness center employees basic first aid and basic cardiopulmonary resuscitation under s. 100.178 (2).

(39) ADOLESCENT PROGRAMMING RECOMMENDATIONS. Identify and provide ways to improve coordination of adolescent and parent educational programs and services at the state and local levels by doing all of the following:

- (a) Identifying and recommending ways to eliminate governmental barriers to local development of coordinated educational programs and services for adolescents and parents of adolescents.
- (b) Identifying and recommending ways to support and involve parents of adolescents in the planning, coordination and delivery of services for adolescents.

(40) GRANTS FOR PILOT PROGRAMS OR DEMONSTRATION PROJECTS.

Comply with all of the following whenever the department provides a grant after August 15, 1991, for a pilot program or demonstration project:

(a) State on the grant application that the funding for the program or project will be provided by the department once or for a limited period of time, whichever is applicable.

(b) Require the applicant to provide, as part of the grant application, a plan that describes:

1. How activities funded by the grant will be phased out or how the program or project will be eliminated; or
2. What other funding sources will be available to support the program or project when state funding is eliminated.

(41) CONSOLIDATION OF ALLOCATED TRIBAL FUNDS. The department may consolidate funds appropriated under s. 20.435 that are authorized or required to be allocated to federally recognized American Indian tribes or bands into a single distribution for each tribe or band in each fiscal year.

(42) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42 granted by the department may be conducted
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before the division of hearings and appeals in the department of administration.

(43) COMPULSIVE GAMBLING AWARENESS CAMPAIGNS. Provide grants to one or more individuals or organizations in the private sector to conduct compulsive gambling awareness campaigns.

History: 1971 c. 270 s. 104; 1973 c. 90; 1973 c. 284 ss. 2, 32; 1973 c. 333; 1975 c. 39, 82; 1975 c. 189 s. 99 (1), (2); 1975 c. 224, 377, 413, 422; 1977 c. 29, 193; 1977 c. 196 s. 131; 1977 c. 203, 205, 271, 354; 1977 c. 418 ss. 287 to 289m, 924 (18) (d); 1977 c. 447, 449; 1979 c. 32 s. 92 (1); 1979 c. 34; 1979 c. 175 s. 46; 1979 c. 221, 331, 352; 1981 c. 20, 81; 1981 c. 314 s. 144; 1981 c. 390; 1983 a. 27, 193; 1983 a. 435 s. 7; 1983 a. 447, 474; 1983 a. 532 s. 36; 1985 a. 19, 29, 120, 176, 234, 285, 328, 331; 1985 a. 332 s. 251 (3); 1987 a. 3, 5, 27, 161, 186, 307, 339, 385, 399, 403, 413; 1989 a. 31 ss. 938m to 951, 2909g, 2909i; 1989 a. 56, 105, 107, 122; 1991 a. 39, 277; 1993 a. 16 ss. 851 to 859, 3072d; 1993 a. 98, 377, 385, 446, 481; 1995 a. 27 ss. 2026m to 2038b, 9126 (19); 1995 a. 77, 201, 225, 352, 370, 404, 448; 1997 a. 3, 27, 111, 283, 292.

The legislative intent underlying sub. (22) (d) supports a holding that a community living arrangement with a capacity of 10 persons was not barred by a deed covenant limiting use to a single-family residence. *Crowley v. Knapp*, 94 W (2d) 421, 288 NW (2d) 815 (1980).

Sections 46.03 (18) and 46.10 do not constitute an unlawful delegation of legislative power. In *Matter of Guardianship of Klisurich*, 98 W (2d) 274, 296 NW (2d) 742 (1980).

Retroactive application of sub. (22) is constitutional. *Overlook Farms v. Alternative Living*, 143 W (2d) 485, 422 NW (2d) 131 (Ct. App. 1988).

Sub. (18) and s. 46.10 (3) permit the department to promulgate rules which consider non-liable family member's incomes in determining liable family member's ability to pay. In *Interest of A.L.W.* 153 W (2d) 412, 451 NW (2d) 416 (1990).

Par. (18) (b) imposes liability upon minors and parents for the costs of services, but does not give counties an automatic right of recovery; s. 46.10 governs enforcement procedure and allows court to exercise discretion. In *Matter of S.E. Trust*, 159 W (2d) 709, 465 NW (2d) 231 (Ct. App. 1990).

The uniform fee system under sub. (18) and s. 46.10 allows imputing income and, consequently, looking beyond tax returns to determine ability to pay. *Interest of Kevin C.* 181 W (2d) 146, 510 NW (2d) 746 (Ct. App. 1993).

"Prisons and jails" as used in sub. (22) (a) defined. 69 Atty. Gen. 52.

46.031 County social service and mental hygiene budget and contract. (1) BUDGET. (a) Each county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 shall submit to the department by December 31 annually its final budget for services directly provided or purchased.

(b) The department shall submit a model of the contract under sub. (2g) (a) to each county department under s. 46.215, 46.22, 46.23, 51.42 and 51.437 by May 1 annually.

(2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed budget to the county executive or county administrator

or the county board, the county departments listed in sub. (1) shall assess needs and inventory resources and services, using an open public participation process.

(2g) CONTRACT. (a) The department shall annually submit to the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department a proposed written contract containing the allocation of funds and such administrative requirements as necessary. The contract as approved may contain conditions of participation consistent with federal and state law. The contract may also include provisions necessary to ensure uniform cost accounting of services. Any changes to the proposed contract shall be mutually agreed upon. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department shall approve the contract before January 1 of the year in which it takes effect unless the department grants an extension. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department may designate an agent to approve addenda to any contract after the contract has been approved.

(b) The department may not approve contracts for amounts in excess of available revenues. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department may appropriate funds not used to match state funds under ss. 46.495 (1) (d) and 51.423. Actual expenditure of county funds shall be reported in compliance with procedures developed by the department, and shall comply with standards guaranteeing quality of care comparable to similar facilities.

(c) The joint committee on finance may require the department to submit contracts between county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 and providers of service to the committee for review and approval.

(2r) WITHHOLDING FUNDS. (a) The department, after reasonable notice, may withhold a portion of the appropriation allocated to a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 if the department determines that that portion of the allocated appropriation:

1. Is for services which duplicate or are inconsistent with services being provided or purchased by the department or other county departments receiving grants-in-aid or reimbursement from the department.
2. Is inconsistent with state or federal statutes, rules or regulations, in which case the department may also arrange for provision of services by an alternate agency. The department may not arrange for provision of services by an alternate agency unless the joint committee on finance or a review body designated by the committee reviews and approves the department's determination.
3. Is for the treatment of alcoholics in treatment facilities which have not been approved by the department in accordance with s. 51.45 (8).
4. Is for inpatient treatment in excess of an average of 21 days, as provided in s. 51.423 (12), excluding care for patients at the centers for the developmentally disabled.
5. Is inconsistent with the provisions of the county department's contract under sub. (2g).

(b) If the department withholds a portion of the allocable appropriation under par. (a), the county department affected by the action of the department may submit to the county board of supervisors in a county with a single-county department or to its designated agent or the county boards of supervisors in counties with

a multicounty department or their designated agents a plan to rectify the deficiency found by the department. The county board of supervisors or its designated agent in a county with a single-county department or the county boards of supervisors in counties with a multicounty department or their designated agents may approve or amend the plan and may submit for departmental approval the plan as adopted. If a multicounty department is administering a program, the plan may not be submitted unless each county board of supervisors which participated in the establishment of the multicounty department, or its designated agent, adopts it.

(3) OPEN PUBLIC PARTICIPATION PROCESS. (a) *Citizen advisory committee.* Except as provided in par. (b), the county board of supervisors of each county or the county boards of supervisors of 2 or more counties jointly shall establish a citizen advisory committee to the county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437. The citizen advisory committee shall advise in the formulation of the budget under sub. (1). Membership on the committee shall be determined by the county board of supervisors in a county with a single-county committee or by the county boards of supervisors in counties with a multicounty committee and shall include representatives of those persons receiving services, providers of service and citizens. A majority of the members of the committee shall be citizen and service consumers. At least one member of the committee shall be chosen from the governing or administrative board of the community action agency serving the county or counties under s. 46.30, if any. The committee's membership may not consist of more than 25% county supervisors, nor of more than 20% service providers. The chairperson of the committee shall be appointed by the county board of supervisors establishing it. In the case of a multicounty committee, the chairperson shall be nominated by the committee and approved by the county boards of supervisors establishing it. The county board of supervisors in a county with a single-county committee or the county boards of supervisors in counties with a multicounty committee **may designate an agent to determine the membership of the committee** and to appoint the committee chairperson or approve the nominee.

(b) *Alternate process.* The county board of supervisors or the boards of 2 or more counties acting jointly may submit a report to the department on the open public participation process used under sub. (2). The county board of supervisors may designate an agent, or the boards of 2 or more counties acting jointly may designate an agent, to submit the report. If the department approves the report, establishment of a citizen advisory committee under par. (a) is not required.

(c) *Yearly report.* The county board of supervisors or its designated agent, or the boards of 2 or more counties acting jointly or their designated agent, shall submit to the department a list of members of the citizen advisory committee under par. (a) or a report on the open public participation process under par. (b) on or before July 1 of each year.

History: 1977 c. 29 ss. 543, 544b; 1977 c. 418; 1979 c. 34 s. 2102 (20) (b); 1979 c. 221 ss. 337 to 347m, 2202 (20); 1979 c. 336, 355; 1981 c. 20 ss. 741 to 745, 2202 (20) (a); 1983 a. 27; 1985 a. 29 ss. 808, 3200 (56), 3202 (23); 1985 a. 120, 176, 332; 1993 a. 16; 1995 a. 27, 225.

or county boards of supervisors in counties with a multicounty department.

History: 1975 c. 39; 1977 c. 29, 418; 1979 c. 34; 1981 c. 20, 390; 1983 a. 27 s. 2202 (20); 1985 a. 120, 176, 332; 1987 a. 27 s. 724e; Stats. 1987 s. 46.034; 1989 a. 31; 1993 a. 27; 1997 a. 27.

FUNCTIONS AND GOVERNMENT OF MUNICIPALITIES

CHAPTER 66. GENERAL MUNICIPALITY LAW

66.051 Power of municipalities to prohibit criminal conduct. (1) The board or council of any town, village or city may:

- (a) Prohibit all forms of gambling and fraudulent devices and practices;
- (b) Cause the seizure of anything devised solely for gambling or found in actual use for gambling and cause the destruction of any such thing after a judicial determination that it was used solely for gambling or found in actual use for gambling;
- (bm) Enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this paragraph; and
- (c) Prohibit conduct which is the same as or similar to that prohibited by s. 947.01, 947.012 or 947.0125.

(2) Except as provided in sub. (3), nothing in this section may be construed to preclude cities, villages and towns from prohibiting conduct which is the same as or similar to that prohibited by chs. 941 to 948.

(3) The board or council of a city, village or town may not, by ordinance, prohibit conduct which is the same as or similar to conduct prohibited by s. 944.21.

History: 1973 c. 198; 1979 c. 131 s. 4; 1987 a. 332 s. 64; 1987 a. 416; 1989 a. 121, 276; 1993 a. 246; 1995 a. 353, 448.

AGRICULTURE; FOODS AND DRUGS; MARKETS

CHAPTER 93. DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

93.23 Local fairs. (1) STATE AID TO COUNTY FAIRS AND AGRICULTURAL SOCIETIES. State aid appropriated by s. 20.115 (4) (b) to counties and agricultural societies, associations or boards shall be paid subject to the following conditions:

(a) 1. To each county, and any such organized agricultural society, association, or board in the state, 95% of the first \$8,000 actually paid in net premiums and 70% of all net premiums paid in excess of \$8,000 at its annual fair upon livestock, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions; but no one premium so paid shall exceed the sum of \$35 to a single person, or \$75 for any town or other group premium. No fair, association, or board shall receive state aid unless its premium list, entry fees, and charges conform to uniform premium lists and other rules established under subd. 2., both as to premiums offered, amounts to be paid, entry fees to be charged, and all other charges for exhibiting.

2. In order to have a more equitable distribution of state aid among fairs and to effect wider participation and interest by the public in exhibits, the department may prescribe uniform premium lists setting forth classes of exhibits which will be approved for the purposes of state aid, premium awards in such classes and

entry qualifications, fees and charges for exhibitors. All fairs shall receive aid in the same manner and there may be no restrictions on the number of fairs at which an exhibitor may participate and be eligible to receive state-aided premium awards.

(b) Except as provided in par. (c), state aid shall be paid on the premiums awarded at only one fair in each county. If the county conducts a fair such state aid shall be paid to the county. If the county does not conduct a fair such state aid shall be paid to the one society, board or association which conducts a fair and is designated by the county board.

(c) All societies, boards and associations which received state aid in 1950 shall continue to remain eligible therefor so long as they continue to operate a fair each year in conformity with the applicable law and the regulations.

(d) The proper officers of each county agricultural society, association or board entitled to state aid under this subsection shall submit to the department a complete accounting system for such society, association or board and no state aid shall be paid to such society, association or board until a satisfactory system of accounts has been approved by the department, and installed according to its instructions. Such officers shall, within 120 days after any fair held by their organization, cause to be made and published as a class 1 notice, under ch. 985, in the county in which the fair is held, a financial statement showing the financial condition of the organization before and after the fair unless such fair is owned and operated by a county, in which case the financial statement shall be published as part of the county board proceedings after the approval thereof by the county board. Such financial statement shall include all receipts, disbursements, accounts receivable and accounts payable in connection with the operation of the fair as the department requires.

(e) Not later than 30 days after the close of the fair each year the county clerk, or the person appointed therefor by the county board, agricultural society, association or board claiming state aid, shall file with the department, on blanks provided by it, an itemized statement verified on oath, showing net premiums actually paid or to be paid at the preceding fair, which premiums must correspond with uniform premium lists and other requirements under par. (a). This report shall also include a statement that at such fair all gambling devices whatsoever, the sale of intoxicating liquors excepting fermented malt beverages, and exhibitions of immoral character were prohibited and excluded from the fairgrounds and all adjacent grounds under their authority or control; and on or before December 31 of the year in which the fair is held, the person filing shall furnish the department a statement of receipts and disbursements, attendance and such other information as the department requires. Upon receipt of the required report, each fair shall be paid 100%, or the prorated percentage, of the aid due the preceding year.

(f) If it appears from such report, and the department shall be satisfied that such county agricultural fairs have been maintained pursuant to the rules and regulations prescribed by it, and that the premiums are the net amount actually paid or to be paid in cash to bona fide exhibitors, it shall certify to the department of administration in favor of each such county agricultural society, association or board the amounts due under the provisions of par. (a) and the department of administration shall then audit such report. If it appears from any such report that any premiums have been paid to other than bona fide exhibitors, or that premiums have been paid or used in any way contrary to the intent of this subsection, then the department may withhold payment of such state aid until suitable adjustment is made.

(g) The department may visit and inspect, when necessary, the records, grounds, buildings, or other property of any society, association, or board receiving state aid under this subsection, and it shall have access to the grounds, buildings, and records at all times.

(h) The department shall annually submit to the governor a detailed statement showing receipts and disbursements of each fair receiving state aid, together with a classified statement of premiums paid, and the amount of state aid claimed and allowed.

(i) Incorporated dairy or livestock associations, upon substantial compliance with pars. (a) to (h), shall be entitled to the state aid therein provided for upon premiums paid for dairy products or livestock or upon articles pertaining to the production or manufacture of such products or the raising of such livestock, in any county in which no annual fair is held by any organized agricultural society, association or board. State aid shall be paid to but one such dairy or livestock association in any one county. All moneys received by any such association shall be paid out by it for the premiums provided for in this subsection substantially as provided in sub. (2).

(j) To each county, and any such organized agricultural society, association or board in the state, for the purpose of encouraging and fostering the breeding, development and improvement of standard bred horses in this state, 50% of each purse of \$400 and 50% of each purse of \$500 paid by it to the owners of the successful contestants in a 2-year-old trot, 2-year-old pace, 3-year-old trot and 3-year-old pace. Any such organization may stage any or all of said events but shall not receive state aid for more than one each of said events in any calendar year. No colt shall be eligible to enter or start therein unless owned by one or more duly qualified electors of this state or trained continuously within the state for not less than 60 days prior to June 15 of the year in which the event is contested. No 2-year-old or 3-year-old colt shall be eligible to enter or start therein, unless owned, raised and trained by one or more duly qualified electors of this state, and unless it is the foal of a mare owned at the time of foaling by one or more qualified electors of this state. Required number of entries and starters shall be 6 to enter and 4 to start. An owner may enter any number of colts but shall not be allowed to start more than 2 colts in the same event. Entry fees for each colt shall not exceed 2% of the purse and shall be payable on or before a closing date to be fixed by the organization. The organization may, at its option, increase any such purse and may also add the entrance money to the purse and divide such added sums among the starters as it sees fit. Money divisions and conditions other than those herein prescribed shall be uniform throughout the state and shall be fixed annually for the next succeeding year by a joint resolution adopted by the boards of directors of the Wisconsin breeders and harness horse association and Wisconsin association of fairs, and certified to the department **on or before December 31 in each year. If the boards of**

Unofficial text from 97-98 Wis. Stats. database. See printed 97-98 Statutes and 99 Wis. Acts for official text under s. 35.18 (2)
stats. Report errors to the Revisor of Statutes at (608) 266-2011, FAX 264-6978, email bruce.munson@legis.state.wi.us

directors of said associations fail in any year to adopt and certify said resolution as aforesaid, then such money divisions and conditions for the next succeeding year shall be fixed by the department.

On or before December 31 in each year, the county clerk, or the person therefor appointed by the society, association or board claiming state aid, shall file with the department, on blanks provided by it, a statement, verified on oath, showing a true and correct summary of the results of each colt event, the name and address of, and the amount paid to, the owner of each colt, and that

the event was in all things conducted as herein provided. There-upon, state aid shall be certified and paid as provided by par. (f).

(2) USE OF FUNDS. Subject to sub. (1), all moneys received by any such society, association or board, either from the state or any other source, after paying the necessary incidental expenses there-of, shall be paid out annually, by bank check or draft, in each individual case, for premiums awarded, in such sums as its bylaws, rules and regulations shall direct, on such live animals, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions as are the growth and manufacture of the district which such society, association or board represents, but livestock, the growth of any other county, state or country, may receive the same premiums as those which are the growth of the district where fair is located, should the society, association or board governing so decide. Provided, that moneys received by any such society, association or board from a source other than from the state, may be paid out for trials or exhibitions of speed, or other contests, for which published premiums have been offered.

(3) ENTRY FEE TO EXHIBIT MAY BE CHARGED. Any board, fair association, society or other agency conducting an agricultural fair or exhibition may charge an entry fee for each exhibit which shall not exceed 10% of the total amount of the value of the premiums offered for the class of which such proposed exhibit will be a part if entered.

(4) POLICE POWER. The department and the principal officers of the Northern Wisconsin state fair and of any county agricultural or industrial society have full jurisdiction and control of the grounds on which the department or society may exhibit, and all the streets and alleys and other grounds adjacent to the grounds during exhibitions, so far as may be necessary to exclude from there all other exhibitions, booths, stands or other temporary places for the retail or sale of any kind of alcohol beverages or other articles that they deem objectionable. The department, the president of any such society, or, in the president's absence, any vice president, may appoint necessary police officers to assist in preserving the peace and enforcing the regulations upon the ground and adjacent streets, who, for this purpose, shall have all the powers of a constable and be entitled to similar fees.

(5) ACTION TO RECOVER ENTRANCE FEE. Any person entering any horse for any race under the auspices of any agricultural society shall be liable to such society for the entrance fee which shall be due and payable at the time the race shall be called for which such horse is entered; and upon failure to pay such fee when due such society may maintain an action therefor against the person so entering such horse. No horse entered in any race shall be exempt from execution or attachment issued in an action brought for the recovery of the whole or any part of such entrance fee.

(6) FRAUD AS TO RECORD OR NAME OF HORSE. (a) No person shall knowingly enter or cause to be entered, drive or ride in competition for any purse or prize offered by any agricultural, trotting, racing, industrial or other corporation or association, or by any person any horse under an assumed name or out of its proper class where such purse or prize is to be decided by a contest of speed nor shall any person knowingly misrepresent or fraudulently conceal the public performance, in any former contest or trial of speed, of any horse which the person enters or proposes to enter for competition in any such contest.

(b) The name of any horse for the purpose of entering the same in competition within the meaning of this section shall be that by which such animal has once contested for a purse or prize except as provided by the code or printed rules of the corporation or association

under which the contest for which any subsequent entry of such animal is advertised to be conducted; and the class to which any such animal belongs for the purpose of being entered in a contest of speed within the meaning of this section shall be determined by its public performance in any previous contest or trial of speed as provided by the printed rules under which the contest was conducted. The penalty provided for knowingly misrepresenting or fraudulently concealing the public performance in any former contest of any such animal shall be imposed whether the person guilty thereof succeeds or fails in an attempt to make an entry thereof.

(7) FALSE PREMIUM LIST OR STATEMENT. No officer of any organized agricultural society, association or board in this state, in pretended compliance with sub. (1), shall wilfully make or file any false or fraudulent list or statement.

(8) PENALTIES. Any person violating this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

History: 1971 c. 125 s. 215; 1971 c. 211 s. 126; 1975 c. 308, 421; 1981 c. 79 s. 17; 1985 a. 10, 135; 1987 a. 283; 1989 a. 56; 1991 a. 39; 1993 a. 492.

139.34 Permits required.

139.34(1)

(1)

139.34(1)(a)

(a) No person may manufacture cigarettes in this state or sell cigarettes in this state as a distributor, jobber, vending machine operator or multiple retailer and no person may operate a warehouse in this state for the storage of cigarettes for another person without first filing an application for and obtaining the proper permit to perform such operations from the department.

139.34(1)(b)

(b) This section applies to all officers, directors, agents and stockholders holding 5% or more of the stock of any corporation applying for a permit under this section.

139.34(1)(c)

(c) (intro.) Subject to ss. 111.321, 111.322 and 111.335, no permit under this section may be granted to any person to whom any of the following applies:

139.34(1)(c)1.

1. The person has been convicted of a misdemeanor, not involving chs. 340 to 349, at least 3 times.

139.34(1)(c)2.

2. The person has been convicted of a felony, unless pardoned.

139.34(1)(c)3.

3. The person is addicted to the use of a controlled substance or controlled substance analog under ch. 961.

139.34(1)(c)4.

4. The person has income which comes principally from gambling or has been convicted of 2 or more gambling offenses.

139.34(1)(c)5.

5. The person has been guilty of crimes relating to prostitution.

139.34(1)(c)6.

6. The person has been guilty of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to ch. 125.

139.34(1)(c)7.

7. The person does not hold a permit under s. 77.52 (9), if the person is a retailer.

139.34(1)(d)

(d) Upon denial of a permit the department of revenue shall immediately notify such person in writing of the denial and the reasons therefor.

139.34(1)(e)

(e) A denial of a permit by the department of revenue shall be subject to judicial review under ch. 227.

139.34(1)(f)

(f) The person holds a valid certificate issued under s. 73.03 (50).

139.34(4)

(4) A separate permit shall be required of and issued to each class of permittee and the holder of any permit shall perform only the operations thereby authorized. Such permit shall not be transferable from one person to another or from one premises to another. A separate permit shall be required for each place where cigarettes are stamped or where cigarettes are stored for sale at wholesale or through vending machines or multiple retail outlets.

139.34(5)

(5) The ownership and operation of any retail outlet does not preclude a person from receiving a permit as a distributor or jobber, if more than 50% of that person's sales of cigarettes are at wholesale to retailers, vending machine operators or multiple retailers neither owned, controlled nor operated by that person.

139.34(6)

(6) A vending machine operator or a multiple retailer may acquire unstamped cigarettes from the manufacturers thereof and affix the stamps to packages or other containers only if the vending machine operator or multiple retailer also holds a permit as a distributor.

139.34(7)

(7) The secretary may require by rule that stamps affixed to cigarette packages be identified by a permit or code number assigned to the person affixing them.

139.34(8)

(8) The holder of a warehouse permit is entitled to store cigarettes on the premises described in the permit. The warehouse permit shall not authorize the holder to sell cigarettes. Unstamped cigarettes stored in a warehouse for a manufacturer or distributor may be delivered only to a person holding a permit as a manufacturer or distributor.

139.34(9)

(9) The applicant for a permit, if a nonresident, foreign corporation or foreign limited liability company, shall file proof that the applicant has appointed the department of financial institutions as agent for the service of process on any matter arising under ss. 139.30 to 139.44. A foreign corporation without a place of business in this state need not obtain a certificate of authority under ss. 180.1501 to 180.1505. If a foreign corporation has a certificate of authority under ss. 180.1501 to 180.1505, the foreign corporation satisfies this subsection by filing the address of its registered office in this state and the name of its registered agent at that office and by promptly filing any changes to this information. A foreign limited liability company without a place of business in this state need not obtain a certificate of registration under ss. 183.1002 to 183.1007. If a foreign limited liability company has a certificate of registration under ss. 183.1002 to 183.1007, the foreign limited liability company satisfies this subsection by filing the address of its registered office in this state and the name of its registered agent at that office and by promptly filing any changes to this information.

139.34(10)

(10) Every vending machine operator shall in the vending machine operator's application for a permit list each county in which the vending machine operator operates such machines and state the number of such machines the vending machine

operator is then operating in each such county.

139.34 - ANNOT.

History: 1971 c. 219; 1973 c. 198; 1975 c. 39 s. 732 (2m); 1977 c. 125; 1979 c. 34, 89, 221; 1981 c. 79 s. 18; 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1985 a. 313; 1989 a. 303; 1991 a. 32, 39; 1993 a. 112, 482; 1995 a. 27, 448; 1997 a. 27.

139.37 Salespersons.

139.37(1)

(1)

139.37(1)(a)

(a) No person shall sell or take orders for cigarettes for resale in this state for any manufacturer or permittee without first obtaining a salesperson's permit from the department of revenue. No manufacturer or permittee shall authorize any person to sell or take orders for cigarettes in this state without first having such person secure a salesperson's permit. The department shall issue the required number of permits to manufacturers and permittees who hold a valid certificate issued under s. 73.03 (50). Each application for a permit shall disclose the name and address of the employer and such permit shall remain effective only while the salesperson represents such named employer. If such salesperson is thereafter employed by another manufacturer or permittee the salesperson shall obtain a new salesperson's permit. Each manufacturer and permittee shall notify the department within 10 days after the resignation or dismissal of any such salesperson holding a permit.

139.37(1)(c)

(c) (intro.) Subject to ss. 111.321, 111.322 and 111.335, no permit under this section may be granted to any person who:

139.37(1)(c)1.

1. Has been convicted of a misdemeanor not involving chs. 340 to 349, at least 3 times;

139.37(1)(c)2.

2. Has been convicted of a felony, unless pardoned;

139.37(1)(c)3.

3. Is addicted to the use of a controlled substance or controlled substance analog under ch. 961;

139.37(1)(c)4.

4. Has income which comes principally from gambling, or who has been convicted of 2 or more gambling offenses;

139.37(1)(c)5.

5. Has been guilty of crimes relating to prostitution; or

139.37(1)(c)6.

6. Has been guilty of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to ch. 125.

139.37(1)(d)

(d) The department of revenue shall immediately notify any person who is denied a permit in writing of the denial and the reasons therefor.

139.37(1)(e)

(e) A denial of a permit by the department of revenue is subject to judicial review under ch. 227.

139.37(2)

(2) No representative of any manufacturer shall sell more than 3 cartons of any one kind of cigarettes to any retailer at one time.

139.37 - ANNOT.

History: 1971 c. 219; 1973 c. 198; 1975 c. 39 s. 732 (2m); 1975 c. 199; 1977 c. 125; 1979 c. 89; 1981 c. 79 s. 18; 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1983 a. 27 s. 2200 (45); 1995 a. 27, 448.

POLICE REGULATIONS

CHAPTER 165. DEPARTMENT OF JUSTICE

165.25 (intro.) Duties of department of justice. The department of justice shall:

165.25(1)

(1) Represent state. Except as provided in s. 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department,

agency, official, employe or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The public service commission may request under s. 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

165.25(2)

(2) Prosecute breaches of bonds and contracts. Prosecute, at the request of the governor, or of the head of any department of the state government any official bond or any contract in which the state is interested, deposited with any of them, upon a breach thereof, and prosecute or defend for the state all actions, civil or criminal, relating to any matter connected with any of their departments except in those cases where other provision is made.

165.25(3)

(3) Advise district attorneys. Consult and advise with the district attorneys when requested by them in all matters pertaining to the duties of their office.

165.25(3m)

(3m) Review obscenity cases. Review obscenity cases submitted to the department by district attorneys under s. 944.21 (7). The attorney general shall determine whether a prosecution may be commenced.

165.25(3r)

(3r) Avoid conflict of interest. Require that attorneys in different organizational subunits in the department prosecute violations of chs. 562 to 569 or Indian gaming compacts entered into under s. 14.035 and defend any department, agency, official, employe or agent under subs. (1), (4) (a) and (6).

165.25(4)

(4) Furnish legal services; appropriation.

165.25(4)(a)

(a) The department of justice shall furnish all legal services required by the investment board, the lottery division in the department of revenue, the public service commission, the department of transportation, the department of natural

resources, the department of tourism and the department of employe trust funds, together with any other services, including stenographic and investigational, as are necessarily connected with the legal work.

165.25(4)(am)

(am) The department of justice shall furnish legal services to the department of regulation and licensing in all proceedings under s. 440.21 (3), together with any other services, including stenographic and investigational, as are necessarily connected with the legal services.

165.25(4)(ar)

(ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.50 and 100.51 and chs. 136, 344, 704, 707 and 779, together with any other services as are necessarily connected to the legal services.

165.25(4)(b)

(b) The department of justice shall furnish bond counsel services to the building commission when the building commission contracts public debt under subch. I of ch. 18.

165.25(4)(bn)

(bn) The department of justice shall provide legal services, other than those relating to civil actions or opinions, under ch. 150 to the department of health and family services.

165.25(4)(c)

(c) The department shall at the end of each fiscal year, except for programs financed out of the general fund and except for services required to be provided by statute other than this subsection, render to the respective agencies enumerated in this subsection an itemized statement of the total cost of the legal and other services including travel expenses and legal expenses enumerated in s. 20.455 (1) (d).

165.25(4)(d)

(d) Upon receipt of the statement, the respective agency head shall audit the statement and upon finding it to be correct shall certify the amount of the statement to the department of administration to be paid into the general fund out of the agency's proper appropriation.

165.25(5)

(5) Prepare forms. Whenever requested by the head of any department of the state government, the department of justice shall prepare proper drafts of forms for contracts and other writings which may be wanted for the use of the state.

165.25(6)

(6) Attorney for state.

165.25(6)(a)

(a) At the request of the head of any department of state government, the attorney general may appear for and defend any state department, or any state officer, employe or agent of the department in any civil action or other matter brought before a court or an administrative agency which is brought against the state department, or officer, employe or agent for or on account of any act growing out of or committed in the lawful course of an officer's, employe's or agent's duties. Witness fees or other expenses determined by the attorney general to be reasonable and necessary to the defense in the action or proceeding shall be paid as provided for in s. 885.07. The attorney general may compromise and settle the action as the attorney general determines to be in the best interest of the state. Members, officers and employes of the Wisconsin state agencies building corporation and the Wisconsin state public building corporation are covered by this section. Members of the board of governors created under s. 619.04 (3), members of a committee or subcommittee of that board of governors, members of the patients compensation fund peer review council created under s. 655.275 (2) and persons consulting with that council under s. 655.275 (5) (b) are covered by this section with respect to actions, claims or other matters arising before, on or after April 25, 1990. The attorney general may compromise and settle claims asserted before such actions or matters formally are brought or may delegate such authority to the department of administration. This paragraph may not be construed as a consent to sue the state or any department thereof or as a waiver of state sovereign immunity.

165.25(6)(b)

(b) Volunteer health care providers who provide services under s. 146.89 are, for the provision of those services, covered by this section and shall be considered agents of the department of health and family services for purposes of determining which agency head may request the attorney general to appear and defend them.

165.25(6)(c)

(c) Physicians under s. 252.04 (9) (b) are covered by this section and shall be considered agents of the department of health and family services for purposes of determining which agency head may request the attorney general to appear and defend them.

165.25(6)(e)

(e) The department of justice may appear for and defend the state or any state department, agency, official or employe in any civil action arising out of or relating to the assessment or collection of costs concerning environmental cleanup or natural resources damages including actions brought under 42 USC 9607. The action may be compromised and settled in the same manner as provided in par. (a). At the request of the department of natural resources, the department of justice may provide legal representation to the state or to the department of natural resources in the same matter in which the department of justice provides defense counsel, if the attorneys representing those interests are assigned from different organizational units within the department of justice. This paragraph may not be construed as a consent to sue the state or any department, agency, official or employe of the state or as a waiver of sovereign immunity.

165.25(6m)

(6m) Attorney for state witnesses. At the request of the head of any department or agency of state government, the attorney general may appear for and represent any state official, employe or agent who is required to appear as a witness in any administrative or civil matter.

165.25(7)

(7) Keep record of actions. The department shall keep a record of all actions and demands prosecuted or defended by the department on behalf of the state and all related proceedings. The department may dispose of public records in accordance with s. 16.61.

165.25(8)

(8) Historical society contracts. In subs. (1), (6) and (6m), treat any nonprofit corporation operating a museum under a lease agreement with the state historical society as a department of state government and any official, employe or agent of such a corporation as a state official, employe or agent.

165.25(8m)

(8m) Local emergency planning committees. In subs. (1), (6) and (6m), treat any local emergency planning committee appointed by a county board under s. 59.54 (8) (a) as a department of state government and any member of such a committee as a state official, employe or agent.

165.25(9)

(9) Perform other duties. The department of justice shall perform all other duties imposed upon the department by law.

165.25 - ANNOT.

History: 1971 c. 125 s. 522 (1); 1971 c. 215; 1973 c. 333; 1975 c. 81, 199; 1977 c. 29 s. 1656 (27); 1977 c.

187, 260, 273, 344; 1981 c. 20, 62, 96; 1983 a. 27; 1983 a. 36 s. 96 (2), (3), (4); 1983 a. 192; 1985 a. 29, 66; 1987

a. 416; 1989 a. 31, 115, 187, 206, 359; 1991 a. 25, 39, 269; 1993 a. 27, 28, 365; 1995 a. 27 ss. 4453 to 4454m,

9126 (19); 1995 a. 201; 1997 a. 27, 111.

165.70

165.70 Investigation of statewide crime.

165.70(1)

(1) (intro.) The department of justice shall:

165.70(1)(a)

(a) Investigate crime which is statewide in nature, importance or influence;

165.70(1)(b)

(b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2)

(c), 943.011, 943.27,

943.28, 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4) and 948.08.

165.70(1)(d)

(d) Enforce and administer s. 165.55.

165.70(1)(e)

(e) Investigate violations of ch. 563 that are statewide in nature, importance or influence.

165.70(2)

(2) The attorney general shall appoint, under the classified service, investigative personnel to achieve the purposes set out in sub. (1) who shall have the powers of a peace officer. As many as are deemed necessary of the investigators so

appointed shall be trained in drugs and narcotics law enforcement, or shall receive such training within one year of their appointment, and they shall assist, when appropriate, local law enforcement agencies to help them meet their responsibilities in this area.

165.70(3)

(3) It is the intention of this section to give the attorney general responsibility for devising programs to control crime statewide in nature, importance or influence, drugs and narcotics abuse, commercial gambling, prostitution, and arson. Nothing herein shall deprive or relieve local peace officers of the power and duty to enforce those provisions enumerated in sub. (1).

165.70(3m)

(3m) The attorney general shall establish a separate bureau in the division of criminal investigation in which all of the department's gaming law enforcement responsibilities under chs. 562 to 569 and 945 shall be performed.

165.70(4)

(4) District attorneys, sheriffs and chiefs of police shall cooperate and assist the personnel of the department in the performance of their duties.

165.70 - ANNOT.

History: 1971 c. 40, 211, 307; 1973 c. 156; 1975 c. 39; 1977 c. 173 s. 168; 1977 c. 215, 260; 1977 c. 272 s. 98; 1985 a. 29; 1987 a. 332; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 448; 1997 a. 27, 143.

165.83 Criminal identification, records and statistics.

165.83(1)

(1) (intro.) Definitions. As used in this section and s. 165.84:

165.83(1)(b)

(b) "Law enforcement agency" means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employes of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

165.83(1)(c)

(c) (intro.) "Offense" means any of the following:

165.83(1)(c)1.

1. An act that is committed by a person who has attained the age of 17 and that is a felony or a misdemeanor.

165.83(1)(c)2.

2. An act that is committed by a person who has attained the age of 10 but who has not attained the age of 17 and that would be a felony or misdemeanor if committed by an adult.

165.83(1)(c)3.

3. An act that is committed by any person and that is a violation of a city, county, village or town ordinance.

165.83(1)(d)

(d) "Reservation lands" has the meaning given in s. 165.92 (1) (a).

165.83(1)(e)

(e) "Tribal law enforcement agency" means an agency of a tribe that is established for the purpose of preventing and detecting crime on the reservation or trust lands of the tribe and enforcing the tribe's laws or ordinances, that employs full time one or more persons who are granted law enforcement and arrest powers under s. 165.92 (2) (a) and that was created by a tribe that agrees that its law enforcement agency will perform the duties required of the agency under this section and s. 165.84.

165.83(1)(f)

(f) "Tribe" has the meaning given in s. 165.92 (1) (c).

165.83(1)(g)

(g) "Trust lands" has the meaning given in s. 165.92 (1) (d).

165.83(2)

(2) (intro.) The department shall:

165.83(2)(a)

(a) (intro.) Obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested or taken into custody in this state:

165.83(2)(a)1.

1. For an offense which is a felony or which would be a felony if committed by an adult.

165.83(2)(a)2.

2. For an offense which is a misdemeanor, which would be a misdemeanor if committed by an adult or which is a violation of an ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substance analogs under ch. 961, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks.

165.83(2)(a)3.

3. For an offense charged or alleged as disorderly conduct but which relates to an act connected with one or more of the offenses under subd. 2.

165.83(2)(a)4.

4. As a fugitive from justice.

165.83(2)(a)5.

5. For any other offense designated by the attorney general.

165.83(2)(b)

(b) Accept for filing fingerprints and other identifying data, taken at the discretion of the law enforcement or tribal law enforcement agency involved, on persons arrested or taken into custody for offenses other than those listed in par. (a).

165.83(2)(c)

(c) Obtain and file fingerprints and other available identifying data on unidentified human corpses found in this state.

165.83(2)(d)

(d) Obtain and file information relating to identifiable stolen or lost property.

165.83(2)(e)

(e) Obtain and file a copy or detailed description of each arrest warrant issued in this state for the offenses under par. (a) or s. 800.03 (4) but not served because the whereabouts of the person named on the warrant is unknown or because that person has left the state. All available identifying data shall be obtained with the copy of the warrant, including any information indicating that the person named on the warrant may be armed, dangerous or possessed of suicidal tendencies.

165.83(2)(f)

(f) Collect information concerning the legal action taken in connection with offenses committed in this state from the inception of the complaint to the final discharge of the defendant and such other information as may be useful in the study of crime and the administration of justice. The department may determine any other information to be obtained regarding crime records.

165.83(2)(g)

(g) Furnish all reporting officials with forms and instructions which specify in detail the nature of the information required under pars. (a) to (f) and any other matters which facilitate collection.

165.83(2)(h)

(h) Cooperate with and assist all law enforcement and tribal law enforcement agencies in the state in the establishment of a state system of criminal identification and in obtaining fingerprints and other identifying data on all persons described in pars. (a), (b) and (c).

165.83(2)(i)

(i) Offer assistance and, when practicable, instructions to all local and tribal law enforcement agencies in establishing efficient local and tribal bureaus of identification and records systems.

165.83(2)(j)

(j) Compare the fingerprints and descriptions that are received from law enforcement and tribal law enforcement agencies with the fingerprints and descriptions already on file and, if the person arrested or taken into custody is a fugitive from justice or has a criminal record, immediately notify the law enforcement and tribal law enforcement agencies concerned and supply copies of the criminal record to these agencies.

165.83(2)(k)

(k) Make available all statistical information obtained to the governor and the legislature.

165.83(2)(m)

(m) Prepare and publish reports and releases, at least once a year, containing the statistical information gathered under this section and presenting an accurate picture of the operation of the agencies of criminal justice.

165.83(2)(n)

(n) Make available upon request, to all local, state and tribal law enforcement agencies in this state, to all federal law

enforcement and criminal identification agencies, and to state law enforcement and criminal identification agencies in other states, any information in the law enforcement files of the department which will aid these agencies in the performance of their official duties. For this purpose the department shall operate on a 24-hour a day basis, 7 days a week. The information may also be made available to any other agency of this state or political subdivision of this state, and to any other federal agency, upon assurance by the agency concerned that the information is to be used for official purposes only..

165.83(2)(p)

(p) Cooperate with other agencies of this state, tribal law enforcement agencies and the national crime information center systems of the F.B.I. in developing and conducting an interstate, national and international system of criminal identification, records and statistics.

165.83 - ANNOT.

History: 1971 c. 219; 1983 a. 27, 535; 1985 a. 29; 1993 a. 407; 1995 a. 448; 1997 a. 27.

165.83 - ANNOT.

NOTE: 1993 Wis. Act 407, which creates sub. (1) (d) to (g) and amends sub. (2), contains extensive explanatory notes.

165.83 - ANNOT.

Identification records should be made by local law enforcement agencies of juveniles arrested or taken into custody pursuant to (2) for confidential reporting to the department of justice. 62 Atty. Gen. 45.

PARTNERSHIPS AND CORPORATIONS; TRANSPORTATION; UTILITIES; BANKS; SAVINGS ASSOCIATIONS

CHAPTER 182. MISCELLANEOUS CORPORATE PROVISIONS; TURNPIKE CORPORATIONS

182.020

182.020 Driving park corporation. Notwithstanding ch. 562, any corporation formed under this chapter to establish, maintain and manage any driving park may have grounds and courses for improving and testing the speed of horses and may offer and award prizes for competition; but no racing for any bet or wager shall be allowed; and any such corporation

may prevent gambling or betting of any kind, and preserve order on its grounds, and establish rules therefor, and appoint officers and agents who, for that purpose, shall have the power of constables.

182.020 - ANNOT.

History: 1987 a. 354.

STATE PERSONNEL

CHAPTER 230. STATE EMPLOYMENT RELATIONS

SUBCHAPTER II. CIVIL SERVICE

230.08 Classification of civil service.

230.08(1)

(1) Classes. The civil service is divided into the unclassified service and the classified service.

230.08(2)

(2) (intro.) Unclassified service. The unclassified service comprises positions held by:

230.08(2)(a)

(a) All state officers elected by the people.

230.08(2)(b)

(b) All officers and employes of the state appointed by the governor whether subject to confirmation or not, unless otherwise provided.

230.08(2)(c)

(c) The director, associate director and state historian of the historical society; and, with the approval of the board of curators and the administrator, such number of specialists as are required by the society for specific research, writing, collecting or editing projects which for a limited period of time not to exceed 2 years, renewable at the discretion of the board of curators and the administrator for an additional 2-year period, require persons with particular training or experience in a specialized phase or field of history, historical research, writing, collecting or editing, and any persons whose entire salary is paid from funds reappropriated to the society by s. 20.245 (1) (g) where competitive examination is impractical.

230.08(2)(cm)

(cm) All positions of the university of Wisconsin system identified in s. 20.923 (4g), (4m) and (5).

230.08(2)(d)

(d) All faculty and academic staff, as defined in s. 36.05 (1) and (8), in the university of Wisconsin system.

230.08(2)(e)

(e) (intro.) The number of division administrator positions as specified in this paragraph for any board, department or commission as defined in sub. (4) (a) and s. 15.01 (5), and for the historical society with specific functional assignments to be determined by the appointing authority, except as otherwise provided in sub. (4) or as otherwise provided by law:

230.08(2)(e)1.

1. Administration 12.

230.08(2)(e)2.

2. Agriculture, trade and consumer protection 6.

230.08(2)(e)3.

3. Commerce 7.

230.08(2)(e)3m.

3m. Educational communications board 4.

230.08(2)(e)4.

4. Employment relations 4.

230.08(2)(e)4f.

4f. Financial institutions 4.

230.08(2)(e)5.

5. Health and family services 6.

230.08(2)(e)5m.

5m. Historical society 6.

230.08(2)(e)6.

6. Workforce development 8.

230.08(2)(e)7.

7. Justice 4.

230.08(2)(e)7m.

7m. Military affairs 1.

230.08(2)(e)8.

8. Natural resources 6.

230.08(2)(e)8m.

8m. Public defender board 2.

230.08(2)(e)9.

9. Public instruction 5.

230.08(2)(e)9m.

9m. Public service commission 5.

230.08(2)(e)10.

10. Regulation and licensing 4.

230.08(2)(e)11.

11. Revenue 4.

230.08(2)(e)12.

12. Transportation 6.

230.08(2)(e)13.

13. Veterans affairs 2.

230.08(2)(e)14.

14. Technical college system board 2.

230.08(2)(em)

(em) The director of credit unions.

230.08(2)(f)

(f) All legislative officers and, in addition, policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses and other persons employed under s. 13.20.

230.08(2)(fc)

(fc) The chief and personnel of the legislative reference bureau.

230.08(2)(fe)

(fe) The state auditor and personnel of the legislative audit bureau.

230.08(2)(fm)

(fm) The director and personnel of the legislative fiscal bureau.

230.08(2)(fo)

(fo) The director and personnel of the legislative council staff.

230.08(2)(fp)

(fp) The director and personnel of the legislative technology services bureau.

230.08(2)(fs)

(fs) All deputies of department secretaries appointed under s. 15.04 (2) and executive assistants to department secretaries appointed under s. 15.05 (3), including those appointed by the attorney general, the adjutant general, the director of the technical college system and the state superintendent of public instruction.

230.08(2)(g)

(g) One stenographer appointed by each elective executive officer, and one deputy or assistant appointed by each elective executive officer except the attorney general and superintendent of public instruction.

230.08(2)(h)

(h) The clerks and other assistants and employes and justices of the supreme court.

230.08(2)(i)

(i) The judges, clerks and other assistants and employes of the court of appeals.

230.08(2)(jm)

(jm) The employes of the lower Wisconsin state riverway board.

230.08(2)(k)

(k) Persons employed by the university of Wisconsin system whose employment is a necessary part of their training, student assistants or student hourly help as provided under s. 36.05 (6).

230.08(2)(L)

(L) (intro.) One deputy of the head of any of the following agencies:

230.08(2)(L)2.

2. Educational communications board, created under s. 15.57.

230.08(2)(L)3m.

3m. Department of employe trust funds.

230.08(2)(L)4.

4. Higher educational aids board, created under s. 15.67.

230.08(2)(L)5.

5. Office of commissioner of insurance, created under s. 15.73.

230.08(2)(L)5m.

5m. Public defender board.

230.08(2)(m)

(m) (intro.) One executive assistant of the commission chairperson of each of the following agencies:

230.08(2)(m)2.

2. Employment relations commission, created under s. 15.58.

230.08(2)(mL)

(mL) One executive assistant of each commissioner of the public service commission, created under s. 15.79.

230.08(2)(n)

(n) Court reporters employed by the circuit court.

230.08(2)(o)

(o) The executive director and other employes of the judicial commission.

230.08(2)(om)

(om) The executive director of the ethics board.

230.08(2)(p)

(p) All employes of the investment board, except blue collar and clerical employes.

230.08(2)(pd)

(pd) The chairperson of the parole commission.

230.08(2)(pm)

(pm) The state fair park director.

230.08(2)(q)

(q) The state public defender and staff attorney positions in the office of the state public defender.

230.08(2)(r)

(r) All employes appointed by the lieutenant governor.

230.08(2)(rm)

(rm) Staff of the environmental education board.

230.08(2)(s)

(s) The director, sales manager and 3 sales representatives of prison industries in the department of corrections.

230.08(2)(sg)

(sg) Deputy district attorney and assistant district attorney positions in the office of district attorney.

230.08(2)(tv)

(tv) The director of the office of urban development in the department of health and family services, appointed under s. 48.48 (16m).

230.08(2)(u)

(u) Psychiatric residents employed in an educational training program by the department of health and family services.

230.08(2)(v)

(v) Not more than 5 bureau directors in the department of regulation and licensing.

230.08(2)(w)

(w) The program director for crime victims compensation and victim and witness services in the department of justice.

230.08(2)(we)

(we) Professional staff members of the educational communications board authorized under s. 39.13 (2).

230.08(2)(wm)

(wm) The executive director of the elections board.

230.08(2)(x)

(x) The executive director of the waste facility siting board.

230.08(2)(xe)

(xe) The director of Indian gaming in the department of administration, and the attorney in the department of administration, appointed under s. 569.015 (2).

230.08(2)(xg)

(xg) The executive secretary of the board of commissioners of public lands.

230.08(2)(y)

(y) The director and staff assistant of the federal-state relations office of the department of administration.

230.08(2)(yn)

(yn) The executive director and staff of the Kickapoo reserve management board.

230.08(2)(yz)

(yz) The staff of the Wisconsin sesquicentennial commission. This paragraph does not apply after June 30, 1999.

230.08(2)(z)

(z) All other officers and employees of the state whose positions are expressly excluded from the classified service by statute or whose positions cannot be placed under the classified service because of the restrictions placed on them by statute.

230.08(3)

(3) Classified service.

230.08(3)(a)

(a) The classified service comprises all positions not included in the unclassified service.

230.08(3)(b)

(b) Employees holding permanent or sessional classified service positions in the legislative branch shall have the same legal status as employees holding permanent classified service positions in the administrative branch.

230.08(3)(e)

(e) School-year positions in the classified service shall be designated as permanent positions.

230.08(4)

(4) Division administrators.

230.08(4)(a)

(a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, investment board, public defender board and technical college system board and "commission" means the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

230.08(4)(b)

(b) (intro.) Notwithstanding sub. (2) (e), no appointing authority may assign the functions enumerated in this paragraph to be supervised in whole or in part by a division administrator in the unclassified service:

230.08(4)(b)1.

1. Functions of the department of revenue relating to income, franchise, sales or excise tax administration.

230.08(4)(b)2.

2. Functions of the department of justice relating to criminal investigations, except for controlled substance criminal investigations.

230.08(4)(b)3.

3. Any function of the department of employe trust funds.

230.08(4)(b)4.

4. Functions of the public service commission relating to scheduling and conducting public hearings.

230.08(4)(c)

(c) Any proposal of a board, department or commission, as defined in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of positions enumerated in sub. (2) (e), before being submitted to the legislature, shall first be submitted by the board, department or commission or by the historical society for a separate review by the department of administration and by the secretary. The department of administration's review shall include information on the appropriateness of the proposed change with regard to a board's, department's, commission's or society's current or proposed internal organizational structure under s. 15.02 (4). The secretary's review shall include information on whether the existing classified or existing or proposed unclassified division administrator position involved is or would be assigned to pay range 1-18 or above in schedule 1, or a comparable level, of the compensation plan under s. 230.12. The results of these reviews shall be provided by the department of administration and by the secretary to the joint committee on finance and the joint committee on employment relations at the same time that the board's, department's, commission's or society's proposal is presented to either committee.

230.08(7)

(7) Exceptional employment situations. The administrator shall provide, by rule, for exceptional methods and kinds of employment to meet the needs of the service during periods of disaster or national emergency, and for other exceptional employment situations such as to employ the mentally handicapped, the physically handicapped and the disadvantaged.

230.08(8)

(8) Auditing of payrolls. The secretary shall audit the payrolls of the classified and unclassified service, as necessary, to carry out this subchapter.

230.08 - ANNOT.

History: 1971 c. 40, 270; 1973 c. 333, 335; 1977 c. 29, 187; 1977 c. 196 ss. 34, 108, 130 (5); 1977 c. 272, 418, 449; Stats. 1977 s. 230.08; 1979 c. 34, 189, 221, 356, 361; 1981 c. 20, 347, 374; 1983 a. 27 ss. 1605o to 1609am, 2200 (15); 1983 a. 189 s. 329 (27); 1983 a. 371, 378; 1985 a. 29; 1987 a. 27, 119, 204, 354, 399, 403; 1989 a. 31, 107, 119, 122, 169, 208, 219, 336; 1991 a. 39, 250, 269; 1993 a. 16, 349, 399; 1995 a. 27 ss. 6245 to 6277m, 9126 (19), 9130 (4); 1995 a. 216; 1997 a. 3, 27, 179, 194, 237.

230.30 Employing units; establishment and revision.

230.30(1)

(1) Each agency shall constitute an employing unit for purposes of personnel transactions, except where appropriate functional, organizational or geographic breakdowns exist within the agency and except as provided in sub. (2). These breakdowns may constitute a separate employing unit for one or more types of personnel transactions under an overall employing unit plan if requested by the appointing authority of that agency and approved by the administrator. If the administrator determines, after conferring with the appointing authority of the employing agency, that an employing unit is or has become inappropriate to carry out sound personnel management practices due to factors including, but not limited to, the size or isolated location of portions of the employing unit, the administrator may revise the employing unit structure of the agency to effect the remedy required.

230.30(2)

(2) The division of gaming in the department of administration shall constitute a separate employing unit for purposes of personnel transactions.

230.30 - ANNOT.

History: 1979 c. 221; 1997 a. 27.

INVESTMENT REGULATION AND BUSINESS DEVELOPMENT

CHAPTER 560. DEPARTMENT OF COMMERCE

SUBCHAPTER VIII. AMERICAN INDIAN ECONOMIC DEVELOPMENT

560.875 Technical assistance.

560.875(1)

(1) Annually, the department shall grant to the Great Lakes inter-tribal council the amount appropriated under s. 20.143

(1) (df) to partially fund a program to provide technical assistance for economic development on Indian reservations if the conditions under subs. (2) and (3) are satisfied.

560.875(2)

(2)

560.875(2)(a)

(a) As a condition of receiving a grant under sub. (1), the Great Lakes inter-tribal council shall establish a technical assistance program.

560.875(2)(b)

(b) (intro.) The program shall provide technical assistance to all of the following businesses:

560.875(2)(b)1.

1. A tribal enterprise.

560.875(2)(b)2.

2. An Indian business that is located on an Indian reservation.

560.875(2)(b)3.

3. An Indian business that is not located on an Indian reservation but that directly benefits the economy of an Indian reservation.

560.875(2)(c)

(c) (intro.) The program shall provide the following types of technical assistance:

560.875(2)(c)1.

1. Management assistance to existing businesses.

560.875(2)(c)2.

2. Start-up assistance to new businesses, including the development of business and marketing plans and assistance in securing development financing.

560.875(2)(c)3.

3. Technical assistance to new and existing businesses in gaining access to tribal, state and federal business assistance and financing programs.

560.875(2)(d)

(d) The program may not provide technical assistance for a commercial gaming and gambling activity.

560.875(3)

(3) As a condition of receiving a grant under sub. (1), the Great Lakes inter-tribal council annually shall prepare a report on the technical assistance program under sub. (2) and submit the report to the department.

560.875 - ANNOT.

History: 1991 a. 39, 261; 1995 a. 27.

CHAPTER 562. REGULATION OF RACING AND ON-TRACK PARI-MUTUEL WAGERING

562.001 Humane treatment of animals. It is the intent of the legislature that animals which participate in races in this state on which pari-mutuel wagering is conducted and animals which are bred and trained in this state for racing shall be treated humanely, both on and off racetracks, throughout the lives of the animals.

562.001 - ANNOT.

History: 1987 a. 354; 1989 a. 31.

562.01

562.01 (intro.) Definitions. Except as provided in s. 562.124, in this chapter:

562.01(1)

(1) "Administrator" means the administrator of the division of gaming.

562.01(1m)

(1m) "Animal" means a horse or dog.

562.01(3)

(3) "Breakage" means the odd cents by which the amount payable on each dollar wagered on a race exceeds a multiple of 10 cents.

562.01(3m)

(3m) "Business day" means a business day, as defined in s. 421.301 (6), that is not a legal holiday under s. 895.20 or a federal legal holiday.

562.01(4)

(4) "Department" means the department of administration.

562.01(4m)

(4m) "Division of gaming" means the division of gaming in the department.

562.01(5)

(5) "Fair" means any fair conducted by a county or an agricultural society, association or board receiving aid under s. 93.23.

562.01(5e)

(5e) "Host track" means a racetrack that conducts a race on which intertrack wagering is conducted.

562.01(5m)

(5m) "Intertrack wager" means a wager that is placed or accepted at a racetrack on a race that is conducted at, and simultaneously televised to the racetrack from, another racetrack.

562.01(5s)

(5s) "Intertrack wagering licensee" means a person who is licensed under s. 562.05 (1) (e).

562.01(6)

(6) "License" means a license issued under s. 562.05.

562.01(7)

(7) "Licensee" means any person holding a license.

562.01(8)

(8) "Multiple pools" means any pool of wagers on one or more races other than a pool of wagers in which each wager represents a wager to win, place or show.

562.01(8g)

(8g) "Out-of-state legal wagering entity" means a person who owns or operates a place located outside this state at which wagering on a race that is conducted in this state is authorized under the laws of the state or country in which the place is located.

562.01(8m)

(8m) "Out-of-state racetrack" means a place outside this state at which a race is authorized by law to be held and at which pari-mutuel wagering on the race is authorized by law to be conducted.

562.01(9)

(9) "Pari-mutuel" means a wagering system in which all persons who wager on any animal which finishes in any position for which wagers are taken in a race share the total amount wagered on the race minus any deductions from the wagers on that race required under s. 562.065.

562.01(10)

(10) "Race" means any animal race licensed under s. 562.05 (1).

562.01(11)

(11) "Race day" means any day on which a race is conducted.

562.01(11g)

(11g) "Race meeting" means the period during a calendar year for which a person has been issued a license under s. 562.05 (1) (b).

562.01(11r)

(11r) "Race performance" means a schedule of races of either a matinee or night program that are conducted on a race day.

562.01(12)

(12) "Racetrack" means any racetrack licensed under s. 562.05 (1).

562.01(13)

(13) "Racing" means the conduct of a race.

562.01(14)

(14) "Steward" means any person appointed, contracted for or approved by the department under s. 562.02 (1) (fm).

562.01 - ANNOT.

History: 1987 a. 354; 1989 a. 31, 314; 1991 a. 39, 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.017

562.017 (intro.) Racing security. The department may do any of the following:

562.017(1)

(1) Provide all of the security services for the racing operations under this chapter.

562.017(2)

(2) Monitor the regulatory compliance of racing operations under this chapter.

562.017(3)

(3) Audit the racing operations under this chapter.

562.017(4)

(4) Investigate suspected violations of this chapter.

562.017(5)

(5) Report suspected gaming-related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

562.017(6)

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

562.017 - ANNOT.

History: 1997 a. 27.

562.02

562.02 Racing operations.

562.02(1)

(1) (intro.) The department shall:

562.02(1)(a)

(a) Regulate racing and on-track pari-mutuel wagering in this state and shall promulgate all rules necessary to administer this chapter. The department shall do everything necessary to ensure that the public interest is protected in relation to racing.

562.02(1)(am)

(am) (intro.) Administer the issuance of licenses. The department may not issue any license under s. 562.05 (1) (a) to (c) without a hearing. The department shall determine which occupations related to racing require licensing, except that the department shall require licenses for the following:

562.02(1)(am)1.

1. Occupations of participants in horse racing, including horse owners or lessees, horse trainers and their assistants, jockeys or drivers, exercise riders and grooms.

562.02(1)(am)2.

2. Occupations of participants in dog racing, including dog owners or lessees, dog trainers and their assistants, kennel masters and kennel helpers.

562.02(1)(am)3.

3. Veterinarians.

562.02(1)(am)4.

4. Race officials and personnel.

562.02(1)(am)5.

5. Pari-mutuel personnel.

562.02(1)(am)6.

6. Security personnel.

562.02(1)(am)7.

7. Persons holding concession, management, consultant or other contracts to provide goods or services to a licensee under s. 562.05 (1) (a) to (c).

562.02(1)(b)

(b) Promulgate rules to ensure the humane treatment of animals which race in this state or which are bred and trained in this state for racing and shall establish a program to administer those rules.

562.02(1)(c)

(c) Determine what types of races may be conducted in this state.

562.02(1)(d)

(d) Require by rule that any contract in excess of \$10,000 for the provision of goods and services, including but not limited to concessions contracts, entered into by any licensee, be subject to the approval of the department and that all contracts for \$10,000 or less shall be filed with the department.

562.02(1)(e)

(e) By rule, prescribe any restriction on wagering by a licensee or the employees of a licensee which it deems necessary to protect the public interest.

562.02(1)(f)

(f) Establish, by rule, a schedule of license suspensions and revocations or forfeitures for violations of this chapter or department rules which may be imposed by the department under sub. (2) (f) or by the stewards under s. 562.04 (1) (b).

A forfeiture under that schedule may not exceed \$10,000. The rule shall include factors to be considered by stewards in acting under s. 562.04 (1) (b).

562.02(1)(fm)

(fm) Approve the appointment of any steward serving under s. 562.04 (1) and (2).

562.02(1)(g)

(g) At least once every 3 months, file a written report on the operation of racing in this state with the governor, the attorney general, the state treasurer, the secretary of state, the legislative audit bureau, the president of the senate and the speaker of the assembly. The report shall include information on racetrack operations, race attendance and private, state and local revenues derived from racing in this state.

562.02(1)(h)

(h) By rule, specify the types of records and books to be maintained by licensees, and, for submission to the department, the type of audit of those books and records to be conducted by licensees and the type of financial report to be prepared by licensees.

562.02(1)(j)

(j) Enforce this chapter and the rules under this chapter.

562.02(1)(k)

(k) Approve or reject the amount that a licensee is required to deduct from the total amount wagered under s. 562.065

(3) (a).

562.02(2)

(2) (intro.) The department may:

562.02(2)(a)

(a) Employ the staff it deems necessary to administer this chapter, including but not limited to any chemist and veterinarian. The department may not contract for the services of any veterinarian or chemist unless the veterinarian or chemist has not had a conflict of interest under s. 562.025 (2) at any time during the 12 months immediately preceding the

date on which the contract for such services is entered into.

562.02(2)(b)

(b) Require a fidelity bond for the administrator and any other employe of the division of gaming or may purchase a bond which covers the administrator and all other employes of the division of gaming or designated employes of the division of gaming.

562.02(2)(c)

(c) Conduct investigations and inquiries and subpoena any information, document or record which it deems necessary to carry out its duties.

562.02(2)(d)

(d) Without a warrant, inspect any racetrack and examine any book or other record of a licensee subject to the rules promulgated under sub. (1) (h).

562.02(2)(e)

(e) (intro.) Exclude from any racetrack any person who:

562.02(2)(e)1.

1. Has been convicted of a violation of a law of this or another state or of the United States related to racing or other forms of gambling or to the mistreatment of animals;

562.02(2)(e)2.

2. Has had a license which was issued under s. 562.05 or under the laws related to racing of any other state suspended, revoked or denied; or

562.02(2)(e)3.

3. Is determined by the department to be a threat to the integrity of racing in this state.

562.02(2)(f)

(f) Suspend or revoke any license or impose a forfeiture for any violation of this chapter or department rules relating to pari-mutuel racing. The department may suspend or revoke an occupational license issued under s. 562.05 (1) (d) or impose a forfeiture on that licensee under this paragraph if the stewards do not hold a meeting under s. 562.04 (1) (b) or hold a meeting but do not suspend the license or impose a forfeiture. Upon appeal, the department may change any action of the stewards under s. 562.04 (1) (b). Fifty percent of the moneys received under this paragraph shall be credited to the

appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

562.02(2)(fm)

(fm) Contract with the department of agriculture, trade and consumer protection for any services related to the duties of the department in ensuring the security and humane treatment of animals.

562.02(2)(g)

(g) Create a 5-member advisory council, with members representing the racing industry and occupations licensed under s. 562.05 (1) (d), to advise the department on the administration of its powers and duties under this chapter. No member of that council may be reimbursed for any expense incurred in the performance of his or her duties or for any service as a member of that advisory council.

562.02(2)(h)

(h) Inspect and conduct investigations of facilities in this state used for breeding or training animals for racing, for the purpose of obtaining compliance with laws relating to the humane treatment of animals.

562.02(4)

(4) Except as provided under s. 562.05 (2m), the department shall issue a license under s. 562.05 (1) (a) to any person who satisfies the requirements of this chapter for such a license.

562.02 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 269, 315; 1995 a. 27 ss. 6951, 6952, 9123 (6pp); 1997 a. 27.

562.025

562.025 Conflicts of interest.

562.025(1)

(1) (intro.) No employe in the division of gaming who performs any duty related to racing or the executive assistant or the secretary or deputy secretary of administration and no member of such a person's immediate family, as defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2 years following the termination of his or her employment with the department after having served in such a capacity, do any of the following:

562.025(1)(a)

(a) Hold a license or be employed by, or have any direct or indirect interest in, any corporation, partnership, limited liability company or association which holds such a license.

562.025(1)(b)

(b) Be employed by or have any direct or indirect interest in any corporation, association, limited liability company or partnership which holds any contract, including but not limited to a concession contract, to supply goods or services to any licensee or at the location of any race.

562.025(1)(c)

(c) Own, wholly or in part, or have any other interest in any animal which is entered in any race.

562.025(1)(d)

(d) Wager or cause a wager to be made on any race.

562.025(1)(e)

(e) Accept or agree to accept money or anything of value from anyone who holds a license or who is regulated by or holds any contract to supply goods or services to the department.

562.025(2)

(2) (intro.) No person under contract with the department and no employe of any person under contract with the department, other than a vendor or an employe of a vendor as defined in s. 565.01 (7), may do any of the following:

562.025(2)(a)

(a) Hold any license, except a license covering the professional services being provided to the department, or be employed by or have any direct or indirect interest in any corporation, partnership, limited liability company or association which holds a license.

562.025(2)(b)

(b) Have any direct or indirect interest in or be employed by any person who has any direct or indirect interest in any corporation, association, limited liability company or partnership which holds any contract, including but not limited to a concession contract, to supply goods or services to any licensee or at the location of any race.

562.025(2)(c)

(c) Own, wholly or in part, or have any other interest in any animal which is entered in any race.

562.025(2)(d)

(d) Wager or cause a wager to be made on any race.

562.025(2)(e)

(e) Accept or agree to accept money or anything of value from any person who holds a license or who is regulated by the department or holds any contract to supply goods or services to the department other than the contract under which the person provides professional services.

562.025 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 269; 1993 a. 112, 213, 271; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.03

562.03 Administrator.

562.03(1)

(1)

562.03(1)(a)

(a) The department shall appoint the administrator after a nationwide search for persons with experience in public gaming management and regulation and with knowledge of animal racing and pari-mutuel wagering.

562.03(1)(b)

(b) Before appointing an administrator, the department shall, with the assistance of the department of justice, conduct a background investigation of the proposed administrator. The department shall require the proposed administrator to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining any record of his or her criminal arrests and convictions.

562.03(2)

(2) The administrator may employ or provide by contract for the services of stewards, subject to the approval of the department. Any steward under a contract under this subsection shall be under a contract with the department.

562.03(3)

(3)

562.03(3)(a)

(a) The department may employ the staff it considers necessary to administer this chapter.

562.03(3)(b)

(b) Before making an appointment under par. (a) and sub. (4), the department shall conduct a background investigation of the proposed employe and shall require that proposed employe to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining any record of his or her criminal arrests and convictions.

562.03(4)

(4) The administrator shall appoint and supervise a chief steward.

562.03 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 27 ss. 6953, 9123 (6pp); 1997 a. 27.

562.04

562.04 Racing officials.

562.04(1)

(1) Stewards.

562.04(1)(a)

(a) (intro.) Three stewards shall preside over races conducted at a racetrack not at a fair. At least 2 of those stewards shall be employes of the department or providing services to the department under a professional services contract. The rate of compensation of stewards serving under contract to the department shall be commensurate with the rate of compensation established for stewards employed by the department, but less than the rate established for the chief steward. Stewards presiding over a racetrack shall do all of the following:

562.04(1)(a)1.

1. Ensure that races are conducted under the rules of the department.

562.04(1)(a)2.

2. Supervise racing and the racetrack to ensure the integrity of races.

562.04(1)(a)3.

3. Certify the official results of races.

562.04(1)(a)4.

4. Settle any dispute arising from racing.

562.04(1)(a)5.

5. Perform any other duty assigned by the department.

562.04(1)(b)

(b) (intro.) If one or more stewards have reasonable cause to believe that a person holding a license under s. 562.05 (1)

(d) has violated this chapter or rules of the department relating to pari-mutuel racing or engaged in any other conduct which

in the opinion of the stewards adversely affects the integrity of racing, the following procedures apply:

562.04(1)(b)1.

1. The 3 stewards shall meet within 3 working days after any one of them has reasonable cause to believe that the alleged violation or conduct occurred.

562.04(1)(b)2.

2. The stewards shall notify the licensee of the time, date and location of the meeting, the specific conduct constituting the alleged offense and the right of the licensee to be present at the meeting, to address stewards at the meeting and to have counsel or an observer of the licensee's choosing present at the meeting.

562.04(1)(b)3.

3. A meeting of the stewards under this paragraph is not a contested case under s. 227.01 (3).

562.04(1)(b)4.

4. If at least 2 stewards determine that the violation or conduct has occurred, the stewards may, under the schedule established by the department under s. 562.02 (1) (f), suspend a license issued under s. 562.05 (1) (d) for a period not to exceed 90 days or impose a forfeiture not to exceed \$2,000 or both; or recommend that the department suspend a license for more than 90 days or impose a forfeiture exceeding \$2,000 or both. Fifty percent of the moneys received under this subdivision shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

562.04(1)(b)5.

5. After the meeting under subd. 1., the stewards shall submit, in writing, all findings and conclusions from that meeting to the licensee and the department, including the sanctions, if any, imposed by the stewards and shall provide the licensee

who is the subject of the meeting with a notice of his or her right to appeal the decision under subd. 6. Within 7 days after receiving the decision, the licensee shall pay any forfeitures imposed by the stewards, regardless of whether the decision is appealed or stayed under subd. 6.

562.04(1)(b)6.

6. Any person adversely affected by a decision issued under subd. 4. may appeal that decision to the department. The appeal shall be filed with the department within 7 days after receipt of that written decision. An appeal does not automatically stay the decision of the stewards. Any person may request that the administrator stay that decision pending the decision of the department on the appeal. If the administrator receives such a request and determines that the stay will not adversely affect public safety or welfare or the safety or welfare of an animal, the administrator shall order the stay.

The procedure for the appeal under this subdivision is under ch. 227. If part or all of any forfeiture imposed under subd.

5. is refunded to the licensee under this subdivision, the refund shall include interest calculated at the rate of 9% per year on that amount. The decision of the department on the appeal shall be the final administrative decision on any action of the stewards under subd. 4.

562.04(2)

(2) (intro.) Other racing officials. The department shall, by rule, specify all of the following:

562.04(2)(a)

(a) Racing officials, in addition to stewards, required for races conducted at a racetrack not at a fair.

562.04(2)(b)

(b) All racing officials, including stewards, required for races conducted under a license issued under s. 562.05 (1) (c).

562.04(2)(c)

(c) Qualifications for stewards serving under sub. (1) and for other racing officials serving under pars. (a) and (b).

562.04(2)(d)

(d) A fee for the supervision of racing by stewards or other racing officials employed by or under contract with the department. Any moneys received under this paragraph shall be credited to the appropriation accounts under ss. 20.455

(2) (g) and 20.505 (8) (g).

562.04 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 269; 1993 a. 84; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.045

562.045 (intro.) Qualifications of administrator, other employes and stewards.

Notwithstanding s. 111.321, no

person may serve as an administrator or other employe of the division of gaming or as a steward employed by the

department or under contract with the department if any of the following apply:

562.045(1)

(1) The person has been convicted in a state or federal court of a felony, other than a felony conviction for an offense

under subs. (3) to (6), for which he or she has not been pardoned under which his or her full civil rights are restored.

562.045(2)

(2) The person has been charged with the violation of a state or federal law which is a felony if that charge has not been dismissed or settled in any other way.

562.045(3)

(3) The person has been convicted of fraud or misrepresentation in connection with racing or animal breeding.

562.045(4)

(4) The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari-mutuel wagering or any other form of gambling.

562.045(5)

(5) The person has been convicted of a violation of any law of this or another state or of the United States related to the humane treatment of animals.

562.045(6)

(6) The person has knowingly violated a rule or order of the department relating to pari-mutuel racing or any provision of this chapter, s. 182.020 or ch. 945.

562.045 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.05

562.05 Licenses.

562.05(1)

(1) (intro.) No person may engage in any of the following activities without a valid annual license issued by the department:

562.05(1)(a)

(a) The ownership and operation of a racetrack at which pari-mutuel wagering is conducted.

562.05(1)(b)

(b) The sponsorship and management of any race on which pari-mutuel wagering is conducted and which is not located at a fair.

562.05(1)(c)

(c) The sponsorship and management of any horse race on which pari-mutuel wagering is conducted and which is located at a fair.

562.05(1)(d)

(d) Any occupation required to be licensed under s. 562.02 (1) (am) or determined by the department under s. 562.02 (1) (am) to require a license.

562.05(1)(e)

(e) The conduct of intertrack wagering.

562.05(1b)

(1b) The department shall approve and conduct an examination to be administered to all applicants for a license under sub. (1) (d) to be a horse trainer. No license may be issued under sub. (1) (d) to a horse trainer unless the department determines that the applicant for the license is qualified as evidenced by the applicant's performance on the examination conducted under this subsection.

562.05(1c)

(1c) If the applicant for a license under this section is an individual, the department may not issue or renew a license if the individual has not provided his or her social security number. If the applicant for a license under this section is not an individual, the department may not issue or renew a license if the person has not provided the person's federal employer identification number.

562.05(1g)

(1g) A license issued under sub. (1) (a) may authorize the ownership and operation of a racetrack where horse racing is conducted, the ownership and operation of a racetrack not at a fair where dog racing is conducted or the ownership and operation of a racetrack not at a fair where both horse racing and dog racing are conducted. A license issued under sub. (1) (b) may authorize the sponsorship and management of horse races or dog races, or both horse races and dog races, at the same location.

562.05(1m)

(1m) The department may not issue a license under sub. (1) (a) to (c) except after a public hearing.

562.05(2)

(2) The department shall establish, by rule, the qualifications for any license required under sub. (1) and fix the fee for that license and any background investigation under sub. (7) related to that license. Any moneys received under this subsection shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

562.05(2m)

(2m) In issuing a license to own and operate a racetrack not at a fair, the department shall consider the competitive effects on any other licensee under sub. (1) (a) or (b). These competitive effects shall include, but not be restricted to, the impact on the economic viability of existing licensed racetracks and the jobs that have been created by such licensed racetracks.

562.05(3)

(3) No person may hold more than one license issued under sub. (1) (a) and one license issued under sub. (1) (b) or (c). If the applicant for any of those licenses is a corporation, association, limited liability company or partnership, the department shall determine whether the applicant is the same person as another licensee for the purpose of applying this subsection. Nothing in this subsection prohibits any person with a license under sub. (1) from contracting for services with any other person with a license under sub. (1), subject to any rules promulgated by the department.

562.05(3m)

(3m) The department may not accept an application for a license for a race under sub. (1) (c) unless the county board of

the county in which that race will be conducted has approved the applicant's sponsorship and management of that race.

562.05(3r)

(3r) The application for the first license under sub. (1) (a) to be issued for any location shall be accompanied by a resolution, supporting the proposed location of the racetrack and its ownership and operation by the applicant, which has been adopted, after a public hearing, by the governing body of the city, village or town where the racetrack is proposed to be located. A common council may not adopt such a resolution if an ordinance prohibiting the location of a racetrack at the proposed location has been adopted under s. 9.20 before May 3, 1988, or a petition for such an ordinance has been filed, under s. 9.20, before May 3, 1988. Except as provided in this subsection, no ordinance adopted under s. 9.20 or 66.01 may prohibit the location of a racetrack in any city or village.

562.05(3w)

(3w) (intro.) Except as provided under subs. (3) to (3r), the department may issue a license under sub. (1) (a) if the department determines that all of the following conditions are met:

562.05(3w)(a)

(a) At least 51% of the ownership interest in the racetrack is held by residents of this state.

562.05(3w)(b)

(b) The license will not adversely affect the public health, welfare and safety.

562.05(3w)(c)

(c) The racetrack will be operated in accordance with applicable laws.

562.05(3w)(d)

(d) The applicant is qualified and financially able to operate a racetrack.

562.05(3wmr)

(3wmr) If the condition under sub. (2m) is relevant to its decision, the department may consider secondary economic impacts of an applicant's proposal for a racetrack if the applicant proves by a preponderance of evidence that the alleged secondary impacts will enhance the success of the applicant's proposed racetrack and the location of the proposed racetrack would compliment existing development with the overall effect of increasing tourism and generating state revenues from out-of-state residents.

562.05(3wr)

(3wr) The first license issued to each applicant under sub. (1) (a) for each racetrack expires after 5 years. Any subsequent license issued to the same applicant for that racetrack expires after one year.

562.05(3wt)

(3wt) In the first license issued to each applicant under sub. (1) (a) for each racetrack, the department shall specify a date by which each of the types of racing authorized under the license shall begin at that racetrack. Upon request of the licensee, the department may change a specified date to an earlier or later date pursuant to rules of the department.

562.05(4)

(4) Any application for a license to sponsor and manage a race shall be accompanied by a bond, in an amount determined by the department, which shall be sufficient to guarantee the payment of fees, taxes and other money due, including animal owners' purses and payouts on winning wagers.

562.05(4m)

(4m) (intro.) Except as provided in sub. (4), the department may issue a license under sub. (1) (b) if the department determines that all of the following conditions are met:

562.05(4m)(a)

(a) The license will not adversely affect the public health, welfare and safety.

562.05(4m)(b)

(b) The applicant will conduct races in accordance with applicable laws.

562.05(4m)(c)

(c) The license will not create competition that will adversely affect any other licensee under sub. (1) (a) or (b).

562.05(5)

(5)

562.05(5)(a)

(a) (intro.) No license may be issued under sub. (1) to any person to whom any of the following applies:

562.05(5)(a)1.

1. The person is in default on any payment required under this chapter or under any rule promulgated under this chapter or under any law of any other state related to pari-mutuel wagering or racing.

562.05(5)(a)2.

2. The person has been convicted of a felony within 20 years preceding the date of application in a state or federal court for which he or she has not been pardoned and restored to full civil rights or has been charged with the violation of a state or federal law which is a felony if that charge has not been dismissed or settled in any other way.

562.05(5)(a)3.

3. The person is or has been connected with or engaged in any business which is prohibited under the laws of this or another state or of the United States.

562.05(5)(a)4.

4. The person has been convicted of fraud or misrepresentation in connection with racing or animal breeding.

562.05(5)(a)5.

5. The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari-mutuel wagering or of any other form of gambling which is a serious violation, as defined by the department by rule.

562.05(5)(a)6.

6. The person has knowingly violated a rule or order of the department relating to pari-mutuel racing or any provision of this chapter or of ch. 27, 182 or 945.

562.05(5)(a)7.

7. The person has been convicted of a violation of any law of this or another state or of the United States related to the humane treatment of animals, including any rule promulgated under s. 562.02 (1) (b) or 562.105.

562.05(5)(a)8.

8. The person has accepted public money to construct or operate a racetrack in Wisconsin. This subdivision does not apply to any racetrack operated in conjunction with a county fair.

562.05(5)(a)9.

9. The person is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, or fails to comply, after appropriate

notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857.

562.05(5)(a)10.

10. The person is liable for delinquent taxes, as certified by the department of revenue under s. 73.0301. Any person for whom a license is not issued under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

562.05(5)(b)

(b)

562.05(5)(b)1.

1. Except as provided in subd. 4., if the applicant is a partnership, par. (a) applies to the partnership and each partner of the partnership.

562.05(5)(b)1L.

1L. Except as provided in subd. 4., if the applicant is a limited liability company, par. (a) applies to the limited liability company and to each of its members.

562.05(5)(b)2.

2. Except as provided in subd. 4., if the applicant is an association, par. (a) applies to the association and each officer and director of the association.

562.05(5)(b)3.

3. Except as provided in subd. 4., if the applicant is a corporation, par. (a) applies to the corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation.

562.05(5)(b)3m.

3m. Except as provided in subd. 4., if the applicant for a license under sub. (1) (c) is a corporation, par. (a) applies to each officer and director of the corporation.

562.05(5)(b)4.

4. A restriction under par. (a) 2. to 8. does not apply to a partnership, limited liability company, association or corporation

if the department determines that the partnership, association, limited liability company or corporation has terminated its relationship with each individual whose actions directly contributed to the application of that restriction to the partnership, association, limited liability company or corporation.

562.05(5)(c)

(c)

562.05(5)(c)1.

1. Every application for a license under sub. (1) shall be accompanied by an affidavit which states that the applicant and any partner, member, officer, director and owner subject to par. (a), as specified in par. (b), and any other person with a present or future direct or indirect financial or management interest in the application, to the best of the applicant's knowledge, meets the qualifications under par. (a).

562.05(5)(c)2.

2. Except as otherwise provided in this subdivision, if after the application for a license is made or a license is issued any new officer, director, partner, member or owner subject to par. (a), as specified in par. (b), or any other new person with a present or future direct or indirect financial or management interest in the application or license joins the applicant or licensee, the applicant or licensee shall, within 5 working days, notify the department of the change and provide the affidavit under subd. 1. After an application for a license under sub. (1) (a) or (b) is made or after a license under sub. (1) (a) or (b) is issued, no ownership interest or right of ownership in the applicant or licensee may be transferred unless the applicant or licensee provides the affidavit under subd. 1. for the proposed new owner and the proposed new owner is approved by the department. The department shall conduct the background investigations required under sub. (7) of any new officer, director, partner, member, shareholder or proposed owner of an applicant or licensee named in a notice to the department under this subdivision.

562.05(6)

(6) Every application for a license to own and operate a racetrack or for a license to sponsor and manage a race shall include a statement setting forth the assets and liabilities of the applicant.

562.05(6m)

(6m)

562.05(6m)(a)

(a)

562.05(6m)(a)1.

1. An application for an intertrack wagering license shall identify each licensee under sub. (1) (b) on whose races the applicant proposes to conduct intertrack wagering and, except as provided in subd. 2., shall be accompanied by a statement, signed by each licensee that is identified in the application, giving consent to the applicant to conduct intertrack wagering on all races that are simulcast by the licensee during the licensee's race meeting.

562.05(6m)(a)2.

2. A licensee under sub. (1) (b) who signs a statement specified in subd. 1. is considered to have given consent to all applicants for intertrack wagering licenses to conducting intertrack wagering on all races that are simulcast by the licensee during the licensee's race meeting, and no similar statements signed by that licensee need be filed by other applicants for intertrack wagering licenses who propose to conduct intertrack wagering on those races.

562.05(6m)(b)

(b) (intro.) The department may not issue an intertrack wagering license unless the department determines that all of the following conditions are met:

562.05(6m)(b)1.

1. The applicant is licensed under sub. (1) (a) or (b).

562.05(6m)(b)2.

2. At least 250 race performances were conducted at the racetrack for which the applicant is licensed under sub. (1) (a) or (b) during the calendar year immediately preceding the year in which the applicant proposes to conduct intertrack wagering. The department may waive the requirement in this subdivision if the department determines that the waiver is in the public interest.

562.05(6m)(b)3.

3. Intertrack wagering will be conducted at the racetrack for which the applicant is licensed under sub. (1) (a) or (b) only as an adjunct to, and not in a manner that will supplant, wagering on live on-track racing at that racetrack, and intertrack wagering will not be the primary source of wagering revenue at that racetrack.

562.05(6m)(b)4.

4. The granting of the intertrack wagering license will not adversely affect the public health, welfare or safety.

562.05(6m)(c)

(c) In considering whether to grant an intertrack wagering license, the department shall give due consideration to the best interests of the public and to maximizing revenue to the state.

562.05(6m)(d)

(d) On each intertrack wagering license that the department issues, the department shall identify the racetrack at which intertrack wagering may be conducted, the times and number of days or specific dates, as determined by the department, during which intertrack wagering may be conducted, and the host track from which the simulcast of each race performance on which intertrack wagering may be conducted shall originate.

562.05(6m)(e)

(e) (intro.) The department shall revoke an intertrack wagering license if the department determines that any of the following applies:

562.05(6m)(e)1.

1. Intertrack wagering is being conducted by the intertrack wagering licensee not as an adjunct to, but instead in a manner that supplants, wagering on live on-track racing at that racetrack.

562.05(6m)(e)2.

2. Intertrack wagering has become the primary source of wagering revenue at that racetrack.

562.05(7)

(7)

562.05(7)(a)

(a) (intro.) Except as provided under par. (ag), before the department issues a license under this section, the department, with the assistance of the department of justice, shall conduct a background investigation of the applicant for the license and of any of the following related to the applicant:

562.05(7)(a)1.

1. A partnership and each partner of the partnership.

562.05(7)(a)1L.

1L. A limited liability company and each of its members.

562.05(7)(a)2.

2. An association and each officer and director of the association.

562.05(7)(a)3.

3. A corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation.

562.05(7)(ag)

(ag) (intro.) Paragraph (a) applies to any person required under s. 562.02 (1) (am) to have a license except for any person determined by the department under s. 562.02 (1) (am) to require a license. Before the department issues a license to any person determined by the department under s. 562.02 (1) (am) to require a license, the department may, with the assistance of the department of justice, conduct a background investigation of the applicant for that license and of any of the following related to the applicant:

562.05(7)(ag)1.

1. A partnership and each partner of the partnership.

562.05(7)(ag)1L.

1L. A limited liability company and each of its members.

562.05(7)(ag)2.

2. An association and each officer and director of the association.

562.05(7)(ag)3.

3. A corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation.

562.05(7)(am)

(am)

562.05(7)(am)1.

1. The department shall require each person who is subject to an investigation under par. (a) and who is an individual to provide his or her social security number.

562.05(7)(am)2.

2. The department shall require each person who is subject to an investigation under par. (a) and who is not an individual to provide the person's federal employer identification number.

562.05(7)(b)

(b) The department shall require any person subject to an investigation under par. (a) to be photographed and

fingerprinted on 2 fingerprint cards each bearing a complete set of that person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of that person and obtaining any record of that person's criminal arrests and convictions.

562.05(7)(bg)

(bg) The department may require any person subject to an investigation under par. (ag) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of that person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of that person and obtaining any record of that person's criminal arrests and convictions.

562.05(8)

(8)

562.05(8)(a)

(a) The department may revoke or suspend a license for good cause after notice and hearing under s. 227.44.

562.05(8)(b)

(b) The department shall permanently revoke the license of any licensee whom the department determines under par. (a) has administered a medication or foreign substance to an animal in violation of s. 562.09 (1).

562.05(8)(c)

(c) The department shall permanently revoke the license of any licensee who violates s. 562.105.

562.05(8)(d)

(d) If required in a memorandum of understanding entered into under s. 49.857, the department shall suspend or restrict or not renew the license of any person who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or who has failed to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings.

562.05(8)(e)

(e) The department shall revoke or not renew the license of any person who has been certified by the department of revenue under s. 73.0301 to be liable for delinquent taxes. Any person for whom a license is revoked or not renewed under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

562.05(8m)

(8m) 1. If the applicant for any license is an individual, the department shall disclose his or her social security number to the department of workforce development for the purpose of administering s. 49.22 and to the department of revenue for the purpose of requesting certifications under s. 73.0301.

562.05(8m)(e)2.

2. If the applicant for any license is not an individual, the department shall disclose the person's federal employer identification number to the department of revenue for the purpose of requesting certifications under s. 73.0301.

562.05(9)

(9)

562.05(9)(a)

(a) Every license issued under sub. (1) (b) or (c) shall set forth the time and number of days, or the specific dates, during which racing may be conducted under that license, as determined by the department.

562.05(9)(b)

(b) A license under sub. (1) (c) may authorize horse races on days on which the fair is conducted and for 2 additional periods not to exceed 5 days each. Either or both of the additional periods may be consecutive with the days on which the fair is conducted. In assigning race days and race times under this paragraph, the department shall consider the competitive effects on licensees under sub. (1) (a) and (b).

562.05(10)

(10) The department shall revoke the license issued under sub. (1) (a) of any person who accepts any public money to construct or operate a racetrack in Wisconsin. This subsection does not apply to any racetrack operated in conjunction with a county fair.

562.05(11)

(11) In this section, "public money" means any direct or indirect gift, grant, financial assistance or guarantee by or from the federal government, state, any political subdivision of the state, or any authority or corporation authorized by the state to borrow funds for a public purpose.

562.05 - ANNOT.

History: 1987 a. 354; 1989 a. 31, 56; 1991 a. 39, 269; 1993 a. 84, 112, 490; 1995 a. 27 s. 9123 (6pp); 1997 a. 27, 191, 237.

562.05 - ANNOT.

Residency under (3w) (a) discussed. 80 Atty. Gen. 124.

562.052

562.052 Employes at racetrack. At least 85% of the individuals employed by a licensee under s. 562.05 (1) (a) to (c), or by a person providing services under a contract with such a licensee, who work at the racetrack where races are held pursuant to the license shall have been residents of this state for at least one year immediately before their employment at the racetrack.

562.052 - ANNOT.

History: 1987 a. 354.

562.056

562.056 Registration of greyhounds. No dog which is of the greyhound breed may be entered in a race on which pari-mutuel wagering is conducted unless the dog is registered with the national greyhound association of Abilene, Kansas.

562.056 - ANNOT.

History: 1987 a. 354; 1989 a. 31.

562.057

562.057 Simulcasting races; intertrack wagering.

562.057(1)

(1) An intertrack wagering licensee may accept wagers on races that are conducted at 2 or more host tracks during the same race day with the approval of the department.

562.057(3)

(3) An intertrack wagering licensee is solely responsible for maintaining the pari-mutuel pools on the races on which the

intertrack wagering licensee conducts intertrack wagering and for making all payouts on intertrack wagers. Each race performance on which intertrack wagering is conducted is considered a separate race day for purposes of ss. 562.065 and 562.08.

562.057(4)

(4) Subject to sub. (4m), the department may permit a licensee under s. 562.05 (1) (b) to receive simulcast races from out-of-state racetracks, to conduct pari-mutuel wagering on those races and to commingle the licensee's wagering pools on those races with those of any out-of-state racetrack from which the licensee is permitted to receive simulcast races.

The department may permit a licensee under s. 562.05 (1) (b) to simulcast races to any out-of-state legal wagering entity, and to commingle the licensee's wagering pools on those races with those of any out-of-state legal wagering entity to which the licensee is permitted to simulcast those races.

562.057(4m)

(4m) (intro.) The department may not permit a licensee under s. 562.05 (1) (b) to receive simulcast races under sub. (4) unless the department determines that all of the following conditions are met:

562.057(4m)(a)

(a)

562.057(4m)(a)1.

1. For a racetrack at which \$25,000,000 or more was wagered during the calendar year immediately preceding the year in which the applicant proposes to conduct wagering on simulcast races, at least 250 race performances were conducted at the racetrack during that period.

562.057(4m)(a)2.

2. For a racetrack at which less than \$25,000,000 was wagered during the calendar year immediately preceding the year in which the applicant proposes to conduct wagering on simulcast races, at least 200 race performances were conducted at the racetrack during that period.

562.057(4m)(b)

(b) Wagering on simulcast races will be conducted at the racetrack only as an adjunct to, and not in a manner that will supplant, wagering on live on-track racing at that racetrack, and wagering on simulcast races will not be the primary source of wagering revenue at that racetrack.

562.057(4m)(c)

(c) The conduct of wagering on simulcast races will not adversely affect the public health, welfare or safety.

562.057(5)

(5) The department shall promulgate rules administering sub. (4).

562.057 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 39, 269, 315; 1995 a. 27 ss. 6954 to 6959, 9123 (6pp); 1997 a. 27.

562.057 - ANNOT.

This section which permits simulcasting of races conducted at other racetracks to racetrack licensed by Wisconsin Racing Board, does not violate article IV, section 24 (5) of Wisconsin Constitution requiring "on-track" betting. 77 Atty. Gen. 299.

562.06

562.06 Minors on racetracks; wagering prohibited.

562.06(1)

(1) Admission. Except as provided under subs. (2) and (3), no person under the age of 18 years may be admitted to a racetrack, or a track located at a fair where there is racing, unless accompanied by a parent, grandparent, greatgrandparent, guardian or spouse who is at least 18 years of age, or unless accompanied by another person at least 18 years of age with the written permission of the minor's parent or guardian.

562.06(2)

(2) Employment. No person under the age of 16 years may be employed at a racetrack not at a fair. No person under the age of 16 years may be employed in any employment at a fair in any pari-mutuel wagering activity.

562.06(3)

(3) Day care. Nothing in this section prohibits a licensee from operating a day care area at a track if the day care area is licensed by the department of health and family services under s. 48.65.

562.06(4)

(4) Placing a wager. No person under the age of 18 years may make a wager in any race or receive any payout on a wager.

562.06(5)

(5) Accepting a wager; making a payout. No licensee may knowingly accept a wager from any person under the age of 18 years or make any payout on a wager to any person under the age of 18 years.

562.06 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1995 a. 27 s. 9126 (19).

562.065

562.065 Types of pools, payouts and allocations of amounts wagered.

562.065(1)

(1) Types of pools; purses. The department shall promulgate rules governing types of pari-mutuel pools that are permitted on races and the payment and allocation of purses for races.

562.065(2)

(2) Minimum wagers and payouts. The minimum wager which may be accepted by a licensee is \$2. The minimum payout that a licensee may make on a wager is \$2.20 on a \$2 wager. A licensee may accept a \$1 minimum wager on the outcome of a race having 3 or more wagering interests if the total amount wagered is at least \$2.

562.065(3)

(3) Allocations.

562.065(3)(a)

(a) Deduction. From the total amount wagered on all animals selected to win, place or show in a race, a licensee under s.

562.05 (1) (b) and (c) shall deduct 17% or an amount approved by the department under s. 562.02 (1) (k) up to 20%

and pay the balance, minus breakage, to winning ticket holders, except that for a multiple pool, the licensee shall deduct

23% or an amount approved by the department under s. 562.02 (1) (k) up to 25% and pay the balance, minus breakage,

to winning ticket holders. Nothing in this paragraph prohibits the licensee from retaining amounts wagered in multiple pools

which are required to be paid to winning ticket holders if there are no winning ticket holders, for the sole purpose of paying

these amounts to winning ticket holders of subsequent races.

562.065(3)(b)

(b) Purses.

562.065(3)(b)1.

1. For horse races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b)

shall use at least an amount equal to 8% of the total amount wagered on each race day for purses for races held on that race day, except as provided in s. 562.057 (4). The licensee shall pay purses directly to the owner of a horse or, if a horse is leased, the licensee shall pay the purse directly to the lessor and lessee of the horse as agreed in a written lease agreement on file with the licensee.

562.065(3)(b)2.

2. For dog races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) shall use at least an amount equal to 4.5% of the total amount wagered on each race day for purses, except as provided in s. 562.057 (4). Purses shall be paid on or before Thursday of the calendar week immediately following the race day on which the purses are won. The licensee shall pay purses directly to the owner of a dog or, if a dog is leased, the licensee shall pay the purse directly to the lessor and lessee of the dog as agreed in a written lease agreement on file with the licensee.

562.065(3)(b)3.

3. In addition to the amounts required under subds. 1. and 2., if a licensee deducts under par. (a) more than 17% from the total amount wagered on all animals selected to win, place or show in a race or more than 23% from the total amount wagered on all animals for a multiple pool in a race, the licensee shall use for purses at least an amount that equals 4.5% of any amount that the licensee deducts as a result of increasing the deduction under par. (a) beyond the 17% and 23% levels.

562.065(3)(c)

(c) Pari-mutuel tax.

562.065(3)(c)1.

1. (intro.) For horse races, from the total amount deducted under par. (a) on each race day, a licensee under s. 562.05 (1) (b) shall deposit with the department the following amounts:

562.065(3)(c)1.a.

a. One percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$50,000,000 but not more than \$100,000,000.

562.065(3)(c)1.b.

b. Two percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$100,000,000 but not more than \$150,000,000.

562.065(3)(c)1.c.

c. Three percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$150,000,000.

562.065(3)(c)2g.

2g. (intro.) For dog races, from the total amount deducted under par. (a) on each race day that is on or after January 1, 1993, a licensee under s. 562.05 (1) (b) shall deposit with the department the following amounts:

562.065(3)(c)2g.a.

a. Two percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is not more than \$25,000,000.

562.065(3)(c)2g.b.

b. Two and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$25,000,000 but not more than \$100,000,000.

562.065(3)(c)2g.c.

c. Four and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$100,000,000 but not more than \$150,000,000.

562.065(3)(c)2g.d.

d. Six and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$150,000,000 but not more than \$200,000,000.

562.065(3)(c)2g.e.

e. Seven and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$200,000,000 but not more than \$250,000,000.

562.065(3)(c)2g.f.

f. Eight and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$250,000,000.

562.065(3)(c)4.

4. Annually, not later than February 15, a licensee under s. 562.05 (1) (b) shall file with the department a statement computing the total amount paid to the department under subd. 1. during the immediately preceding year and the total amount wagered at races sponsored and managed by the licensee during that year. If the total amount paid to the department under subd. 1. exceeds the amount due under subd. 1. the department shall refund the difference to the licensee. If the total amount paid is less than the amount due the licensee shall remit the difference to the department.

562.065(3)(d)

(d) General program operations; aids to county and district fairs.

562.065(3)(d)1.

1. From the total amount deducted under par. (a) on each race day, a licensee under s. 562.05 (1) (b) shall deposit with the department an amount equal to 0.75% of the total amount wagered on that race day.

562.065(3)(d)2.

2. The department shall credit the money received under subd. 1. to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

562.065(3)(e)

(e) Breakage. A licensee under s. 562.05 (1) (b) may retain 100% of the breakage for each race day.

562.065(3m)

(3m) Allocations of amounts wagered at fairs.

562.065(3m)(a)

(a) Deduction. From the total amount wagered, a licensee under s. 562.05 (1) (c) shall deduct 20% and pay the balance, minus breakage, to winning ticketholders. Nothing in this paragraph prohibits the licensee from retaining amounts wagered in multiple pools which are required to be paid to winning ticketholders if there are no winning ticketholders, for the sole purpose of paying those amounts to winning ticketholders of subsequent races.

562.065(3m)(b)

(b) Purses. From the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (c) shall use at least an amount equal to 8% of the total amount wagered on each race day for purses for races held on that race day.

562.065(3m)(c)

(c) Allocation between licensee and state association.

562.065(3m)(c)1.

1. From the total amount of the deduction under par. (a) remaining after the payment of purses under par. (b), the licensee under s. 562.05 (1) (c) shall retain an amount equal to the licensee's costs related to pari-mutuel racing and wagering conducted under the license. The department shall, by rule, determine the costs which may be included under this subdivision and require auditing of these costs.

562.065(3m)(c)2.

2. The licensee may retain 50% of the amount of the deduction under par. (a) remaining after the payment of purses under par. (b), and the payment of the licensee's cost under subd. 1. The licensee shall deposit the remaining 50% of that amount with the department. The department shall credit moneys received under this subdivision to the appropriation account under s. 20.505 (8) (i).

562.065(3m)(d)

(d) Breakage. A licensee under s. 562.05 (1) (c) shall retain total breakage for each race day.

562.065(3r)

(3r) Period for deposit by licensee. The licensee shall make the deposits required under subs. (3) (c) 1. and 2g. and (d)

1. and (3m) (c) 2. no later than 48 hours after the close of the race day or, if the 48-hour period does not include a business day, on the first business day immediately following the close of the race day.

562.065(4)

(4) Unclaimed prizes. Any winnings on a race which are not claimed within 90 days after the end of the period authorized for racing in that year under s. 562.05 (9) shall be paid to the department. The department shall credit moneys received under this subsection to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

562.065 - ANNOT.

History: 1987 a. 354; 1989 a. 31, 314; 1991 a. 39, 269, 315; 1995 a. 27 ss. 6960 to 6967, 9123 (6pp); 1997 a. 27.

562.075

562.075 Horses foaled in this state; three-year-old horses.

562.075(1)

(1) Horses foaled in this state. Every licensee to sponsor and manage horse races under s. 562.05 (1) (b) or (c) shall hold at least one race on every race day which is limited to horses foaled in this state, except that another race may be substituted if the licensee is unable, with reasonable effort, to attract sufficient competition for such a race. The department shall define, by rule, the term "foaled in this state".

562.075(2)

(2) Three-year-old horses.

562.075(2)(a)

(a) Definition. In this subsection, "3-year-old horse" means a horse which was foaled during the 3rd year immediately before the year in which the horse participates in a race.

562.075(2)(b)

(b) Races. Every person licensed to sponsor and manage horse races under s. 562.05 (1) (b) or (c) shall hold at least one race, on every race day, which is limited to 3-year-old horses, which did not race during the prior 2 years. If the licensee is unable, with reasonable effort, to attract sufficient competition for such a race, another race may be substituted.

562.075 - ANNOT.

History: 1987 a. 354; 1991 a. 269; 1995 a. 27 ss. 6968 to 6972, 9123 (6pp); 1997 a. 27.

562.077

562.077 County fair advancement grants. From the appropriation under s. 20.505 (8) (i), the department shall provide grants to the Wisconsin association of fairs for use for the advancement of county fairs throughout the state. The department shall approve the program for which any grant under this section is used prior to making the grant.

562.077 - ANNOT.

History: 1987 a. 354; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.08

562.08 Admissions tax.

562.08(1)

(1) Every licensee under s. 562.05 (1) (a) or (e) shall collect 50 cents per person entering a racetrack as a spectator on each race day on which an admission fee is charged, including any person entering the racetrack as a spectator on a free pass or complimentary ticket.

562.08(2)

(2) Quarterly, of the amount collected during the quarter under sub. (1), a licensee under s. 562.05 (1) (a) shall pay 50% to the county where the amount was collected and 50% to the city, village or town where the amount was collected.

562.08(3)

(3) Each county, city, village and town receiving moneys under sub. (2) shall use at least part of the moneys to defray the costs of law enforcement, traffic control and other municipal expenditures incidental to the conduct of racing in that county, city, village or town and shall submit annually a report to the department showing how it has expended those moneys.

562.08 - ANNOT.

History: 1987 a. 354; 1991 a. 39, 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.09

562.09 Medication of or tampering with race animals.

562.09(1)

(1) Department rules.

562.09(1)(a)

(a) The department shall promulgate and enforce rules governing the administration of medication and foreign substances to animals at racetracks where there is racing and medical testing of those animals. The rules shall provide that no medication or foreign substance, as defined by the department, may be administered to an animal within 48 hours prior to its entry in a race and that no animal participating in a race may carry any medication or foreign substance in its body, except as provided in this paragraph. The rules may permit specified levels of the following medications or foreign substances to be present in the body of an animal participating in a race if it is determined by the department that the medication or foreign substance entered the body of the animal through the food chain: procaine and its metabolites; sulfa drugs and their metabolites; polyethylene glycol; and any other medication or foreign substance that may enter the body of an animal through the food chain and that the department determines will not affect the integrity of the race or will not be relevant to the wagering public if the medication or foreign substance is present in an animal participating in a race. The rules shall specify the permissible levels of those medications or foreign substances consistent with levels resulting from

food ingestion and in a manner that enables the levels to be detected in a urine sample of the animal.

562.09(1)(b)

(b) The department shall establish, by rule, the qualifications for any laboratory which the department uses for testing under this section.

562.09(2)

(2) Testing and detention.

562.09(2)(a)

(a) The owner or the agent or employe of the owner of any animal on a racetrack shall permit any member, steward, employe or other agent of the department to make any test which the department determines to be proper to determine if a medication or foreign substance has been administered to that animal in violation of sub. (1).

562.09(2)(b)

(b)

562.09(2)(b)1.

1. The department shall require, by rule, that every horse entered in a race be tested before the race to determine if a medication or foreign substance has been administered to the horse in violation of sub. (1). The rule shall require that every horse entered in a race shall be detained from the time the prerace test is administered until the horse leaves the detention area to proceed to the start of the race. The rules shall limit the persons who may be present when samples are taken for the tests and who may be present in the detention area and shall identify who those persons may be.

562.09(2)(b)2.

2. The department shall require, by rule, that immediately after every race at least one animal, as identified by the department rule, be tested to determine if a medication or foreign substance has been administered to the animal in violation of sub. (1). A steward or veterinarian employed by, under contract with or approved by the department may designate additional animals to be tested to determine whether a violation of sub. (1) has occurred.

562.09(2)(bm)

(bm) The rules which the department applies at racetracks at fairs under pars. (a) and (b) and sub. (1) may differ from the rules which the department applies under pars. (a) and (b) and sub. (1) at other racetracks.

562.09(2)(c)

(c) Any finding by the department that a medication or foreign substance has been administered to an animal in violation of sub. (1) is prima facie evidence of a violation of sub. (1).

562.09(2)(d)

(d) The results of any test under this subsection shall be kept on file by the department for at least one year following the test.

562.09(2)(e)

(e) The department shall establish, by rule, and charge fees for testing under this subsection. Fees received under this paragraph shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

562.09(3)

(3) (intro.) Prohibited acts. No person may do any of the following:

562.09(3)(a)

(a) Enter an animal in a race if the person knows or should know that a medication or foreign substance has been administered to that animal in violation of sub. (1).

562.09(3)(b)

(b) Administer a medication or foreign substance to an animal in violation of sub. (1).

562.09(3)(c)

(c) (intro.) Wilfully fail to disqualify an animal from competing in a race if the person has notice of any of the following:

562.09(3)(c)1.

1. That a medication or foreign substance has been administered to the animal in violation of sub. (1).

562.09(3)(c)2.

2. That the animal was not properly made available for any test or inspection required by the department.

562.09(3)(c)3.

3. That the animal has been suspended from a race under this chapter or under any rule promulgated under this chapter or under the laws of any other state.

562.09(3)(d)

(d) Use, attempt to use or conspire to use a battery, buzzer, electrical, mechanical or other appliance for the purpose of stimulating or depressing an animal or affecting its performance in a race or workout.

562.09(3)(e)

(e) Sponge the nostrils or windpipe of an animal.

562.09(3)(em)

(em) Unless the person is a veterinarian, have in his or her possession on a racetrack or track located at a fair where there is racing any equipment for the hypodermic injection of an animal or any substance for hypodermic injection of an animal. The department may, by rule, permit the possession of an injectable substance or hypodermic equipment for the person's personal use.

562.09(3)(f)

(f) Have in his or her possession on a racetrack any appliance which can be used to stimulate or affect the speed of an animal except a whip authorized by the department by rule or a spur authorized by the department by rule.

562.09(3)(g)

(g) Use any method to affect the condition of an animal on a racetrack or to affect the performance of an animal in a race or workout in violation of this chapter or any rule promulgated under this chapter.

562.09 - ANNOT.

History: 1987 a. 354; 1989 a. 31, 56; 1991 a. 269; 1995 a. 27 ss. 6975, 9123 (6pp); 1997 a. 27.

562.10

562.10 (intro.) Prohibition on race dogs trained by live lures or bait. No person may:

562.10(1)

(1) Knowingly use any live lure or bait in a dog race or in training a dog for entry in any race.

562.10(2)

(2) Enter or permit a dog to be entered in a race if that person knows or can reasonably be expected to know that the dog was trained with any live lure or bait.

562.10(3)

(3) Enter or permit a dog to be entered in a race if that person knows or can reasonably be expected to know that the dog

was trained in a state that does not prohibit the knowing use of live lures or bait in a dog race or in training a dog for entry in any race.

562.10 - ANNOT.

History: 1987 a. 354.

562.105

562.105 Humane killing of dogs. No person may kill or cause to be killed any dog which races in this state or was bred, whelped or trained in this state for racing, except by a humane chemical method, specified by the department by rule, which normally causes dogs to be rendered insensible to pain, is rapid and effective and is administered by a veterinarian.

562.105 - ANNOT.

History: 1987 a. 354; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.11

562.11 (intro.) Prohibited wagering activities. No person may:

562.11(1)

(1) Place any wager on a race at any location except at a racetrack.

562.11(2)

(2) Facilitate off-track wagers or conduct an operation through which off-track wagers are transmitted to a racetrack. The acceptance of an intertrack wager at a racetrack that does not meet the criteria specified under s. 562.05 (6m) (b) 2. or 3. is considered to be the acceptance of an off-track wager and the facilitation of an off-track wager.

562.11(3)

(3) Possess a counterfeit, altered or fraudulent wagering ticket on a race with intent to defraud.

562.11(4)

(4) Counterfeit, alter or forge a wagering ticket on any race or pass such a ticket with intent to defraud.

562.11 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 39.

562.12

562.12 (intro.) Prohibited race activities. No person may:

562.12(1)

(1) Race an animal under a name other than its registered name or out of the animal's proper class, as determined by the department by rule.

562.12(2)

(2) Accept anything of value to alter or attempt to alter the outcome of a race.

562.12(3)

(3) Bribe or extort, or attempt to bribe or extort, any member, employe or agent of the department or any other person having charge of or access to an animal on a racetrack.

562.12 - ANNOT.

History: 1987 a. 354; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

562.124

562.124 Snowmobile racing.

562.124(1g)

(1g) In this section, "pari-mutuel" means a wagering system in which all persons who wager on any snowmobile that finishes in any position for which wagers are taken in a race share the total amount wagered on the race minus any deductions from the wagers on that race required under rules promulgated under sub. (2).

562.124(1m)

(1m) The department may authorize on-track pari-mutuel wagering on snowmobile racing at times and places, as determined by the department, that do not conflict with animal racing authorized by this chapter.

562.124(2)

(2) If the department authorizes on-track pari-mutuel wagering on snowmobile racing under sub. (1m), the department shall regulate the pari-mutuel wagering and shall promulgate all rules necessary to administer this section. The department may promulgate rules that require persons who conduct snowmobile racing to be licensed by the department and the department may charge a fee to any person licensed under this subsection to cover the costs of the department in regulating on-track pari-mutuel wagering on snowmobile racing. Through its rules, the department shall do everything necessary to ensure the public interest and protect the integrity of the sport of snowmobile racing. If the department charges a fee to a person licensed under this subsection, the department shall deposit the moneys received in the

appropriation account under s. 20.505 (8) (g).

562.124(3)

(3) The department shall confer with representatives of the United States snowmobile association in developing rules to protect the integrity of the sport of snowmobile racing.

562.124(4)

(4) If the department authorizes on-track pari-mutuel wagering on snowmobile racing, the department shall prepare and submit to the chief clerk of each house of the legislature under s. 13.172 (2) a report on whether any additional civil or criminal penalties are necessary to enforce its rules.

562.124 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27, 252.

562.125

562.125 Department of justice enforcement authority.

562.125(1)

(1) Investigations. The department of justice may investigate any activities by the department and the department's employes and contractors, or by the licensees and their employes and contractors, which affect the operation or administration of racing and on-track pari-mutuel wagering, and shall report suspected violations of state or federal law to the appropriate prosecuting authority.

562.125(1m)

(1m) Subpoena power. For the purpose of an investigation under sub. (1), the attorney general may issue a subpoena to compel the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the attorney general deems relevant or material to the investigation. Section 885.12 shall apply to any failure to obey a subpoena under this subsection.

562.125(2)

(2) Prosecutions. The attorney general and district attorneys have concurrent jurisdiction to commence prosecutions for alleged violations of this chapter.

562.125 - ANNOT.

History: 1987 a. 354; 1989 a. 31; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 252.

562.13

562.13 Penalties.

562.13(1)

(1) Except as provided in subs. (2) to (4), whoever violates this chapter or any rules promulgated under this chapter shall forfeit not more than \$10,000.

562.13(2)

(2) (intro.) Whoever does any of the following may be fined not more than \$10,000 or imprisoned for not more than 9 months or both:

562.13(2)(a)

(a) Makes a false statement in any application for a license.

562.13(2)(b)

(b) Intentionally makes a false statement or material omission in an application for employment with the department.

562.13(2)(c)

(c) Violates any provision under s. 562.025, 562.05 (1), 562.06 (5) or 562.11 (1).

562.13(3)

(3) Whoever violates s. 562.11 (2) or (3) may be fined not more than \$10,000 or imprisoned for not more than 2 years or both.

562.13 - ANNOT.

NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

562.13 - ANNOT.

(3) Whoever violates s. 562.11 (2) or (3) may be fined not more than \$10,000 or imprisoned for not more than 3 years or both.

562.13(4)

(4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

562.13 - ANNOT.

NOTE: Sub. (4) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

562.13 - ANNOT.

(4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both.

562.13 - ANNOT.

History: 1987 a. 354; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 252, 283.

CHAPTER 563. BINGO AND RAFFLE CONTROL

563.02 (intro.) Purpose. The legislature declares that:

563.02(1)

(1) All phases of the conduct of bingo and raffles, 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.

563.02(2)

(2) The conduct of bingo, raffles 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 and raffles in all forms and to ensure the maximum use of the profits of bingo exclusively for proper and legitimate expenditures.

563.02(3)

(3) It is a matter of statewide concern to foster and support proper and legitimate expenditures and to prevent commercialized gambling, participation by criminal and other undesirable elements and diversion of funds from usage for proper and legitimate expenses.

563.02 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1977 c. 426; 1987 a. 21; 1989 a. 147; 1991 a. 269 s. 779r; Stats. 1991 s.

563.02.

563.02 - ANNOT.

Bingo conducted on Indian reservations must comply with this chapter. 69 Atty. Gen. 22.

563.02 - ANNOT.

State may not enforce bingo laws on Indian reservations. Oneida Tribe of Indians of Wis. v. State of Wis. 518 F Supp. 712 (1981).

563.03

563.03 (intro.) Definitions. In this chapter:

563.03(1)

(1) "Adult family home" has the meaning given in s. 50.01 (1).

563.03(1m)

(1m) "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.

563.03(2)

(2) "Bingo occasion" means a single gathering or session at which a series of successive bingo games is played.

563.03(3)

(3) "Bingo supplies and equipment" means all cards, boards, sheets, markers, pads or other supplies, devices or equipment designed for use in the play of bingo.

563.03(4e)

(4e) "Calendar" means a tabular register of days covering not less than one nor more than 12 calendar months that is used or intended to be used for a calendar raffle.

563.03(4m)

(4m) "Calendar raffle" means a raffle for which a drawing is held and a prize awarded on each date specified in a calendar.

563.03(4s)

(4s) "Community-based residential facility" has the meaning given in s. 50.01 (1g).

563.03(5)

(5) "Department" means the department of administration.

563.03(5m)

(5m) "Division of gaming" means the division of gaming in the department.

563.03(6)

(6) "Extra regular card" means a nondisposable card which affords additional opportunities to play in a regular bingo game to be played at a bingo occasion.

563.03(6m)

(6m) "Gambling place" has the meaning designated in s. 945.01 (4) (a).

563.03(7)

(7) "Gross receipts" means total receipts received from the conduct of bingo including, but not limited to, receipts from the sale, rental or use of regular bingo cards, extra regular cards, special bingo cards and bingo supplies.

563.03(9)

(9) "Licensed organization" means an organization licensed under this chapter to conduct bingo.

563.03(10)

(10) "Limited period bingo" means the conduct of bingo for a period of not more than 4 out of 5 consecutive days in any one year at a festival, bazaar, picnic, carnival or similar special function conducted by a licensed organization.

563.03(11)

(11) "Premises" means any room, hall, enclosure, tent or outdoor area in which bingo is being played.

563.03(12)

(12) "Profit" means the gross receipts collected from one or more bingo occasions, less reasonable sums necessarily and actually expended for bingo supplies and equipment, prizes, utilities, license fees and taxes.

563.03(12e)

(12e) (intro.) "Proper and legitimate expenditure" means an expenditure made by an organization for any of the following:

563.03(12e)(a)

(a) Any purpose for which the organization is organized.

563.03(12e)(b)

(b) The advancement, improvement or benefit of the organization, if the amount of the expenditure does not exceed the fair market value of the advancement, improvement or benefit.

563.03(12m)

(12m) "Raffle" means a game of chance in which tickets or calendars are sold and a drawing for prizes is held.

563.03(13)

(13) "Regular bingo card" means a nondisposable card issued to a person upon payment of the admission fee which affords a person the opportunity to participate in all regular games played at a bingo occasion.

563.03(14)

(14) "Regular bingo game" means a bingo game in which a person, upon payment of an admission, is issued a regular bingo card and may purchase or rent extra regular cards.

563.03(14t)

(14t) "Senior citizen community center" means a public place in which recreational or social activities are made available primarily to individuals who are 55 years of age or older.

563.03(15)

(15) "Special bingo card" means a disposable, specially marked bingo card which affords a person the opportunity to participate in a special bingo game to be played at a bingo occasion.

563.03(16)

(16) "Special bingo game" means any bingo game which is not a regular bingo game and which is played with special bingo cards.

563.03 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1977 c. 426; 1979 c. 32, 34; 1983 a. 222; 1989 a. 147; 1991 a. 269 ss. 779s to 779w; Stats. 1991 s. 563.03; 1997 a. 27.

SUBCHAPTER II

DUTIES AND POWERS

563.04

563.04 (intro.) General duties of the department. The department shall:

563.04(2)

(2) Conduct hearings on the suspension or revocation of a license for violation of this chapter or any rules promulgated under it.

563.04(3)

(3) Promulgate rules under ch. 227 relating to the issuance, renewal, amendment, suspension and revocation of bingo and raffle licenses and the conduct of bingo under this chapter.

563.04(4)

(4) Approve and establish a standard set of bingo cards comprising a consecutively numbered series and prescribe by rule the manner in which such cards are to be reproduced and distributed to a licensed organization.

563.04(5)

(5) Prescribe appropriate forms necessary to carry out this chapter.

563.04(6)

(6) (intro.) Issue, renew and amend licenses:

563.04(6)(a)

(a) To organizations to conduct bingo.

563.04(6)(b)

(b) To a member designated by the organization who is responsible for the gross receipts.

563.04(7)

(7) Issue and renew licenses to suppliers of bingo supplies and equipment.

563.04(8)

(8) Have power to temporarily suspend any license.

563.04(10)

(10) Refer for investigation potential or actual violations of this chapter and rules promulgated under it to the district attorney of the county in which a bingo occasion will be or was held.

563.04(11)

(11) Make a continuous study of the operation of this chapter to ascertain if there are defects herein which jeopardize or threaten to jeopardize the purpose of this chapter; and make a continuous study of the operation and administration of similar laws which may be in effect in other states.

563.04(13)

(13) Establish the style, content and format of all licenses issued under this chapter.

563.04 - ANNOT.

History: 1973 c. 156; 1979 c. 34 ss. 1000, 2100 (45) (a); 1989 a. 31, 147; 1991 a. 39; 1991 a. 269 ss. 780d to 781p; Stats. 1991 s. 563.04; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.05

563.05 Powers and duties of department.

563.05(2)

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

563.05(3)

(3) The department may promulgate rules specifying the number of business days within which the department must review and make a determination on an application for a permit, as defined in s. 560.41 (2), that is issued under this chapter.

563.05(4)

(4) The department may promulgate rules defining procedures to be used by the department for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings under this chapter.

563.05(5)

(5) (intro.) No employe in the division of gaming who performs any duty related to bingo or raffles or the executive assistant or the secretary or deputy secretary of administration and no member of such a person's immediate family, as defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2 years following the termination of his or her employment with the department after having served in such a capacity, do any of the following:

563.05(5)(a)

(a) Have any direct or indirect interest in any person who is licensed or required to be licensed under this chapter.

563.05(5)(b)

(b) Accept or agree to accept money or any thing of value from any person who is licensed or required to be licensed under this chapter.

563.05(6)

(6) The department shall credit all moneys received by the department under this chapter, except s. 563.80, to the appropriation account under s. 20.505 (8) (j) .

563.05 - ANNOT.

History: 1991 a. 269 ss. 782ad, 782ah, 1110b, 1110d; Stats. 1991 s. 563.05; 1995 a. 27 ss. 6976, 9123 (6pp); 1997 a. 27.

563.051

563.051 (intro.) Bingo and raffle security. The department may do any of the following:

563.051(1)

(1) Provide all of the security services for the bingo and raffle operations under this chapter.

563.051(2)

(2) Monitor the regulatory compliance of bingo and raffle operations under this chapter.

563.051(3)

(3) Audit the bingo and raffle operations under this chapter.

563.051(4)

(4) Investigate suspected violations of this chapter.

563.051(5)

(5) Report suspected gaming-related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

563.051(6)

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

563.051 - ANNOT.

History: 1997 a. 27.

563.055

563.055 Cancellation of license; reinstatement.

563.055(1)

(1) If the holder of a license issued under this chapter pays a fee required under s. 563.13 (4), 563.22 (2) or 563.92 (2) by check and the check is not paid by the bank upon which the check is drawn, the department may cancel the license on or after the 60th day after the department receives the notice from the bank, subject to sub. (2).

563.055(2)

(2) (intro.) At least 20 days before canceling a license, the department shall mail a notice to the holder that informs the holder that the check was not paid by the bank and that the holder's license may be canceled on the date determined under sub. (1) unless the holder does all of the following before that date:

563.055(2)(a)

(a) Pays the fee for which the unpaid check was issued.

563.055(2)(b)

(b) Pays the charge for an unpaid draft established by the depository selection board under s. 20.905 (2).

563.055(3)

(3) Nothing in sub. (1) or (2) prohibits the department from extending the date for cancellation to allow the holder additional time to comply with sub. (2) (a) and (b).

563.055(4)

(4) A cancellation of a license under this section completely terminates the license and all rights, privileges and authority previously conferred by the license.

563.055(5)

(5) The department may reinstate a license that has been canceled under this section only if the previous holder complies with sub. (2) (a) and (b) and pays a \$30 reinstatement fee.

563.055 - ANNOT.

History: 1989 a. 31; 1991 a. 269 s. 782ap; Stats. 1991 s. 563.055; 1995 a. 27 ss. 6976c, 9123 (6pp); 1997 a. 27.

563.10

563.10 Rules governing commingling of receipts restricted. Notwithstanding ss. 227.11 (2), 227.24 (1) (a) and

563.04 (3), the department may not promulgate any emergency rule relating to the commingling of bingo and raffle receipts unless it can clearly establish that commingling will occur without such rule and that the rule will effectively prevent commingling. The department shall set forth any such finding in its proposed rule. If upon review under s. 227.40, the court finds that the finding of fact upon which any emergency rule relating to such commingling is based is unsupported by clear and convincing evidence, the rule is invalid.

563.10 - ANNOT.

History: 1979 c. 41; 1985 a. 182 ss. 55 (4), 57; 1991 a. 269 s. 782at; Stats. 1991 s. 563.10; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

SUBCHAPTER III

LICENSING

563.11

563.11 License to conduct bingo.

563.11(1)

(1) (intro.) Any bona fide religious, charitable, service, fraternal or veterans' organization or any organization, other than the state or any political subdivision of the state, to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, may apply to the department for a license to conduct bingo. In this subsection, "service organization" includes all of the following:

563.11(1)(b)

(b) A community-based residential facility.

563.11(1)(c)

(c) A senior citizen community center.

563.11(1)(d)

(d) An adult family home.

563.11(2)

(2)

563.11(2)(a)

(a) (intro.) Prior to applying for a license, an organization listed under sub. (1) shall:

563.11(2)(a)1.

1. Be incorporated in this state as a nonprofit corporation or organized in this state as a religious or nonprofit organization.

563.11(2)(a)2.

2. Have at least 15 members in good standing.

563.11(2)(a)3.

3. Conduct activities within this state in addition to the conduct of bingo.

563.11(2)(a)5.

5. Operate without profit to its members, and no part of the net earnings of such organization shall inure to the benefit of any private shareholder or individual.

563.11(2)(a)6.

6. Have been in existence for 3 years immediately preceding its application for a license, and shall have had during that 3-year period a membership actively engaged in making proper and legitimate expenditures.

563.11(2)(a)7.

7. Have received and used and shall continue to receive and use, for proper and legitimate expenditures, funds derived from sources other than from the conduct of bingo.

563.11(2)(b)

(b) Paragraph (a) does not apply to any organization listed under sub. (1) (b) to (d).

563.11 - ANNOT.

History: 1973 c. 156; 1989 a. 147; 1991 a. 39; 1991 a. 269 ss. 782bd, 782bh; Stats. 1991 s. 563.11.

563.11 - ANNOT.

Loss of tax exempt status for income tax purposes does not necessarily imply that an organization is no longer nonprofit. 67 Atty. Gen. 255.

563.12

563.12 (intro.) Bingo license application. Each applicant for a license to conduct bingo shall file with the department an application on a form prescribed by the department. Except as provided in s. 563.135, the application shall include:

563.12(1)

(1) The name and address of the applicant.

563.12(2)

(2) Sufficient facts relating to the incorporation or organization of the applicant to enable the department to determine if the applicant is eligible for a license under this subchapter.

563.12(3)

(3) The name and address of each officer of the applicant organization.

563.12(4)

(4) The place and date of each bingo occasion proposed to be conducted during the effective period of the license.

563.12(5)

(5) The name and address of the owner of the premises in which bingo will be conducted and the approximate capacity of the premises.

563.12(7)

(7) The name, date of birth and address of each supervising member for each bingo occasion who shall be an active member of the applicant organization and one or more of whom shall be present and in immediate charge of and responsible for the conduct of bingo games at each bingo occasion.

563.12(8)

(8) The name of any licensed organization cosponsoring any bingo occasion.

563.12(9)

(9) The name, address, date of birth and years of membership of an active member of the applicant organization who shall be responsible for the proper utilization of the gross receipts derived from the conduct of bingo.

563.12(11)

(11) Other information which the department considers necessary to administer this chapter.

563.12 - ANNOT.

History: 1973 c. 156; 1977 c. 418; 1981 c. 380; 1989 a. 147; 1991 a. 269 s. 782cd; Stats. 1991 s. 563.12; 1995 a. 27 s. 9123 (6pp); 1997 a. 27, 252.

563.13

563.13 (intro.) Affidavits and fees. Except as provided in s. 563.135, an application for a license to conduct bingo shall be accompanied by:

563.13(2)

(2) A sworn statement by the member designated as responsible for the proper utilization of gross receipts that no commission or other fee, salary, profits, compensation, reward or recompense will be paid to any person or organization and that all profits will be spent as provided under s. 563.51 (8).

563.13(4)

(4) A \$10 license fee for each bingo occasion proposed to be conducted and \$5 for an annual license for each designated member responsible for the proper utilization of gross receipts.

563.13 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1979 c. 34; 1987 a. 21; 1989 a. 147; 1991 a. 269 s. 782ch; Stats. 1991 s.

563.13; 1995 a. 27 s. 9123 (6pp); 1995 a. 417.

563.135

563.135 (intro.) Bingo license application; community-based residential facilities, senior citizen community

centers and adult family homes. An application for a license to conduct bingo for an organization listed under s. 563.11

(1) (b) to (d) shall be accompanied by a \$5 license fee and a sworn statement by the owner or operator of the organization that:

563.135(1)

(1) Only residents, guests of residents and employes of the community-based residential facility or adult family home, or members, patrons, guests of members and patrons and employes of the senior citizen community center, will play bingo;

563.135(2)

(2) Bingo will be played only as a recreational or social activity;

563.135(3)

(3) No admission fee will be charged to play bingo; and

563.135(4)

(4) The total fee charged to a player for all bingo cards used by the player at a bingo occasion will not exceed \$2 and the aggregate value of prizes awarded at the bingo occasion will equal the total amount of fees that are collected from all of the players at the bingo occasion.

563.135 - ANNOT.

History: 1989 a. 147; 1991 a. 269 s. 782cp; Stats. 1991 s. 563.135.

563.14

563.14 (intro.) Department determinations. Upon receipt of an application for a license to conduct bingo, the department shall investigate the qualifications of the applicant and the merits of the application and before issuing a license shall determine that:

563.14(1)

(1) The applicant is eligible to be licensed to conduct bingo under s. 563.11.

563.14(2)

(2) The supervising member and member responsible for the proper utilization of gross receipts are active members of the applicant organization who, subject to ss. 111.321, 111.322 and 111.335, have never been convicted of a felony or, if convicted, have received a pardon or have been released from parole, extended supervision or probation for at least 5 years.

563.14(3)

(3) The proposed bingo occasions will be conducted in accordance with this chapter and the rules promulgated under it.

563.14(6)

(6) The profits from all bingo games conducted by the applicant organization are proposed to be used as provided under s. 563.51 (8).

563.14 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1979 c. 34 s. 2100 (45) (a); 1981 c. 122, 380; 1981 c. 391 s. 211; 1987 a. 21; 1989 a. 147; 1991 a. 269 s. 782ct; Stats. 1991 s. 563.14; 1995 a. 27 s. 9123 (6pp); 1997 a. 27, 283.

563.15

563.15 Issuance of license to conduct bingo.

563.15(1)

(1) After making the determinations under s. 563.14, the department 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 in the license. Except as provided in sub. (1m), a license issued under this subsection shall be effective

for one year from the first day of the month of the first occasion listed on the license and may be renewed annually, except that an applicant organization may request that the license expire on the first day of any month within the one-year licensure period.

563.15(1m)

(1m) A license issued under sub. (1) to an organization listed under s. 563.11 (1) (b) to (d) shall remain in effect unless it is canceled, suspended or revoked by the department or withdrawn by the organization.

563.15(3)

(3) Each license, and all amendments thereto, shall be conspicuously displayed at the place where a bingo occasion is conducted and at all times during the conduct thereof so as to be easily readable by any patron of the bingo occasion.

563.15 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1979 c. 34 s. 2100 (45) (a); 1981 c. 162, 209, 391; 1989 a. 147; 1991 a. 39; 1991 a. 269 ss. 782dd to 782dp; Stats. 1991 s. 563.15; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.16

563.16 Amendment of license to conduct bingo. Upon application by a licensed organization, a license may be amended, if the subject matter of the amendment properly and lawfully could have been included in the original license. An application for an amendment to a license shall be filed and processed in the same manner as an original application. An application for the amendment of a license shall be accompanied by a \$3 fee. If any application for amendment seeks approval of additional bingo occasions or designates a new member responsible for the proper utilization of gross receipts, the appropriate fee under s. 563.13 (4) also shall be paid. If the department approves an application for an amendment to a license, a copy of the amendment shall be sent to the applicant who shall attach it to the original license.

563.16 - ANNOT.

History: 1973 c. 156; 1979 c. 34; 1989 a. 147; 1991 a. 269 s. 782dt; Stats. 1991 s. 563.16; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.17

563.17 Denial of application; hearing. If the department denies a license to conduct bingo, within 30 days after receiving written notification of such denial, an applicant may demand in writing a hearing before the department upon the applicant's qualifications and the merit of the application. At the hearing, the burden of proof shall be on the applicant to establish his or her eligibility for a license. If, after the hearing, the department enters an order denying the application, the order shall set forth in detail the reasons for the denial. Upon entry of such an order or upon the expiration of the 30-day period during which a hearing may be demanded, the applicant's license fee shall be refunded less reasonable administrative costs. If the department approves the application, the department shall issue the license within 14 days after approval.

563.17 - ANNOT.

History: 1973 c. 156; 1979 c. 34; 1989 a. 147; 1991 a. 269 s. 782ed; Stats. 1991 s. 563.17; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.18

563.18 Suspension or revocation.

563.18(1)

(1) Proceedings to suspend or revoke a supplier's license or a license to conduct bingo shall be initiated by the department pursuant to the rules promulgated under s. 563.05 (4).

563.18(3)

(3) The department's decision under this section is subject to judicial review under ch. 227.

563.18(4)

(4) When a license under this subchapter is suspended or revoked by the department, the licensee shall immediately surrender the license to the department. A licensee whose license has been revoked may reapply for a license one year after the effective date of the revocation. If a license has been suspended under sub. (3), the department shall reinstate the license at the end of the period of suspension.

563.18(5)

(5) A violation of any applicable law of this state or rule promulgated thereunder shall constitute grounds for suspension or revocation.

563.18 - ANNOT.

History: 1973 c. 156; 1975 c. 198; 1979 c. 34 s. 2100 (45) (a); 1989 a. 147; 1991 a. 269 s. 782eh; Stats. 1991 s. 563.18; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.18 - ANNOT.

Board may not revoke license of an organization because of its membership policies regarding race. 67 Atty. Gen. 255.

563.21

563.21 Supplier's license. Any person intending to sell or distribute bingo supplies or equipment to a licensed organization shall apply to the department for a supplier's license.

563.21 - ANNOT.

History: 1973 c. 156; 1989 a. 147; 1991 a. 269 s. 782ep; Stats. 1991 s. 563.21; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.22

563.22 Supplier's license application.

563.22(1)

(1) (intro.) An application for a supplier's license shall be filed with the department on a form prescribed by the department. The application shall include:

563.22(1)(a)

(a) The name and address of the applicant.

563.22(1)(b)

(b) A designation of the type of business organization of the applicant and the date and place of its original establishment.

563.22(1)(c)

(c) The name and address of each officer, director, shareholder, partner, member or other person with an ownership interest in the applicant business.

563.22(1)(d)

(d) A statement showing the gross receipts realized in the preceding year on the sale or distribution of bingo supplies and equipment to licensed organizations.

563.22(1)(e)

(e) The name and address of any supplier of bingo supplies and equipment to the applicant.

563.22(1)(f)

(f) The number of years the applicant has been in the business of supplying bingo supplies and equipment.

563.22(1)(g)

(g) If the applicant business is organized outside of this state, the name and address of a resident agent who is authorized to be served legal documents and receive notices, orders and directives of the department.

563.22(2)

(2)

563.22(2)(a)

(a) Each application for an initial supplier's license or for a renewal thereof shall be accompanied by a fee of \$25.

563.22(2)(b)

(b) When the supplier's license expires, the supplier shall pay a supplementary fee based on the supplier's gross sales of bingo supplies and equipment to licensed organizations during the preceding year. The supplementary fee shall be determined in accordance with the following schedule:

Amount of Gross Sales Fee

Less than \$5,000.....\$10

Between \$5,000 and \$19,999.....\$50

Between \$20,000 and \$49,999.....\$200

Between \$50,000 and \$100,000.....\$500

More than \$100,000.....\$1,000

563.22 - ANNOT.

History: 1973 c. 156; 1979 c. 34; 1989 a. 147; 1991 a. 269 s. 782et; Stats. 1991 s. 563.22; 1993 a. 112; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.24

563.24 Issuance of supplier's license. Upon receiving an application for a supplier's license, the department may

require the applicant, or if the applicant is a corporation, limited liability company or partnership, its officers, directors, stockholders and members, to appear and testify under oath on the contents of the application. If the department determines that the supplier's license applicant possesses the requisite qualifications, a license shall be issued to the bingo supplier. A license issued under this section shall be effective for one year from the first day of the month of its issuance, and may be renewed annually. If the application is not approved, the department shall notify the applicant in writing of such action. Within 10 days after receipt of such notification, the applicant may demand a hearing before the department. At the hearing, the burden of proof shall be on the applicant to establish his or her qualifications and the merit of the application. The fee, less reasonable administrative costs, shall be refunded to the applicant upon entry of an order denying an application after hearing, or upon expiration of the period during which a hearing may be demanded.

563.24 - ANNOT.

History: 1973 c. 156; 1979 c. 34; 1991 a. 269 s. 782fd; Stats. 1991 s. 563.24; 1993 a. 112; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.25

563.25 Supplier to notify department of changes. During the pendency of an application for a supplier's license, the applicant shall immediately notify the department in writing of any change in the facts set forth in the application, including any change in any item in the application, in the organization, structure or mode of operation of the supplier's business and in the identity of persons named or required to be named in the application or the nature or extent of their interests. Within 10 days after any such change which occurs after the issuance of the license, the change shall be reported to the department. Failure to notify the department of such change shall constitute sufficient cause for denial of a pending license application or for suspension or revocation of a license which has been granted.

563.25 - ANNOT.

History: 1973 c. 156; 1989 a. 147; 1991 a. 269 s. 782fh; Stats. 1991 s. 563.25; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.26

563.26 Maintenance of supplier's books and records. Each licensed supplier shall maintain his or her books and records in such manner as to enable the department to determine the gross sales of bingo supplies and equipment to licensed organizations. Invoices for the sale of bingo supplies and equipment shall include the name and license number of the organization to which the supplies were sold, the date and amount of the sale and an enumeration of the items sold. Each licensed supplier and formerly licensed supplier shall maintain his or her books and records for not less than 4 years and shall make them available at reasonable times for examination by the department or its authorized representatives.

563.26 - ANNOT.

History: 1973 c. 156; 1979 c. 34; 1983 a. 222; 1991 a. 269 s. 782fp; Stats. 1991 s. 563.26; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.27

563.27 (intro.) Persons not eligible for supplier's license. The following persons shall not be eligible for a supplier's license:

563.27(1)

(1) Subject to ss. 111.321, 111.322 and 111.335, a person convicted of a felony who has not received a pardon or has not been released from parole, extended supervision or probation for at least 5 years.

563.27(2)

(2) Subject to ss. 111.321, 111.322 and 111.335, a person who is or has been a professional gambler or gambling promoter or to whom s. 139.34 (1) (c) is applicable.

563.27(3)

(3) A public officer or employe.

563.27(4)

(4) A business in which a person disqualified under sub. (1), (2) or (3) is employed or active or in which a person is married or related in the first degree of kinship to such person who has an interest of more than 10% in the business.

563.27 - ANNOT.

History: 1973 c. 156; 1981 c. 380; 1981 c. 391 s. 211; 1991 a. 269 s. 782ft; Stats. 1991 s. 563.27; 1997 a. 283.

563.27 - ANNOT.

One who sells or rents illegal gambling devices is a promoter under (2). This section is constitutional. Wis. Bingo Sup. & Equip. Co. v. Bingo Control Bd. 88 W (2d) 293, 276 NW (2d) 716 (1979).

563.28

563.28 Suspension or restriction of a supplier's license for delinquent child support payments.

563.28(1)

(1) If required in a memorandum of understanding entered into under s. 49.857, the department shall suspend or restrict the supplier's license of any person who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or who has failed to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings.

563.28(2)

(2) The department shall disclose the social security number of any applicant for a supplier's license to the department of workforce development for the purpose of administering s. 49.22.

563.28 - ANNOT.

History: 1997 a. 191.

563.285

563.285 Supplier's license and delinquent taxes.

563.285(1)

(1) The department shall deny an application for the issuance or renewal of a license, or revoke a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An applicant for whom a license is not issued or renewed, or a licensee whose license is revoked, under this section for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

563.285(2)

(2)

563.285(2)(a)

(a) If a licensee or an applicant for any license is an individual, the department shall disclose his or her social security number to the department of revenue for the purpose of requesting certifications under s. 73.0301.

563.285(2)(b)

(b) If a licensee or an applicant for any license is not an individual, the department shall disclose the person's federal employer identification number to the department of revenue for the purpose of requesting certifications under s. 73.0301.

563.285 - ANNOT.

History: 1997 a. 237.

563.29

563.29 Supplier prohibitions.

563.29(1)

(1) No person shall sell or distribute bingo supplies or equipment to any licensed organization without first having obtained a supplier's license, but an organization which is or has been during the preceding 12 months, licensed to conduct bingo in this state may sell bingo supplies and equipment actually used by it in the conduct of bingo to another licensed organization.

563.29(2)

(2) No person shall wilfully make any materially false statement in an application for a supplier's license.

563.29(3)

(3) No licensed supplier shall sell or distribute to a licensed organization any card unless it is identified in the standard set of bingo cards prescribed by the department.

563.29(5)

(5) No person directly or indirectly connected with the manufacture, sale or distribution of bingo supplies or equipment, and no agent, servant or employe of such person, shall conduct, advise or assist in the conduct of bingo; render any service to anyone conducting or assisting in the conduct of bingo; or prepare any form required of a licensed organization pertaining to bingo.

563.29(6)

(6) No licensed supplier, or the authorized agent, salesperson or representative of a licensed supplier, may, during the term

of the license, sell or distribute bingo supplies or equipment to any person or organization other than a licensed supplier, licensed organization or organization using free cards and donated prizes, if any, for which no payment of consideration is made by participants.

563.29(7)

(7) No licensed supplier, or the authorized agent, salesperson or representative of a licensed supplier, shall be present to transact business during the conduct of bingo.

563.29 - ANNOT.

History: 1973 c. 156; 1979 c. 34; 1983 a. 171; 1989 a. 147; 1991 a. 269 s. 782gd; Stats. 1991 s. 563.29; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

SUBCHAPTER IV

CONDUCT OF BINGO

563.51

563.51 Restrictions on the conduct of bingo.

563.51(1)

(1) Who conducts. Only a person licensed under s. 563.15 shall conduct bingo.

563.51(2t)

(2t) Prohibited places. Bingo may not be conducted at a place owned, operated or controlled by a person who has been convicted of having operated a gambling place within the past 5 years.

563.51(3)

(3) Who may play. Except for limited period bingo, only persons who pay for regular bingo cards may participate as a player in a regular or special bingo game.

563.51(4)

(4) Sufficient space to play. Purchase of a regular bingo card shall entitle each player to a place with sufficient room in which to play.

563.51(7)

(7) Equipment; supplies.

563.51(7)(a)

(a) A licensed organization shall purchase or receive bingo supplies and equipment specifically designed or adapted for

use in the conduct of bingo only from a licensed supplier or another licensed organization.

563.51(7)(b)

(b) Any equipment used in the conduct of bingo shall be owned absolutely by the licensed organization or borrowed from another licensed organization without payment of any compensation therefor by the licensed organization.

563.51(7)(c)

(c) The equipment and supplies used in the conduct of bingo shall be maintained in good repair and sound condition.

563.51(8)

(8) Profits used for proper and legitimate expenditures. The profits from any bingo game shall be used exclusively for proper and legitimate expenditures of the licensed organization.

563.51(9)

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

563.51(10)

(10) Prohibited prizes.

563.51(10)(a)

(a) No licensed organization shall award any prize consisting of alcoholic or fermented malt beverages or an interest in real estate or securities.

563.51(10)(b)

(b) No bonus or additional prizes shall be awarded on the basis of either a specific arrangement of the numbers or the type of card required to win a game. No prize shall be determined on the basis of a specified number of calls.

563.51(11)

(11) Merchandise prizes. If any merchandise prize is awarded in a bingo game, its value shall be its current retail price. The current retail price of merchandise prizes donated to a licensed organization shall not be reported as an expenditure in its financial statement of bingo operations. No merchandise prize shall be redeemable or convertible into cash directly or indirectly by the licensed organization.

563.51(12)

(12) Management and operation of bingo. No person shall receive remuneration for participating in the management or operation of any bingo game.

563.51(13)

(13) (intro.) Age limitations. No person under age 18 shall:

563.51(13)(a)

(a) Play any bingo game conducted by a licensed organization, unless accompanied by that person's parent, guardian or spouse.

563.51(13)(b)

(b) Conduct or assist in the conduct of bingo.

563.51(14)

(14) Only proper and legitimate expenditures permitted. No expenditures other than proper and legitimate expenditures may be made in connection with the conduct of bingo by a licensed organization.

563.51(15)

(15) Regular bingo game fee. A fee of not more than \$1 may be charged for admission to premises at which a regular bingo game is conducted. The fee entitles the person to participate, without additional charge, in all regular bingo games played at such bingo occasion, except that a fee of not more than \$1 may be charged for each extra regular card.

563.51(16)

(16) Winners and prizes; same day. Each bingo winner shall be determined and every prize shall be awarded and delivered on the same day on which the bingo occasion is conducted.

563.51(18)

(18) Sale of supplies, merchandise and refreshments. In addition to the sale of bingo supplies by the licensed organization or the sale of food or refreshments, merchandise may be sold on the premises where bingo is conducted when authorized by the licensed organization.

563.51(19)

(19) Bingo cards; printing. Bingo cards shall be printed only on one side.

563.51(20)

(20) Separate count of bingo cards. The licensed organization shall keep an accurate, separate count of the number of regular bingo cards, extra regular cards and special bingo cards which are sold, rented or used. Such information shall be available for inspection at the close of the bingo occasion.

563.51(21)

(21) Price of bingo cards. Regular bingo cards, extra regular cards and special bingo cards shall each be assigned a specific price, and the price shall remain the same during a bingo occasion. At any time during a bingo occasion, a card may be changed at no additional cost. Cards shall be sold or rented only on the premises at which bingo is being conducted. A price list shall be posted where the regular bingo cards are distributed, setting forth the price of each type of card. Only the posted price may be charged. The regular bingo cards and the extra regular cards shall be readily distinguishable from each other.

563.51(22)

(22) Method of play.

563.51(22)(a)

(a) The method of play in any bingo game and the utilization of bingo equipment and supplies shall be such that each player is afforded an equal opportunity to win.

563.51(22)(b)

(b) The objects to be drawn shall be essentially the same in size, color, shape, weight, balance and all other characteristics, so that at all times during the conduct of bingo, each object possesses the capacity for equal agitation with any other object within the receptacle.

563.51(22)(c)

(c) All 75 objects shall be present in the receptacle at the beginning of each bingo game.

563.51(22)(d)

(d) The announcement of all numbers drawn shall be clearly audible to the players present.

563.51(22)(e)

(e) When more than one room is used for any one bingo game, the receptacle and the caller and any assistant shall be in the room where the greatest number of players are present; and all numbers shall be announced in a manner clearly audible

to the players in each room.

563.51(22)(f)

(f) Once removed, no object shall be returned to the receptacle until after the conclusion of the game.

563.51(22)(g)

(g) Immediately following the calling of each number in a bingo game, the caller shall turn that portion of the object which shows the number and letter to the players.

563.51(23)

(23) Number arrangement announced; prizes announced and posted. The particular arrangement of numbers required to be covered in order to win and the amount of the prize for each game shall be clearly described and audibly announced to the players immediately before each game. The amount of the prize for each bingo game also shall be posted where the regular bingo cards are distributed.

563.51(24)

(24) Verification of winner.

563.51(24)(a)

(a) The numbers appearing on the winning card at the time a winner is determined shall be verified in the immediate presence of at least one disinterested player.

563.51(24)(b)

(b) At the time a winner is determined, any player may call for a verification of all numbers and of the objects remaining in the receptacle and not yet drawn. This verification shall be made in the immediate presence of the supervising member and at least one disinterested player.

563.51(26)

(26) Limit on hours of bingo. No bingo game may commence before 7 a.m. or after 12 midnight, except as provided in s. 563.55.

563.51(27)

(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 among the winners. The licensed organization may elect to round off the prize to any amount between the next lower dollar and the next higher dollar. Any licensed organization may elect

to set a minimum prize of not exceeding \$10 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 may be awarded or a cash prize equal to the retail value may be divided among the winners as provided in this subsection.

563.51(28)

(28) Prohibited from playing. No licensed organization shall permit any person who is conducting or assisting in the conduct of bingo on a bingo occasion to participate as a player on that occasion.

563.51(29)

(29) (intro.) Bingo caller. No person may act as a caller in the conduct of any game of bingo unless the person:

563.51(29)(a)

(a) Has been a member in good standing of the licensed organization, the auxiliary of the licensed organization or the parent organization or a member of the local unit of the religious organization which the licensed organization is a member of for at least one year immediately preceding the date of the game or is the spouse of such a member.

563.51(29)(b)

(b) Subject to ss. 111.321, 111.322 and 111.335, has never been convicted of a felony or, if convicted, has been pardoned or released from probation, extended supervision or parole for at least 5 years.

563.51 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1977 c. 418; 1979 c. 34, 172; 1981 c. 122, 209, 380; 1981 c. 391 s. 211; 1983 a. 35, 222; 1985 a. 128; 1987 a. 21; 1989 a. 31, 147; 1991 a. 269 s. 782gp; Stats. 1991 s. 563.51; 1997 a. 283.

563.51 - ANNOT.

Cable televised bingo program involving viewer participation violates this section and exposes the sponsoring organization and participating television station to prosecution under 163.54, 945.02 (3) and 945.03 (4). 65 Atty. Gen. 80.

563.51 - ANNOT.

See note to Art. IV, sec. 24, citing *California v. Cabazon Band of Indians*, 480 US 202 (1987).

563.52

563.52 Limited period bingo.

563.52(1)

(1) In this section, "licensee" means a person licensed to conduct limited period bingo.

563.52(4)

(4) No admission fee shall be charged to play limited period bingo.

563.52(5)

(5) A fee of not more than 50 cents per game may be charged for a single card to participate in limited period bingo.

563.52(6)

(6) All other provisions in this chapter relating to regular bingo games shall apply to limited period bingo except as otherwise provided.

563.52 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1989 a. 147; 1991 a. 269 s. 782hd; Stats. 1991 s. 563.52.

563.53

563.53 (intro.) Special bingo games. In addition to provisions in this chapter relating to regular bingo games, the following provisions shall apply to special bingo games:

563.53(1)

(1) All special bingo cards shall be in a form approved by the department.

563.53(2)

(2) Each special bingo card shall be used for one game only and shall be indelibly marked by the player while in use so as to render it void and unusable thereafter.

563.53(3)

(3) A fee of not more than 25 cents may be charged for each special bingo card.

563.53(4)

(4) Not more than 3 special bingo games shall be played at each bingo occasion.

563.53 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1991 a. 269 s. 782hh; Stats. 1991 s. 563.53; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.55

563.55 Local ordinances. Any political subdivision of this state may enact an ordinance that extends the hours during which bingo may be played under s. 563.51 (26).

563.55 - ANNOT.

History: 1973 c. 156; 1989 a. 147; 1991 a. 269 s. 782hp; Stats. 1991 s. 563.55.

SUBCHAPTER V

REPORTS AND FINANCIAL STATEMENTS

563.61

563.61 Report of bingo operations.

563.61(1)

(1) (intro.) Each licensed organization shall file with the department, on a form prescribed by the department, a semiannual report of bingo operations for each 6-month period beginning on the date on which the organization's license is issued.

The report is due on the 60th day after the last day of the reporting period. The report shall be accompanied by the payment of the gross receipts tax due. The licensed organization shall retain a copy of the report for its permanent records. The report shall include:

563.61(1)(a)

(a) The name and address of each supervising member and each member responsible for the proper utilization of gross receipts.

563.61(1)(b)

(b) The date, hour and address of each bingo occasion held during the reporting period.

563.61(1)(c)

(c) The number of games played at each bingo occasion held during the reporting period.

563.61(1)(d)

(d) An itemized statement of the gross receipts from each bingo occasion held during the reporting period, including gross receipts from sales of regular bingo cards, extra regular cards, special game cards and sale of supplies.

563.61(1)(e)

(e) An itemized statement of expenditures for each bingo occasion held during the reporting period, including amounts paid for prizes, bingo supplies and equipment, license fees and other expenses.

563.61(1)(em)

(em) An itemized statement of expenditures, if any, made during the reporting period by the licensed organization for the advancement, improvement or benefit of the licensed organization.

563.61(1)(f)

(f) A statement showing the balance in the licensed organization's bingo account and all deposits into and adjustments in the bingo account that were made during the reporting period.

563.61(1)(g)

(g) The name of the depository and the title and number of the account.

563.61(2)

(2) The report shall be signed by the member responsible for the proper utilization of gross receipts for the bingo occasion.

563.61(3)

(3) If no bingo games are held on a date when a license authorizes them to be held, a report to that effect shall be filed with the department.

563.61 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1977 c. 418; 1983 a. 222; 1987 a. 21; 1989 a. 147; 1991 a. 269 s. 782id; Stats. 1991 s. 563.61; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.62

563.62 Reports improperly filed.

563.62(1)

(1) The department may refuse to renew a license of an organization found to be delinquent in filing its financial statement or found to have filed an incomplete statement of bingo operations.

563.62(2)

(2) If a licensed organization fails to file a financial statement of bingo operations within 5 days after notification by the department of the delinquency, the department may suspend the license, pending the filing of the financial statement.

563.62(3)

(3) If the financial statement filed by a licensed organization is not fully, accurately and truthfully completed, the department may refuse to renew a license or may suspend a license until such time as a statement in proper form has been filed.

563.62 - ANNOT.

History: 1973 c. 156; 1977 c. 418; 1979 c. 34 s. 2100 (45) (a); 1991 a. 269 ss. 782ih; Stats. 1991 s. 563.62; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.63

563.63 Bingo account.

563.63(1)

(1) Each licensed organization shall maintain one account which shall be designated as the "bingo account" and which shall be a regular or interest-bearing checking, share draft or negotiable order of withdrawal account from which canceled checks, share drafts or negotiable orders of withdrawal, or microfilm copies of any of them, may be obtained. All gross receipts derived from the conduct of bingo shall be deposited into the bingo account. No other receipts may be deposited in a bingo account. Deposits shall be made within 5 days following the date of a bingo occasion. All accounts shall be maintained in a financial institution located in this state.

563.63(2)

(2)

563.63(2)(a)

(a) All withdrawals from the bingo account shall be by checks or other drafts having preprinted consecutive numbers, signed by the duly authorized person and made payable to a specific person. Except as permitted in par. (b), no such check or other draft shall be issued payable to "cash" or to "bearer".

563.63(2)(b)

(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 \$10 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.

563.63(3)

(3) (intro.) Checks or other drafts drawn on the bingo account shall be for one or more of the following purposes:

563.63(3)(a)

(a) The payment of necessary and reasonable expenses incurred in connection with the conduct of bingo, including prizes, bingo supplies and equipment, utilities, license fees and taxes.

563.63(3)(b)

(b) Proper and legitimate expenditures.

563.63(5)

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

563.63 - ANNOT.

History: 1973 c. 156; 1975 c. 99; 1983 a. 222; 1985 a. 171; 1987 a. 21; 1989 a. 147; 1991 a. 269 s. 782ip; Stats. 1991 s. 563.63.

563.64

563.64 Bookkeeping and accounts.

563.64(1)

(1) Each licensed organization shall maintain a single entry or double entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of bingo and the disbursement of profits derived therefrom. Such bookkeeping system shall consist of a columnar book maintained on a calendar or fiscal year basis.

563.64(2)

(2) The columnar book, deposit books, canceled checks, records of share drafts, check books, records of share accounts, records of negotiable orders of withdrawal, deposit slips, bank statements and copies of financial statements of bingo operations and all other books and accounts shall be maintained for not less than 4 years and shall be available at reasonable times for examination by the department or its authorized representative. The department may require the licensed organization to obtain microfilm copies of share drafts to the extent necessary for examination purposes. All documents supporting the entries made in the books of accounts shall be kept by the licensed organization for a period of not less than 4 years. Such documents shall include, but are not limited to, bank statements, canceled checks, records of share drafts, deposit slips and invoices for all expenditures.

563.64 - ANNOT.

History: 1973 c. 156; 1985 a. 171; 1989 a. 147; 1991 a. 269 s. 782it; Stats. 1991 s. 563.64; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.65

563.65 Proper and legitimate expenditures; reimbursement and waiver. If a financial audit of a licensed organization shows that an expenditure of bingo funds was not a proper and legitimate expenditure and the department requests that the licensed organization reimburse the appropriate bingo account in an amount equal to the amount so expended, the licensed organization may appeal the request to the department. The department may waive or reduce the amount of any such reimbursement if the licensed organization presents evidence satisfactory to the department that the licensed organization acted in good faith and by mistake or inadvertently in so expending the funds.

563.65 - ANNOT.

History: 1983 a. 222; 1989 a. 147; 1991 a. 269 s. 782jd; Stats. 1991 s. 563.65; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.66

563.66 Financial report to membership.

563.66(1)

(1) (intro.) At least once a year, each licensed organization shall report the following information in writing to its membership regarding the bingo occasions which it has conducted:

563.66(1)(a)

(a) The number of bingo occasions conducted.

563.66(1)(b)

(b) The gross receipts.

563.66(1)(c)

(c) The amount of prizes paid.

563.66(1)(d)

(d) The net profit or loss.

563.66(1)(e)

(d) The disposition of profits.

563.66(1)(f)

(f) Any interest earned on profits deposited in interest-bearing accounts.

563.66(1)(g)

(g) A summary of expenses incurred.

563.66(2)

(2) The information reported under sub. (1) shall be incorporated into the minutes or records of each licensed organization. If a licensed organization is an auxiliary or affiliate of a parent organization, a copy of the written report shall be filed with the executive officer of the parent organization and incorporated into its minutes.

563.66 - ANNOT.

History: 1973 c. 156; 1989 a. 147; 1991 a. 269 s. 782jh; Stats. 1991 s. 563.66.

563.68

563.68 (intro.) Expenditure of bingo funds after cessation of bingo. A licensed organization which has ceased to conduct bingo for any reason and has unexpended bingo funds shall disburse such funds in any of the following ways:

563.68(1)

(1) As provided under s. 563.51 (8) within one year after the cessation of the conduct of bingo.

563.68(2)

(2) In accordance with a plan of expenditure approved in advance by the department.

563.68 - ANNOT.

History: 1973 c. 156; 1987 a. 21; 1989 a. 147; 1991 a. 269 s. 782jk; Stats. 1991 s. 563.68; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.69

563.69 Exemptions; community-based residential facilities, senior citizen community centers and adult family homes. This subchapter does not apply to an organization listed under s. 563.11 (1) (b) to (d).

563.69 - ANNOT.

History: 1989 a. 147; 1991 a. 269 s. 782jp; Stats. 1991 s. 563.69.

SUBCHAPTER VI

ENFORCEMENT AND PENALTIES

563.71

563.71 Duties of the department of justice.

563.71(1)

(1) Investigatory proceeding.

563.71(1)(a)

(a) Whenever the attorney general files with a circuit court commissioner a statement that the attorney general believes that a violation of this chapter has occurred, the commissioner shall issue a subpoena for any person requested or named by the attorney general. Mileage and witness fees need not be paid in advance, but only verified claims for mileage and fees which are approved by the attorney general shall be paid out of the state treasury and charged to the appropriation under s. 20.455 (1) (d) and shall be the same rates as those paid witnesses in circuit court.

563.71(1)(b)

(b) Testimony from persons subpoenaed under par. (a) shall be taken by a stenographic reporter and transcribed and read to or by the witness and subscribed to by the witness, unless the parties represented stipulate upon the record that the reading of the transcript of such testimony to or by the witness and his or her signature thereto are waived and that the transcript may be used with like force and effect as if read and subscribed by the witness. The attendance of the witness for the purpose of reading and subscribing to the transcript may be compelled in the same manner that his or her attendance to be examined may be compelled.

563.71(1)(c)

(c) The commissioner shall be entitled to the fees under s. 814.68 (1). All such fees and all other costs and expenses incident to such inquiry shall be paid out of the appropriation under s. 20.455 (1) (d).

563.71(2)

(2) Violations a public nuisance. A violation of this chapter constitutes a public nuisance under ch. 823, irrespective of any criminal prosecution which may be or is commenced based on the same acts.

563.71(3)

(3) Application. This section does not apply to subch. VIII.

563.71 - ANNOT.

History: 1973 c. 156; Sup. Ct. Order, 67 W (2d) 585, 753 (1975); 1977 c. 29 s. 1656 (27); 1977 c. 187 s. 135; 1977 c. 273; 1977 c. 323 s. 16; 1977 c. 426; 1979 c. 34; 1981 c. 317 s. 2202; 1991 a. 269 s. 782kd; Stats. 1991 s. 563.71.

563.72

563.72 Inspection for enforcement. Any peace officer or district attorney, within their respective jurisdictions, or an authorized employe of the department, may, at all reasonable hours, enter the premises where a bingo occasion is being conducted and examine the books, papers and records of the licensed organization to determine if all proper taxes or fees imposed have been paid. Any refusal to permit such examination of the premises by the licensed organization, its agent or an employe or the person in charge of the premises to which the bingo license relates, constitutes sufficient grounds for the suspension or revocation of a license, and is punishable under s. 563.73 (2). In addition, such refusal constitutes sufficient grounds for any peace officer or other persons authorized under this section within their respective jurisdictions or authority to employ whatever reasonable action is necessary to conduct inspections permitted by this section.

563.72 - ANNOT.

History: 1973 c. 156; 1979 c. 34 s. 2100 (45) (a); 1989 a. 147; 1991 a. 269 s. 782kh; Stats. 1991 s. 563.72; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.73

563.73 Penalties.

563.73(1)

(1) Whoever violates s. 563.51 (1), (8) to (10), (12), (15) or (26) may be fined not more than \$10,000 or imprisoned not more than 9 months or both.

563.73(2)

(2) Whoever violates any other provision of this chapter may be fined not more than \$5,000 or imprisoned not more than 90 days or both.

563.73(3)

(3) The department of justice or the district attorney of the county where the violation occurs may commence an action in the name of the state to recover a civil forfeiture to the state of not more than \$10,000 for the violation of any provision of this chapter.

563.73(4)

(4) The department of justice, the department or the district attorney of a county of an actual or potential violation, after

informing the department of justice, may commence an action in the circuit court in the name of the state to restrain any violation of any provision of this chapter. The court may, prior to entry of final judgment, make such an order or judgment as necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the violation, provided proof thereof is submitted to the court. The department of justice may subpoena persons, require the production of books and other documents and request the department to exercise its authority to aid in the investigation of alleged violations of this section.

563.73(5)

(5) This section does not apply to subch. VIII.

563.73 - ANNOT.

History: 1973 c. 156; 1977 c. 426; 1989 a. 147 s. 45; Stats. 1989 s. 163.73; 1991 a. 269 s. 782kp; Stats. 1991 s. 563.73; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

SUBCHAPTER VII

GROSS RECEIPTS TAX

563.80

563.80 (intro.) Gross receipts tax. An occupational tax is imposed on those gross receipts of any licensed organization which are derived from the conduct of bingo, in the following amounts:

563.80(1)

(1) One percent of the first \$30,000 in gross receipts received by a licensed organization during a year.

563.80(2)

(2) Two percent of the gross receipts received by a licensed organization during a year that exceed \$30,000.

563.80 - ANNOT.

History: 1973 c. 156; 1991 a. 269 s. 782Ld; Stats. 1991 s. 563.80; 1997 a. 237.

SUBCHAPTER VIII

RAFFLES

563.90

563.90 Qualified organizations. Any local religious, charitable, service, fraternal or veterans organization or any organization to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, which has been in existence for one year immediately preceding its application for a license or which is chartered by a state or national organization which has been in existence for at least 3 years, may conduct a raffle upon receiving a license for the raffle event from the department. No other person may conduct a raffle in this state.

563.90 - ANNOT.

History: 1977 c. 426; 1991 a. 39, 1991 a. 269 s. 782Lp; Stats. 1991 s. 563.90; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.90 - ANNOT.

"Local" requirement applies to all applicants, including tax-exempt organizations. Knights of Columbus v. Bingo Control Bd., 151 W (2d) 404, 444 NW (2d) 447 (Ct. App. 1989).

563.90 - ANNOT.

Certain political organizations and subdivisions of the state may qualify for a raffle license. 67 Atty. Gen. 323.

563.90 - ANNOT.

Raffle laws discussed. 75 Atty. Gen. 273 (1986).

563.90 - ANNOT.

Eligibility requirements for licensure discussed. 76 Atty. Gen. 115.

563.905

563.905 (intro.) Definitions. In this subchapter:

563.905(1)

(1) "Local organization" means an organization whose activities are limited to this state or to a specific geographical area within this state.

563.905(2)

(2) (intro.) "Service organization" includes all of the following:

563.905(2)(a)

(a) A labor organization, as defined in s. 5.02 (8m), whose jurisdiction is limited to a specific geographical area within the

state.

563.905(2)(b)

(b) A political party, as defined in s. 5.02 (13), except a state committee registered under s. 11.05 and organized exclusively for political purposes under whose name candidates appear on a ballot at any election.

563.905 - ANNOT.

History: 1987 a. 240; 1989 a. 147; 1991 a. 269 s. 782Lt; Stats. 1991 s. 563.905.

563.91

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

563.91 - ANNOT.

History: 1977 c. 426; 1983 a. 222; 1989 a. 147; 1991 a. 269 s. 782md; Stats. 1991 s. 563.91.

563.92

563.92 License.

563.92(1m)

(1m) The department may issue a Class A license for the conduct of a raffle in which some or all of the tickets for that raffle are sold on days other than the same day as the raffle drawing. The department may issue a Class B license for the conduct of a raffle in which all of the tickets for that raffle are sold on the same day as the raffle drawing.

563.92(2)

(2) The fee for a raffle license shall be \$25 and shall be remitted with the application. A raffle license shall be valid for 12 months and may be renewed as provided in s. 563.98 (1g). The department shall issue the license within 30 days after the filing of an application if the applicant qualifies under s. 563.90 and has not exceeded the limits of s. 563.91.

563.92(4)

(4) Proceedings to suspend or revoke a license to conduct raffles shall be initiated by the department pursuant to the rules promulgated under s. 563.05 (4).

563.92 - ANNOT.

History: 1977 c. 426; 1979 c. 34 s. 2100 (45) (a); 1983 a. 222; 1989 a. 147; 1991 a. 39, 189; 1991 a. 269 s.

782mt; Stats. 1991 s. 563.92; 1991 a. 315; 1995 a. 27 ss. 6976d, 6976f, 9123 (6pp); 1997 a. 27.

563.93

563.93 (intro.) The conduct of raffles under a Class A license. All of the following shall apply to the conduct of a raffle under a Class A license:

563.93(1)

(1) (intro.) All raffle tickets and all calendars shall be identical in form and include:

563.93(1)(a)

(a) The number of the license issued by the department.

563.93(1)(b)

(b) The name and address of the sponsoring organization.

563.93(1)(c)

(c) The price of the ticket or calendar and the discounted price, if any, applicable to multiple ticket or calendar purchases.

563.93(1)(d)

(d) A place for the purchaser to enter his or her name and address.

563.93(1)(e)

(e) The date, time and place of the drawing or drawings.

563.93(1)(f)

(f) A list of each prize to be awarded which has a retail value of \$500 or more.

563.93(1s)

(1s) Each raffle ticket and each calendar sold by an organization shall include a separate identification number, printed on both the purchaser's and the organization's portion of the ticket or calendar, numbered consecutively in relation to the other tickets or calendars for the same drawing.

563.93(2)

(2) No raffle ticket may exceed \$50 in cost.

563.93(2m)

(2m) No calendar may exceed \$10 in cost for each month covered by the calendar.

563.93(3)

(3) No person may sell a raffle ticket or calendar unless authorized by an organization with a Class A license.

563.93(4)

(4) Tickets for a proposed raffle may not be offered for sale more than 180 days before the raffle drawing.

563.93(5)

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

563.93(6)

(6) All prizes shall be awarded. The purchaser of a ticket or calendar need not be present at the drawing to win a prize.

563.93(7)

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

563.93(8)

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

563.93 - ANNOT.

History: 1977 c. 426; 1983 a. 222; 1987 a. 399; 1989 a. 147; 1991 a. 269 s. 782nd; Stats. 1991 s. 563.93; 1993 a. 152; 1995 a. 27 ss. 6976m to 6976t, 9123 (6pp); 1997 a. 27.

563.935

563.935 (intro.) The conduct of raffles under a Class B license. All of the following shall apply to the conduct of a raffle under a Class B license:

563.935(1)

(1) All raffle tickets shall be identical in form.

563.935(2)

(2) The tickets need not be numbered consecutively.

563.935(3)

(3) No raffle ticket may exceed \$10 in cost.

563.935(4)

(4) No person may sell a raffle ticket unless authorized by an organization with a Class B license.

563.935(5)

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

563.935(6)

(6)

563.935(6)(a)

(a) Except as provided in par. (b), the purchaser of a ticket must be present at the drawing to win a prize, unless the purchaser gives the ticket to another person who may claim the prize on behalf of the purchaser, but only if that other person is present at the drawing. If the purchaser of the ticket gives the ticket to another person to claim a prize on behalf of the purchaser, the organization conducting the raffle and the department shall not be held responsible or liable in any dispute regarding the ownership of the ticket.

563.935(6)(b)

(b) Any organization conducting a raffle may, according to procedures determined by the organization, allow the purchaser of a ticket not to be present at the drawing to win a prize.

563.935(7)

(7) All prizes shall be awarded.

563.935(8)

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

563.935(9)

(9) If a raffle drawing is canceled, the organization shall refund the receipts to the ticket purchasers.

563.935 - ANNOT.

History: 1995 a. 27, 301; 1997 a. 27.

563.94

563.94 Profits. All profits from raffles shall be used by the organization conducting the raffles to further the organization's purpose for existence and no salaries, fees or profit shall be paid to any other organization or individual in connection with the operation of a raffle. This section does not prohibit the printing of raffle tickets or calendars or the purchase of equipment or prizes for a raffle.

563.94 - ANNOT.

History: 1977 c. 426; 1983 a. 222; 1989 a. 147; 1991 a. 269 s. 782nh; Stats. 1991 s. 563.94.

563.95

563.95 Denial of application; hearing. Within 30 days after receiving written notification of a denial by the department of a license to conduct a raffle, an applicant may demand in writing a hearing before the department upon the applicant's qualifications and the merit of the application. At the hearing, the burden of proof shall be on the applicant to establish eligibility for a license. If, after the hearing, the department enters an order denying the application, the order shall set forth in detail the reasons for the denial. Upon entry of such an order or upon expiration of the 30-day period during which a hearing may be demanded, the applicant's license fee shall be refunded. If the department approves the application, the department shall issue the license within 14 days after approval.

563.95 - ANNOT.

History: 1977 c. 426; 1979 c. 34; 1989 a. 147; 1991 a. 269 s. 782np; Stats. 1991 s. 563.95; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.97

563.97 Records. Each organization licensed to conduct raffles shall maintain a list of the names and addresses of all persons winning prizes with a retail value of \$100 or more, and the prizes won, for at least 12 months after each raffle is conducted. The list shall be available at reasonable times for public examination and shall be provided to the department upon request.

563.97 - ANNOT.

History: 1983 a. 222; 1991 a. 269 s. 782nt; Stats. 1991 s. 563.97; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.98

563.98 Annual financial reports; renewals.

563.98(1)

(1) (intro.) Each organization licensed under this subchapter shall, on or before the last day of the 12th month beginning after the date on which the license is issued and on or before that same date in each subsequent year, report the following information in writing to the department regarding the raffles which it has conducted:

563.98(1)(a)

(a) The number and dates of raffles conducted.

563.98(1)(b)

(b) The receipts.

563.98(1)(c)

(c) The amount of prizes paid.

563.98(1)(d)

(d) The net profit or loss.

563.98(1)(e)

(e) The other expenses paid.

563.98(1c)

(1c) Upon request of any organization that conducts a raffle during the month in which the report under sub. (1) is due, the department may extend by not more than 30 days the deadline for submitting the report.

563.98(1g)

(1g) An organization licensed under this subchapter may renew the license by submitting a \$25 renewal fee with the report under sub. (1).

563.98(1m)

(1m) Any organization that reports to the department under sub. (1) and that had total receipts from the conduct of raffles of more than \$50,000 during the reporting period shall include in its report a list of the names and addresses of all persons winning prizes with a retail value of \$100 or more, and the prizes won, during the reporting period.

563.98(2)

(2) If a copy of the financial report is not filed or is not fully, accurately and truthfully completed, or if the fee specified in sub. (1g) is not paid, the department may refuse to renew a license or may suspend a license until the report in proper form has been filed or the fee is paid.

563.98 - ANNOT.

History: 1977 c. 426; 1979 c. 34 s. 2100 (45) (a); 1983 a. 222; 1989 a. 147; 1991 a. 269 s. 782pd; Stats. 1991 s. 563.98; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

563.99

563.99 Penalties.

563.99(1)

(1) Any person who violates this subchapter shall be fined not more than \$1,000 or imprisoned not more than 30 days or both.

563.99(2)

(2) The district attorney of a county of an actual or potential violation may commence an action in circuit court in the name of the state to restrain any violation of this subchapter. The court may, prior to entry of final judgment, make such an order or judgment as necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the violation.

563.99 - ANNOT.

History: 1977 c. 426; 1979 c. 34; 1991 a. 269 s. 782ph; Stats. 1991 s. 563.99.

CHAPTER 564. CRANE GAMES

564.02 Offering crane games for play; registration.

564.02(1)

(1) (intro.) Definitions. In this section:

564.02(1)(a)

(a) "Crane game" means an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than 7 times the cost charged to play the amusement device once or \$5, whichever is less.

564.02(1)(ac)

(ac) "Department" means the department of administration.

564.02(1)(ag)

(ag) "Division of gaming" means the division of gaming in the department.

564.02(1)(am)

(am) "Set up for the purposes of play" means offer a person, for consideration, an opportunity to play a crane game from which the proceeds will be collected by a person other than the player.

564.02(1)(b)

(b) "Skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use his or her knowledge which enables him or her to obtain more frequent

rewards or prizes than does another less precise, dextrous or knowledgeable player.

564.02(1m)

(1m) (intro.) The department may do any of the following:

564.02(1m)(a)

(a) Provide all of the security services for the crane game operations under this chapter.

564.02(1m)(b)

(b) Monitor the regulatory compliance of crane game operations under this chapter.

564.02(1m)(c)

(c) Audit the crane game operations under this chapter.

564.02(1m)(d)

(d) Investigate suspected violations of this chapter.

564.02(1m)(e)

(e) Report suspected gaming-related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

564.02(1m)(f)

(f) If the division of criminal investigation in the department of justice chooses not to investigate a report under par. (e), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

564.02(2)

(2) Registration required; fee.

564.02(2)(a)

(a) No person in this state who owns a crane game may set up for the purposes of play, permit a crane game to be set up for the purposes of play or collect the proceeds of a crane game which is set up for the purposes of play unless the person is registered by the department and unless an identification number issued by the department is affixed to each such crane game owned by the person.

564.02(2)(b)

(b) (intro.) Every person specified under par. (a) shall file with the department, on application forms prescribed by the department and signed by the person, all of the following information:

564.02(2)(b)1.

1. The name and address of the person.

564.02(2)(b)2.

2. The location of each crane game which the person intends to set up for the purposes of play or to permit to be set up for the purposes of play.

564.02(2)(c)

(c) A nonrefundable fee of \$120 per crane game to which the conditions of par. (b) apply shall accompany the application under par. (b).

564.02(2)(d)

(d) Upon receipt of the application and fee under pars. (b) and (c), the department shall, if the department considers the applicant qualified, issue a certificate of registration for the applicant and an identification number for each crane game for which registration is requested.

564.02(2)(e)

(e) The registration issued under par. (d) shall remain in effect unless it is canceled by the department with the advice and consent of the department of justice or unless it is withdrawn by the registered person.

564.02(2)(f)

(f) Every person registered under this section shall notify the department of any change in the information required to be furnished by the person under par. (b), within 10 days following the change.

564.02(2)(g)

(g) The department shall credit all moneys received by the department under this subsection to the appropriation account under s. 20.505 (8) (j).

564.02(2m)

(2m) (intro.) Conflicts of interest. No employe in the division of gaming who performs any duty related to crane games or the executive assistant or the secretary or deputy secretary of administration and no member of such a person's immediate family, as defined in s. 19.42 (7), may, while that person is employed in such a capacity or for 2 years following the termination of his or her employment with the department, do any of the following:

564.02(2m)(a)

(a) Have any direct or indirect interest in any person who is registered or required to be registered under sub. (2).

564.02(2m)(b)

(b) Accept or agree to accept money or any thing of value from any person who is registered or required to be registered under sub. (2).

564.02(3)

(3) Investigation and enforcement.

564.02(3)(a)

(a) In response to a written complaint, the department of justice shall conduct an investigation of any person registered under sub. (2) (d). The department of justice may conduct an inspection of a person registered under sub. (2) (d), of the crane game registered to the person or of the premises on which the crane game is played, at any time.

564.02(3)(am)

(am) The department of justice may conduct an investigation to determine if a person who owns a crane game sets up for the purposes of play, permits a crane game to be set up for the purposes of play or collects the proceeds of a crane game which is set up for the purposes of play without being registered under sub. (2) (a).

564.02(3)(b)

(b) An action for violation of this section may be prosecuted in any circuit court of this state by the attorney general in the name of the state and, in any such action, the attorney general shall exercise all of the powers and perform all duties which the district attorney would otherwise be authorized to exercise or perform.

564.02(3)(c)

(c) The department shall reimburse the department of justice for the services of the department of justice under this subsection.

564.02(4)

(4) Seizure and sale. The department of justice may seize any crane game owned by a person who is convicted under sub. (5) and may sell the crane game in the name of the state. The department of justice and its agents are exempt from all liability to the owner of the crane game for the seizure or sale of the crane game. The department shall reimburse the department of justice for the services of the department of justice under this subsection.

564.02(5)

(5) Penalty. Any person who violates this section may be required to forfeit not less than \$500 nor more than \$5,000 for

each offense. Each day of continued violation constitutes a separate offense. The period shall be measured by using the dates of the offenses which resulted in convictions.

564.02 - ANNOT.

History: 1987 a. 329; 1987 a. 403 s. 181; Stats. 1987 s. 440.85; 1991 a. 269 ss. 1095i, 1110f; Stats. 1991 s. 564.02; 1995 a. 27 ss. 6977, 9123 (6pp); 1997 a. 27.

CHAPTER 565. STATE LOTTERY

565.01 (intro.) Definitions. In this chapter:

565.01(1)

(1) "Administrator" means the administrator of the lottery division in the department.

565.01(1m)

(1m) "Beneficial owner" has the meaning given under 17 CFR 240.13d-3.

565.01(2)

(2) "Department" means the department of revenue, except as otherwise expressly provided.

565.01(3m)

(3m) "Instant lottery ticket services and supplies" means those lottery products and associated services commonly known as scratch-off or instant games based upon secure, preprinted lottery tickets.

565.01(4)

(4) "Major procurement" means a procurement for materials, supplies, equipment or services which are unique to the lottery and not common to the ordinary operations of state agencies, including security services, prize payout agreements or annuity contracts and materials, supplies, equipment or services involving marketing, the printing of lottery tickets or lottery shares, the receiving or recording of a player's selection in any lottery game and the determination of winners of a lottery game.

565.01(4c)

(4c) (intro.) "Management consultation services" means any of the following services:

565.01(4c)(a)

(a) The development of a specification related to a bid or competitive sealed proposal to supply goods or services to the department relating to the state lottery.

565.01(4c)(b)

(b) The evaluation of a bid or competitive sealed proposal to supply goods or services to the department relating to the state lottery.

565.01(4c)(c)

(c) Consultation regarding the administration or supervision of one or more functions relating to lottery management or operations.

565.01(4d)

(4d) "Minority business" means a business certified by the department of commerce under s. 560.036 (2).

565.01(4e)

(4e) "Minority group member" has the meaning given in s. 560.036 (1) (f).

565.01(4f)

(4f) "Multijurisdictional" means pertaining to another state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States of America or the government of Canada or any province thereof.

565.01(4g)

(4g) "On-line services and supplies" means those lottery products and associated services, including computerized transaction processing equipment, computerized retailer vending terminals, and those technologies necessary to maximize lottery revenues and minimize the lottery's total operating costs. The term does not include services related to instant lottery ticket services.

565.01(4r)

(4r) (intro.) "Promotional advertising" means advertising which is for the purpose of inducing persons to purchase lottery tickets or lottery shares. "Promotional advertising" does not mean advertising which is designed to provide the public with information on any of the following:

565.01(4r)(a)

(a) The fact that this state has a state lottery or participates in a multijurisdictional lottery.

565.01(4r)(b)

(b) The locations where lottery tickets or lottery shares are sold.

565.01(4r)(c)

(c) The price of lottery tickets or lottery shares.

565.01(4r)(d)

(d) The prizes or prize structure of the lottery.

565.01(4r)(e)

(e) The type of lottery game and an explanation of how it works.

565.01(4r)(f)

(f) The time, date and place of conducting the lottery.

565.01(4r)(g)

(g) The winning numbers, lottery tickets or lottery shares or the identity of winners and the amounts won.

565.01(4r)(h)

(h) How the lottery is operated or how the net proceeds of the lottery are to be used.

565.01(5)

(5) "Relative" means a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent.

565.01(6)

(6) "Retailer" means a person who sells lottery tickets or lottery shares on behalf of the department under the terms of a lottery retailer contract entered into under s. 565.10.

565.01(6m)

(6m)

565.01(6m)(a)

(a) (intro.) "The state lottery" means an enterprise, including a multijurisdictional lottery in which the state participates, in which the player, by purchasing a ticket, is entitled to participate in a game of chance in which any of the following applies:

565.01(6m)(a)1.

1. The winning tickets are randomly predetermined and the player reveals preprinted numbers or symbols from which it can be immediately determined whether the ticket is a winning ticket entitling the player to win a prize as prescribed in the features and procedures for the game, including an opportunity to win a prize in a secondary or subsequent chance drawing or game.

565.01(6m)(a)2.

2. The ticket is evidence of the numbers or symbols selected by the player or, at the player's option, randomly selected by a computer, and the player becomes entitled to a prize as prescribed in the features and procedures for the game, including an opportunity to win a prize in a secondary or subsequent chance drawing or game, if some or all of the player's symbols or numbers are selected in a chance drawing or game, if the player's ticket is randomly selected by the computer at the time of purchase or if the ticket is selected in a chance drawing.

565.01(6m)(b)

(b) (intro.) "The state lottery" does not include any of the following games or games simulating any of the following games:

565.01(6m)(b)1.

1. Any game in which winners are selected based on the results of a race or sporting event.

565.01(6m)(b)2.

2. Any banking card game, including blackjack, baccarat or chemin de fer.

565.01(6m)(b)3.

3. Poker.

565.01(6m)(b)4.

4. Roulette.

565.01(6m)(b)5.

5. Craps or any other game that involves utilizing dice.

565.01(6m)(b)6.

6. Keno.

565.01(6m)(b)7.

7. Bingo 21, bingo jack, bingolet or bingo craps.

565.01(6m)(b)8.

8. Any game of chance that is played on a slot machine or any mechanical, electromechanical or electronic device that is generally available to be played at a gambling casino.

565.01(6m)(b)9.

9. (intro.) Any game or device that is commonly known as a video game of chance or a video gaming machine or that is

commonly known as or considered to be a video gambling machine, except a video device authorized by the department to permit the sale of tickets by retailers in a game authorized under par. (a) if all of the following apply:

565.01(6m)(b)9.a.

a. The device does not determine whether the player has won a prize.

565.01(6m)(b)9.b.

b. The device does not indicate whether the player has won a prize other than by verifying that the player's ticket or some or all of the player's symbols or numbers on the player's ticket have been selected in a chance drawing, or by verifying that the player's ticket has been randomly selected by a central system computer at the time of purchase.

565.01(6m)(b)10.

10. Any game that is similar to a game listed in this paragraph.

565.01(6m)(b)11.

11. Any other game that is commonly considered to be a form of gambling and is not, or is not substantially similar to, a game that the department has the authority to conduct under this chapter.

565.01(6m)(c)

(c) This subsection shall not affect the provisions of any Indian gaming compact entered into before January 1, 1993, under s. 14.035.

565.01(7)

(7) "Vendor" means any person who enters into a major procurement contract under s. 565.25.

565.01 - ANNOT.

History: 1987 a. 119; 1989 a. 31, 99; 1991 a. 39, 189, 269, 321; 1995 a. 27 s. 9116 (5); 1997 a. 27.

565.015

565.015 (intro.) Advisory referendum on additional forms of gambling. After January 1, 1993, neither house of the legislature may pass any bill that authorizes the conduct of any game specified in s. 565.01 (6m) (b), 1991 stats., unless, prior to the passage of that bill and during the same legislative session, all of the following occur:

565.015(1)

(1) A bill requiring a statewide advisory referendum on the question of whether the legislature should authorize the conduct of such a game has been enacted.

565.015(2)

(2) The advisory referendum required under sub. (1) has been held.

565.015 - ANNOT.

History: 1991 a. 321.

565.02

565.02 Lottery operations.

565.02(1)

(1)

565.02(1)(a)

(a) Prior to appointing an administrator, the department shall conduct a nationwide search to find the best, most qualified appointee and consider the business management experience, marketing experience, computer experience and lottery management experience of the applicants.

565.02(1)(b)

(b) (intro.) Notwithstanding s. 111.321, no person may serve as the administrator if he or she has been convicted of, or entered a plea of guilty or no contest to, any of the following:

565.02(1)(b)1.

1. A felony, other than a felony conviction for an offense under subds. 2. to 4., during the immediately preceding 10 years, unless the person has been pardoned.

565.02(1)(b)2.

2. A gambling-related offense.

565.02(1)(b)3.

3. Fraud or misrepresentation in any connection.

565.02(1)(b)4.

4. A violation of a provision of this chapter or rule of the department relating to the state lottery.

565.02(1)(c)

(c) Before appointment of an administrator is made, the department, with the assistance of the department of justice, shall conduct a background investigation of the proposed administrator. The department shall require the proposed

administrator to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. The department shall reimburse the department of justice for the department's services under this paragraph.

565.02(2)
(2)

565.02(2)(a)

(a) The administrator shall perform the duties assigned to the administrator under this chapter and by the secretary of revenue.

565.02(2)(b)

(b) The administrator shall appoint and supervise employees, as specified by the department by rule under sub. (3) (a), as necessary to carry out the duties of the administrator.

565.02(2)(c)

(c) (intro.) Notwithstanding s. 111.321, no person may be employed under par. (b) if he or she has been convicted of, or entered a plea of guilty or no contest to, any of the following:

565.02(2)(c)1.

1. A felony, other than a felony conviction for an offense under subd. 2. or 3., during the immediately preceding 10 years, unless the person has been pardoned.

565.02(2)(c)2.

2. A gambling-related offense.

565.02(2)(c)3.

3. A violation of a provision of this chapter or rule of the department relating to the state lottery.

565.02(2)(d)

(d) Before appointment of employees is made under par. (b), the department, with the assistance of the department of justice, shall conduct a background investigation of the proposed employees. The department shall require the persons proposed as employees to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the

person's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. The department shall reimburse the department of justice for the department's services under this paragraph.

565.02(2m)

(2m) No applicant for employment or appointment under sub. (1) or (2) may intentionally make a false statement or material omission in an application for employment or appointment.

565.02(2r)

(2r) The department may require a fidelity bond from the administrator or any other employe of the lottery division in the department.

565.02(3)

(3) (intro.) The department shall promulgate all of the following rules:

565.02(3)(a)

(a) Establishing a plan of organizational structure for lottery division employes.

565.02(3)(b)

(b) (intro.) For the selection of retailers for contract which shall be based on objective criteria. The rule may not limit the number of retailers solely on the basis of the population of the city, town or village in which the retailers are located and shall include requirements relating to all of the following:

565.02(3)(b)1.

1. The financial responsibility of the retailer.

565.02(3)(b)2.

2. The security of the retailer and the retailer's business.

565.02(3)(b)3.

3. The accessibility of the location from which the retailer will sell lottery tickets or lottery shares to the public.

Restrictions under s. 125.07 relating to presence of underage persons on premises licensed to sell alcohol beverages may not be used under this subdivision to deny a person a lottery retailer contract.

565.02(3)(b)4.

4. The sufficiency of existing retailers to serve public convenience.

565.02(3)(b)5.

5. The volume of expected lottery ticket and lottery shares sales.

565.02(3)(b)6.

6. Qualifications for retailers, in addition to those under this section, as determined by the department.

565.02(3)(b)7.

7. Ensuring that there will not be an undue concentration of retailers in any geographic area of the state.

565.02(3)(c)

(c) Establishing requirements for information to be submitted with a bid or proposal by a person proposing to contract under s. 565.25.

565.02(3)(d)

(d) Determining the types of lottery games to be offered under s. 565.27.

565.02(3)(f)

(f) Defining "advertising" for the purposes of s. 565.32 (3).

565.02(3)(g)

(g) Defining "lottery shares" for the purposes of this chapter.

565.02(3)(h)

(h) Establishing the circumstances and procedures under which a retailer may not be reimbursed if he or she accepts and directly pays a prize on an altered or forged lottery ticket or lottery share.

565.02(3)(i)

(i) Providing for terms of lottery retailer contracts for periods that are shorter than 3 years.

565.02(4)

(4) (intro.) The department may promulgate all of the following rules:

565.02(4)(a)

(a) Implementing the provisions of this chapter.

565.02(4)(b)

(b) Establishing an amount to be charged as an initial application fee, as an annual fee for contract continuation or as a fee for issuance of a certificate of authority under s. 565.10 (8).

565.02(4)(c)

(c) Establishing qualifications for vendors in addition to those specified under s. 565.25 (3).

565.02(4)(d)

(c) Requiring fidelity bonds from retailers.

565.02(4)(e)

(e) Establishing requirements for advertising of the state lottery, and any multijurisdictional lotteries in which the state participates, that are in addition to those specified under s. 565.32.

565.02(4)(f)

(f) Providing for payment of a rate of compensation that is higher than the basic compensation under s. 565.10 (14) (b) for retailers that are nonprofit organizations.

565.02(6)

(6) The department shall deposit all gross lottery revenues, as defined in s. 25.75 (1) (b), in the lottery fund.

565.02(7)

(7) Not later than March 1 of each year, the department shall submit to the joint committee on finance a report that includes an estimate for that fiscal year and for the subsequent fiscal year of the gross revenues from the sale of lottery tickets and lottery shares, the total amount paid as prizes and the prize payout ratio for each type of lottery game offered, and an evaluation of the effect of prize payout ratios of lottery games on lottery sales, lottery operating costs and on maximizing the revenue available for the lottery property tax credit. If, within 14 working days after the date on which the committee receives the report, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the department's proposed prize payouts, the department may proceed with its plans for the prize payouts for the subsequent fiscal year only upon approval of the plans by the committee. If the cochairpersons of the committee do not notify the department within 14 working days after the date on which the committee receives the report that the committee has scheduled a meeting for the purpose of reviewing the department's proposed prize payouts, the department's plans for the prize payouts for the subsequent fiscal year are considered approved by the committee.

565.02(8)

(8) (intro.) The department shall do all of the following:

565.02(8)(a)

(a) Subject to s. 565.25, provide all of the security services for the gaming operations under this chapter.

565.02(8)(b)

(b) Monitor the regulatory compliance of gaming operations under this chapter.

565.02(8)(c)

(c) Audit the gaming operations under this chapter.

565.02(8)(d)

(d) Investigate suspected violations of this chapter.

565.02(8)(e)

(e) Report suspected gaming-related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

565.02(8)(f)

(f) If the division of criminal investigation in the department of justice chooses not to investigate a report under par. (e), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

565.02 - ANNOT.

History: 1987 a. 119, 399; 1989 a. 31; 1991 a. 39, 269, 323; 1993 a. 16; 1995 a. 27; 1997 a. 27.

565.05

565.05 Conflicts of interest.

565.05(1)

(1) (intro.) No employe in the lottery division of the department or the executive assistant or the secretary or deputy secretary of revenue may do any of the following:

565.05(1)(a)

(a) Have a direct or indirect interest in, or be employed by, any vendor while serving as an employe in the lottery division of the department or as the executive assistant or as secretary or deputy secretary of revenue or for 2 years following the person's termination of service.

565.05(1)(b)

(b) Have a direct or indirect interest in or be employed by a business which has entered into a retailer contract under s. 565.10.

565.05(1)(d)

(d) Accept or agree to accept money or any other thing of value from any vendor, retailer or person who has submitted a bid, proposal or application to be a vendor or retailer.

565.05(2)

(2) (intro.) A vendor selected to provide management consultation services described under s. 565.01 (4c) (a) or (b) may not do any of the following:

565.05(2)(a)

(a) Submit a bid or competitive sealed proposal with respect to those goods or services.

565.05(2)(b)

(b) Have any ownership interest in or any partners, members or shareholders who have any ownership interest in any vendor that is under contract to supply or that submits a bid or competitive sealed proposal to supply those goods or services.

565.05 - ANNOT.

History: 1987 a. 119; 1989 a. 99; 1991 a. 269; 1993 a. 112; 1995 a. 27; 1997 a. 27, 237.

565.10

565.10 Retailer contract.

565.10(1)

(1) Selection of retailers; retailer contract. Under rules promulgated by the department under s. 565.02 (3) (b) and

(4) (a), the administrator may contract with a person for the retail sale of lottery tickets or lottery shares. Retailers shall be selected for contract so as to provide adequate and convenient availability of lottery tickets and lottery shares to prospective buyers.

565.10(2)

(2) Age restriction. No lottery retailer contract may be entered into with any person under 18 years of age. If the retailer is a partnership, this subsection applies to each partner of the partnership. If the retailer is a limited liability company, this subsection applies to each member of the limited liability company. If the retailer is an association or a

corporation, this subsection applies to each officer and director of the association or corporation.

565.10(3)

(3) Felony and other violations restriction; delinquent taxes and contributions restriction.

565.10(3)(a)

(a) (intro.) Notwithstanding s. 111.321, no lottery retailer contract may be entered into with a person if, during the immediately preceding 10 years, the person has been convicted of, or entered a plea of guilty or no contest to, any of the following, unless the person has been pardoned:

565.10(3)(a)1.

1. A felony.

565.10(3)(a)2.

2. Any gambling-related offense.

565.10(3)(a)3.

3. Fraud or misrepresentation in any connection.

565.10(3)(a)4.

4. A violation of this chapter or any rule promulgated under this chapter.

565.10(3)(b)

(b) No lottery retailer contract may be entered into with a person who has been finally adjudged to be delinquent in the payment of taxes under ch. 71, 72, 76, 77, 78 or 139 or who has been found delinquent in the payment of contributions to the unemployment reserve fund under s. 108.16 in a proceeding under s. 108.10 if the person remains delinquent in the payment of those taxes or contributions at the time the person seeks to enter into the lottery retailer contract.

565.10(3)(c)

(c)

565.10(3)(c)1.

1. Except as provided in subd. 4., if the retailer is a partnership, pars. (a) and (b) apply to the partnership and each partner of the partnership.

565.10(3)(c)1L.

1L. Except as provided in subd. 4., if the retailer is a limited liability company, pars. (a) and (b) apply to the limited liability company and to each of its members.

565.10(3)(c)2.

2. Except as provided in subd. 4., if the retailer is an association, pars. (a) and (b) apply to the association and each officer and director of the association.

565.10(3)(c)3.

3. Except as provided in subd. 4., if the retailer is a corporation, pars. (a) and (b) apply to the corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation. In the case of owners of publicly held securities of a publicly traded corporation, pars. (a) and (b) apply only to those persons who are beneficial owners of 5% or more of the publicly held securities.

565.10(3)(c)4.

4. The restrictions under par. (a) do not apply to the partnership, limited liability company, association or corporation if the department determines that the partnership, limited liability company, association or corporation has terminated its relationship with the partner, member, officer, director or owner who was convicted or entered the plea or with the partner, member, officer, director, owner or other individual whose actions directly contributed to the partnership's, limited liability company's, association's or corporation's conviction or entry of plea.

565.10(3m)

(3m) False statement or material omission. No retailer or person seeking a contract under this section may intentionally make a false statement or material omission in any disclosure statement required to obtain, retain or renew a retailer contract.

565.10(4)

(4) (intro.) Exclusive business restriction. No lottery retailer contract may be entered into with any person who is engaged in business exclusively as a lottery ticket or lottery share retailer unless one of the following is true:

565.10(4)(a)

(a) The retailer contract is a temporary retailer contract.

565.10(4)(b)

(b) (intro.) Subject to approval of each such retailer contract by the department, the retailer contract is with one of the following:

565.10(4)(b)1.

1. An individual who has a physical or mental disability which constitutes or results in a substantial handicap to his or her employment.

565.10(4)(b)2.

2. A group of individuals who have physical or mental disabilities which constitute or result in substantial handicaps to their employment.

565.10(4)(b)3.

3. A nonprofit organization, as defined in s. 108.02 (19), whose primary purpose is to provide service to or for individuals who have physical or mental disabilities which constitute or result in substantial handicaps to their employment.

565.10(5)

(5) State agencies; government property.

565.10(5)(a)

(a) In entering into a lottery retailer contract with state agencies, other than the department, and agencies of local units of government, the administrator shall attempt to minimize the competitive effect of sales by the state or local agencies on other retailers. An application for a retailer contract by a local unit of government shall be approved by the governing body of the local unit of government.

565.10(5)(b)

(b) A lottery retailer contract may be entered into with a private person operating activities on state or local government property. The department shall give preference to an individual, group of individuals or nonprofit organization, as specified under sub. (4) (b), in entering into contracts under this paragraph.

565.10(7)

(7) Length and sales authorization of contract.

565.10(7)(a)

(a) Except as provided in par. (b), a lottery retailer contract shall be for a period of 3 years and shall specify whether the retailer is authorized to conduct lottery ticket sales on a year-round, seasonal or temporary basis.

565.10(7)(b)

(b) The administrator may, under rules promulgated by the department, contract for a period that is shorter than 3 years in order to stagger lottery retailer contract expiration dates throughout a 3-year period.

565.10(8)

(8) Contract fees. A contract entered into under this section may require payment of a nonrefundable initial application fee or a nonrefundable annual fee for continuation, or both, in an amount promulgated by the department by rule under s.

565.02 (4) (b). A separate nonrefundable fee, in an amount specified in rules promulgated under s. 565.02 (4) (b), may be required for each certificate of authority issued under sub. (11).

565.10(8m)

(8m) Payment to department or contractor. Payment by a retailer to the department or to any contractor for lottery tickets or lottery shares shall be by check, bank draft, electronic fund transfer or other recorded means, as determined by the administrator. No payment under this subsection may be in cash.

565.10(9)

(9) Contract not assignable or transferable. A lottery retailer contract may not be assigned or transferred from one person or location to another.

565.10(10)

(10) Location of sales. A retailer may sell lottery tickets or lottery shares only at locations specified in the contract entered into under this section.

565.10(11)

(11) Certificate of authority; required display. The department shall issue to each retailer a separate certificate of authority for each location from which the retailer may sell lottery tickets or lottery shares. Each retailer shall conspicuously display the certificate of authority on the premises where retail sales of lottery tickets or lottery shares are authorized under the certificate in a location which is accessible for public inspection.

565.10(12)

(12) Certificate of authority not assignable or transferable. A certificate of authority may not be assigned or transferred from one person or location to another.

565.10(13)

(13) Bond. The department may by rule under s. 565.02 (4) (d) require fidelity bonds from retailers. In lieu of a bond, the department may purchase blanket bonds covering all or selected retailers or may allow a retailer to deposit and

maintain with the department interest-bearing or interest-accruing securities approved by the department. Such securities shall be held in trust by the department and shall have at all times a market value at least equal to the amount required by the department.

565.10(14)

(14) Compensation.

565.10(14)(a)

(a) (intro.) In this subsection, "nonprofit organization" means a religious, charitable, service, fraternal or veterans' organization or any organization, other than the state or a political subdivision of the state, to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, which meets all of the following criteria:

565.10(14)(a)1.

1. Is incorporated in this state as a nonprofit corporation or organized in this state as a religious or nonprofit organization.

565.10(14)(a)2.

2. Has been in existence for at least 3 years immediately preceding its application for a contract under this subsection.

565.10(14)(a)3.

3. Has at least 15 members in good standing.

565.10(14)(a)4.

4. Operates without profit to its members and no part of the net earnings of the organization inure to the benefit of any private shareholder or individual.

565.10(14)(a)5.

5. Conducts activities within this state in addition to selling lottery tickets or lottery shares.

565.10(14)(b)

(b)

565.10(14)(b)1.

1. The basic compensation to be paid to a retailer for the sale of a lottery ticket or lottery share described under s. 565.01

(6m) (a) 2. is 5.5% of the retail price of lottery tickets or lottery shares sold by the retailer.

565.10(14)(b)2.

2. The basic compensation to be paid to a retailer for the sale of a lottery ticket or lottery share described under s. 565.01

(6m) (a) 1. is 6.25% [6.5%] of the retail price of lottery tickets or lottery shares sold by the retailer.

565.10 - ANNOT.

NOTE: The bracketed language was erroneously marked as partially vetoed in 1997 Wis. Act 27, section 4759. Section 4759, the treatment of s. 560.10 (14) (b), was not listed as partially vetoed in the Governor's

Veto Message and the veto message made no mention of the subject matter of section 4759. See also, 70 Atty

Gen. 189 and State ex rel. Klezcka v. Conta, 82 W (2d) 679, 264 N.W. (2d) 539 (1978).

565.10(14)(b)4.

4. The department may, in the rules promulgated under s. 565.02 (4) (f), provide for the payment of a higher rate of compensation to nonprofit organizations making sales under a contract issued on a temporary basis than the rate of compensation paid to other retailers.

565.10(15)

(15) Remitting proceeds. A retailer shall, on a daily basis, unless another basis, but not less than weekly, is provided by the department by rule, remit to the department the lottery proceeds from the sale of lottery tickets or lottery shares. The amount of compensation deducted by the retailer, if any, shall be indicated as a deduction from the total remitted.

565.10 - ANNOT.

History: 1987 a. 119, 399; 1989 a. 172; 1991 a. 39, 269; 1993 a. 112; 1995 a. 27; 1997 a. 27.

565.12

565.12 Retailer contract termination or suspension.

565.12(1)

(1) (intro.) A lottery retailer contract entered into under s. 565.10 may be terminated or suspended for a specified period if the department finds that the retailer has done any of the following:

565.12(1)(a)

(a) Violated this chapter or any rule promulgated under this chapter.

565.12(1)(b)

(b) Failed to meet any of the qualifications for being a retailer under s. 565.10 or rules promulgated under s. 565.02 (3)

(b) or as specified by contract.

565.12(1)(c)

(c) Endangered the security of the lottery.

565.12(1)(d)

(d) Engaged in fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the lottery.

565.12(1)(e)

(e) Failed to account accurately for lottery tickets, revenues or prizes or lottery shares, as required by the department, or is delinquent in remitting lottery ticket or lottery share revenues.

565.12(1)(f)

(f) (intro.) Performed any action constituting a reason for termination or suspension as specified in the contract, which shall include the following:

565.12(1)(f)1.

1. The intentional sale of lottery tickets or lottery shares to any person under the age of 18.

565.12(1)(f)2.

2. A violation of this chapter or any rule promulgated under this chapter.

565.12(2)

(2) If the administrator determines that the immediate suspension or termination of a lottery retailer contract entered into under s. 565.10 is necessary to protect the public interest or the security, integrity or fiscal responsibility of the lottery, the administrator may, without prior notice or hearing, suspend for a specified period or terminate the lottery retailer contract by mailing to the retailer a notice of suspension or termination that includes a statement of the facts or conduct that warrant the suspension or termination and a notice that the retailer may, within 30 days after the date on which the notice of suspension or termination is mailed, have the suspension or termination reconsidered by the administrator. If, upon reconsideration, the administrator affirms the determination to suspend or terminate the lottery retailer contract, the retailer shall be afforded an opportunity for a hearing before the department to review the determination of the administrator.

565.12(3)

(3) The department shall render the final decisions under s. 227.47 for all terminations and suspensions under subs. (1) and (2).

565.12 - ANNOT.

History: 1987 a. 119; 1991 a. 39, 269; 1995 a. 27; 1997 a. 27.

565.15

565.15 Department retail outlet. The department may establish and operate a lottery ticket or lottery share retail sales outlet or sell lottery tickets or lottery shares to the public at a special event. In considering whether to engage in direct retail sales, the department shall attempt to minimize the competitive effects of its sales on sales by other retailers.

565.15 - ANNOT.

History: 1987 a. 119, 403; 1991 a. 269; 1995 a. 27.

565.17

565.17 Limitations on ticket and share sales and purchases.

565.17(1)

(1) Who may sell. Lottery tickets or lottery shares may not be sold by any person other than a retailer or the department.

565.17(2)

(2) Price. No person may sell lottery tickets or lottery shares at a price other than the retail sales price established by the administrator under s. 565.27 (1) (b), except to the extent of any discount authorized by the administrator or the department.

565.17(3)

(3) Cash sales. Lottery tickets or lottery shares may be sold only for cash.

565.25(2)(a)6.

6. If the department of administration delegates under s. 16.71 (1) to the department of revenue the authority to make a major procurement, the award of the major procurement contract is subject to the requirements in ss. 16.72 (4) (a) and 16.76 (1). Copies of requisitions and contracts for major procurements shall be maintained by the administrator and shall be subject to inspection and copying under subch. II of ch. 19.

565.25(2)(a)7.

7. No bill or statement for any purchase or engagement for the department of revenue relating to the state lottery may be

paid until the bill or statement is approved by the administrator.

565.25(2)(c)

(c) A major procurement contract under this subsection may be for any term deemed to be in the best interests of the state lottery or the multijurisdictional lottery in which the state participates, but the term and any provisions for renewal or extension shall be incorporated in the bid specifications or proposal solicitation and the contract document.

565.25(3)

(3) Vendor qualifications.

565.25(3)(a)

(a) (intro.) No contract for a major procurement may be entered into with a person if, during the immediately preceding 10 years, the person has been convicted of, or entered a plea of guilty or no contest to, any of the following, unless the person has been pardoned:

565.25(3)(a)1.

1. A felony.

565.25(3)(a)2.

2. A gambling-related offense.

565.25(3)(a)3.

3. Fraud or misrepresentation in any connection.

565.25(3)(a)4.

4. A violation of this chapter or any rule promulgated under this chapter.

565.25(3)(b)

(b)

565.25(3)(b)1.

1. Except as provided in subd. 4., if the vendor is a partnership, par. (a) applies to the partnership and each partner of the partnership.

565.25(3)(b)1L.

1L. Except as provided in subd. 4., if the vendor is a limited liability company, par. (a) applies to the limited liability company and to each of its members.

565.25(3)(b)2.

2. Except as provided in subd. 4., if the vendor is an association, par. (a) applies to the association and each officer and

director of the association.

565.25(3)(b)3.

3. Except as provided in subd. 4., if the vendor is a corporation, par. (a) applies to the corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation. In the case of owners of publicly held securities of a publicly traded corporation, par. (a) only applies to those persons who are beneficial owners of 5% or more of the publicly held securities.

565.25(3)(b)4.

4. The restrictions under par. (a) do not apply to the partnership, limited liability company, association or corporation if the department determines that the partnership, limited liability company, association or corporation has terminated its relationship with the partner, member, officer, director or owner who was convicted or entered the plea or with the partner, member, officer, director, owner or other individual whose actions directly contributed to the partnership's, limited liability company's, association's or corporation's conviction or entry of plea.

565.25(3)(c)

(c) No contract for a major procurement may be entered into unless the contract provides that the vendor has established or will, within a period of time specified in the contract, establish an office within the state from which the vendor will process, produce, distribute, supply or sell materials, supplies, equipment or services under the contract.

565.25(3)(d)

(d) The vendor shall meet any additional qualifications established by rule under s. 565.02 (4) (c).

565.25(3m)

(3m) False statement or material omission. No person proposing to contract for a major procurement may intentionally make a false statement or material omission in any disclosure statement required under sub. (2) (a) 5.

565.25(4)

(4) Background investigations. The department of justice shall conduct a background investigation of any person proposing to contract or contracting for a major procurement and of all partners, members, officers, directors, owners and

beneficial owners identified under sub. (3) (b). The department of justice may require the person and partners, members, officers, directors and shareholders identified under sub. (3) (b) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions. If the results of the background investigation disclose information specified in sub. (3) (a) with respect to the person, partner, member, officer, director, owner or beneficial owner, a contract with the vendor, if entered into prior to the disclosure, is void and the vendor shall forfeit any amount filed, deposited or established under sub. (5) (b). The department of revenue shall reimburse the department of justice for the department of justice's services under this subsection and shall obtain payment from the person proposing to contract or the vendor in the amount of the reimbursement.

565.25(5)

(5) Financial responsibility.

565.25(5)(a)

(a) In this subsection, "financial institution" has the meaning specified in s. 705.01 (3).

565.25(5)(b)

(b) (intro.) For a major procurement, the department may require from a person proposing to contract on a bid, conditioned upon signing the contract if awarded to the person, or on a contract award, conditioned upon performance under the contract or payment of subcontractors, any of the following:

565.25(5)(b)1.

1. The deposit with the department of a bond payable to the department, in an amount required by the department.

565.25(5)(b)2.

2. The deposit and maintenance with the department of interest-bearing or interest-accruing securities approved by the department, which shall be held in trust by the department and shall have at all times a market value equal to at least the amount required by the department.

565.25(5)(b)3.

3. The filing with the department of an irrevocable letter of credit payable to and for the benefit of the department, in an

amount required by the department.

565.25(5)(b)4.

4. The establishment with a financial institution of an escrow account, the terms, conditions and amount of which are established for the benefit of the department, in an amount required by the department.

565.25 - ANNOT.

History: 1987 a. 119, 399; 1989 a. 31, 56, 99, 172, 345, 359; 1991 a. 39, 269, 315; 1993 a. 112; 1995 a. 27; 1997 a. 27.

565.27

565.27 Lottery games.

565.27(1)

(1) (intro.) Game features and procedures. Subject to this section, the rules promulgated under s. 565.02 (3) (d) and

(4) (a) and approval by the secretary of revenue, the administrator shall determine the particular features of and procedures for each lottery game offered. The features and procedures shall be in writing, shall be accessible to the public and shall include all of the following:

565.27(1)(a)

(a) The theme and name of the game.

565.27(1)(b)

(b) The price of lottery tickets or lottery shares and any discount authorized for the price.

565.27(1)(c)

(c) The prize structure, including the number and value of prizes.

565.27(1)(d)

(d) The frequency of drawings or other winner selections.

565.27(1)(e)

(e) The method of selecting winners.

565.27(1)(f)

(f) The method of making payment to winners.

565.27(2)

(2) Selecting winners.

565.27(2)(a)

(a) The actual selection of any winning lottery ticket or lottery share may not be performed by an elected or appointed

official or an employe of the lottery division in the department.

565.27(2)(b)

(b) (intro.) If drawings are used to select among winning numbers, to select among entries or to select among finalists, all of the following requirements shall be met:

565.27(2)(b)1.

1. The drawings shall be witnessed by an independent certified public accountant.

565.27(2)(b)2.

2. The drawings shall be open to the public.

565.27(2)(b)3.

3. The drawings shall be recorded on both videotape and audiotape.

565.27(2)(b)4.

4. Any equipment used for the drawing must be inspected by a certified public accountant and a department employe before and after the drawing, except that a department employe is not required to inspect the equipment if the drawing is used for a multijurisdictional lottery.

565.27(3)

(3) Ticket and share numbers. Every lottery ticket and lottery share shall have a unique number that distinguishes the ticket or share from every other ticket or share in the lottery game.

565.27(4)

(4) Lottery ticket appearance. No name of an elected or appointed official may appear on the lottery tickets of any lottery game.

565.27 - ANNOT.

History: 1987 a. 119; 1989 a. 31; 1991 a. 269, 321; 1995 a. 27; 1997 a. 27.

565.30

565.30 Lottery prizes.

565.30(1)

(1) Payment of prizes. The administrator shall direct the payment of a prize to the holder of the winning lottery ticket or lottery share or to a person designated under sub. (2), except that a prize may be paid to another person under a court order or to the estate of a deceased prize winner. The department, administrator, state and any contractor for materials,

equipment or services of the game in which the prize is won are discharged of all liability upon payment of the prize to the holder of a winning lottery ticket or lottery share.

565.30(2)

(2) Payment of prizes to minors. If the prize for a winning lottery ticket or lottery share given to a minor is less than \$1,000, the administrator may make payment of the prize by delivering to an adult member of the minor's family, or to the minor's guardian, a check or draft payable to the minor. If the prize is \$1,000 or more, the administrator shall make payment to the minor by paying or delivering the money to a broker or financial institution under s. 880.65 (1) (b).

565.30(2m)

(2m) Prizes over years. If the prize for a winning lottery ticket or lottery share is monetary and is payable in instalments over a period of years, any informational material about the lottery must state the number of years over which the prize shall be paid.

565.30(3)

(3) Unclaimed prizes.

565.30(3)(a)

(a) Period to claim. The holder of a winning lottery ticket or lottery share may claim a prize within 180 days after the drawing or other selection in which the prize is won or within 180 days after the game's end date, as determined by the administrator, whichever is later.

565.30(3)(b)

(b) Retailer bonuses. Any bonuses offered by the department to retailers who sell winning lottery tickets or lottery shares shall be paid to the retailer regardless of whether the prize is claimed if the retailer can be identified as the seller of the winning ticket or share.

565.30(3m)

(3m) Value of certain prizes. A prize that is a lottery ticket or lottery share in the same lottery game in which the prize is won or in another lottery game shall, for prize structure accounting purposes, be valued at the same percentage of the retail price, as specified under s. 25.75 (3) (a), as are other prizes in the same lottery game in which the prize is won.

565.30(4)

(4) Withholding of income taxes. The administrator shall withhold from lottery winnings any federal income taxes required to be withheld under 26 USC 3402 (q) (3) (B) and any state taxes required to be withheld under s. 71.67 (4) (a).

565.30(4m)

(4m) Carry over of prize money. The department may carry over unexpended lottery prize money that is not unclaimed lottery prize money from one drawing of a game to another drawing of the same game.

565.30(5)

(5) Withholding of delinquent state taxes, child support or debts owed the state. The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than \$1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of workforce development or its designee under s. 49.855 (1) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

565.30 - ANNOT.

NOTE: Sub. (5) is shown as amended eff. 1-4-99 by 1997 Wis. Act 27. Prior to 1-4-99 it reads:

565.30 - ANNOT.

(5) Withholding of delinquent state taxes, child support or debts owed the state. The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than \$1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of workforce development under s. 49.855 (2) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

565.30(5m)

(5m) Withholding of child support, spousal support, maintenance or family support. The administrator shall report to the department of workforce development the name, address and social security number of each winner of a lottery prize that is payable in instalments. Upon receipt of the report, the department of workforce development shall certify to the administrator whether any payee named in the report is obligated to provide child support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.458 (3), 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) (a) or 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize under s. 767.265. The administrator shall withhold the certified amount from each payment made to the winner and remit the certified amount to the department of workforce development.

565.30(5r)

(5r) Withholding of assessments, fines, restitution and surcharges.

565.30(5r)(a)

(a) Annually, the administrator shall provide each clerk of circuit court in the state with a list of the winners of a lottery prize that is payable in instalments. The list shall include each winner since the date of the previous list.

565.30(5r)(b)

(b) If the administrator receives a notice under s. 973.05 (5) (a) or 778.30 (2) (a) of the assignment of lottery prizes under s. 973.05 (4) (c) or 778.30 (1) (c) and determines that the person subject to the assignment is a winner of a lottery prize that is payable in instalments, the administrator shall withhold the amount of the judgment that is the basis of the assignment from the next instalment payment. The administrator shall submit the withheld amount to the court that issued the assignment. At the time of the submittal, the administrator shall charge the administrative expenses related to that withholding and submittal to the winner of the lottery prize and withhold those expenses from the balance of the instalment payment. The administrator shall notify the winner of the reason that the amount is withheld from the instalment payment. If the initial instalment payment is insufficient to pay the judgment and administrative expenses, the administrator shall withhold and submit to the court an amount from any additional instalment payments until the judgment and administrative expenses are paid in full and the assignment is no longer in effect. The administrative expenses received by the department shall be credited to the appropriation under s. 20.566 (1) (h).

565.30(5t)

(5t) (intro.) Priority of withholding. The administrator shall withhold payments under this section from a winner of a lottery prize in the following order:

565.30(5t)(a)

(a) For any federal or state taxes required to be withheld under sub. (4).

565.30(5t)(b)

(b) For any delinquent state taxes, child support or debt owed the state required to be withheld under sub. (5).

565.30(5t)(c)

(c) For any child support, spousal support, maintenance or family support required to be withheld under sub. (5m).

565.30(5t)(d)

(d) For any assignment of lottery prizes required to be withheld under sub. (5r).

565.30(6)

(6) Nonassignability. The right of any person to a prize may not be assigned.

565.30(7)

(7) Payment from terminals prohibited. If computer terminals or other devices are used to play lottery games, no coins or currencies may be dispensed, as prizes, to players from the terminals or devices.

565.30 - ANNOT.

History: 1987 a. 119, 399; 1989 a. 31; 1989 a. 56 s. 259; 1989 a. 359; 1991 a. 269; 1993 a. 16, 481; 1995 a. 27 ss. 6981j, 6981k, 9126 (19); 1995 a. 225, 404; 1997 a. 3, 27, 35; 1997 a. 148 ss. 3 to 5; 1997 a. 191.

565.30 - ANNOT.

Advising Lottery Winners. MacGregor & Gawart. Wis. Law. Aug. 1994.

565.32

565.32 Promotional advertising; advertising, ticket and share contents.

565.32(1)

(1) Promotional advertising prohibition. The expenditure by the department or any other state agency of public funds or of revenues derived from lottery operations to engage in promotional advertising of the state lottery or any multijurisdictional lottery is prohibited.

565.32(2)

(2) Promotional advertising by retailers or vendors.

565.32(2)(a)

(a) A retailer or a combination of retailers, a vendor or a combination of vendors or a combination of retailers and vendors may engage in promotional advertising of the state lottery or any multijurisdictional lottery in which the state participates.

565.32(2)(b)

(b) Promotional advertising by vendors under par. (a) shall clearly indicate that the advertising is paid for by the vendor.

565.32(3)

(3) Required contents of advertising, tickets and shares.

565.32(3)(a)

(a) (intro.) Any advertising, as defined by the department by rule under s. 565.02 (3) (f), of the lottery which describes a specific lottery game and each lottery ticket and lottery share shall include:

565.32(3)(a)1.

1. Except for the games under subd. 2., the prize structure, the prize amounts and the odds of a specific lottery ticket or lottery share being selected as the winning lottery ticket or lottery share for each prize amount.

565.32(3)(a)2.

2. (intro.) For games in which the amount of the winnings and the odds of winning are determined by the number of participants in the game, all of the following:

565.32(3)(a)2.a.

a. An explanation that the amount of the winnings and the odds of winning are determined by the number of participants in the game.

565.32(3)(a)2.b.

b. An explanation of the prize structure.

565.32(3)(a)2.c.

c. Estimates of the amounts of prizes and the odds of a particular lottery ticket or lottery share winning each prize. The estimates of the prize amounts and the odds of a particular lottery ticket or lottery share winning each prize may be given as a range of values.

565.32 - ANNOT.

History: 1987 a. 119; 1989 a. 31; 1991 a. 269; 1995 a. 27; 1997 a. 27.

565.32 - ANNOT.

See note to Art. IV, sec. 24, citing 79 Atty. Gen. 14.

565.37

565.37 Audits, financial reports and odds verification.

565.37(1)

(1) Financial and performance audits. The department shall annually contract with the legislative audit bureau to conduct a financial audit of the transactions and accounts of the state lottery, and, to the extent of the department's

participation, of any multijurisdictional lotteries in which the state participates, for the preceding fiscal year and shall biennially contract with the legislative audit bureau for a performance audit of the state lottery and, to the extent of the department's participation, of those multijurisdictional lotteries.

565.37(2)

(2) Independent postaudit. At no less than 3-year intervals, the department may retain an independent certified public accountant to conduct a postaudit of all the lottery division's accounts and transactions. The department shall provide copies of each such postaudit to the legislative audit bureau and the department of justice.

565.37(3)

(3) Department report. The department shall submit quarterly reports on the operation of the lottery to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2) and to the governor, attorney general, state treasurer, secretary of state and state auditor.

565.37(4)

(4) Administrator report. The administrator shall submit monthly financial reports to the secretary of revenue.

565.37(5)

(5) Verification of odds. The department shall contract with the legislative audit bureau to verify the odds on winning a lottery game that are represented by the department, a contractor or a retailer.

565.37(6)

(6) Audit of lottery security. By July 1, 1990, and at least biennially thereafter, the department shall hire an independent firm to perform an audit of lottery security that is independent of any other audit under this section.

565.37 - ANNOT.

History: 1987 a. 119; 1989 a. 31; 1991 a. 269; 1995 a. 27, 438; 1997 a. 27, 148.

565.40

565.40 Department of justice enforcement authority.

565.40(1)

(1) Investigations. The department of justice may investigate any activities by vendors or employees in the department, which affect the operation or administration of the state lottery or any multijurisdictional lottery in which the state

participates, and shall report suspected violations of state or federal law to the appropriate prosecuting authority.

565.40(1m)

(1m) Subpoena power. For the purpose of an investigation under sub. (1), the attorney general may issue a subpoena to compel the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the attorney general deems relevant or material to the investigation. Section 885.12 shall apply to any failure to obey a subpoena under this subsection.

565.40(2)

(2) Prosecutions. The attorney general and district attorneys have concurrent jurisdiction to commence prosecutions for alleged violations of this chapter.

565.40 - ANNOT.

History: 1987 a. 119; 1989 a. 31; 1991 a. 269; 1995 a. 27; 1997 a. 27.

565.45

565.45 Report on expense limitation. Before January 1, 1992, and every 2 years thereafter, the department shall submit a report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), on the effects on the operation of the lottery of the 10% expense limitation under s. 25.75 (3) (b).

565.45 - ANNOT.

History: 1987 a. 119; 1991 a. 269; 1995 a. 27; 1997 a. 27.

565.46

565.46 Minority advertising, procurements, retailers and hiring. The department shall promulgate rules establishing goals that attempt to increase the total amount of expenditures by the department for advertising, public relations and other procurements that are directed to minority businesses, the number of retailers that are minority businesses and the number of employees of the lottery division in the department who are minority group members.

565.46 - ANNOT.

History: 1991 a. 39, 269; 1995 a. 27; 1997 a. 27.

565.50

565.50 Penalties.

565.50(1)

(1) Any person who violates s. 565.02 (2m), 565.05, 565.10 (3m), 565.17, 565.25 (3m) or 565.32 (1), (2) (b) or (3) or any rule promulgated under s. 565.02 (2m), 565.05, 565.10 (3m), 565.17, 565.25 (3m) or 565.32 (1), (2) (b) or (3) shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

565.50(2)

(2) Any person who alters or forges a lottery ticket or share or intentionally utters or transfers an altered or forged lottery ticket or share shall be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

565.50 - ANNOT.

NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

565.50 - ANNOT.

(2) Any person who alters or forges a lottery ticket or share or intentionally utters or transfers an altered or forged lottery ticket or share shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both.

565.50(3)

(3) Any person who possesses an altered or forged lottery ticket or share with intent to defraud shall be fined not more than \$10,000 or imprisoned for not more than 2 years or both.

565.50 - ANNOT.

NOTE: Sub. (3) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read:

565.50 - ANNOT.

(3) Any person who possesses an altered or forged lottery ticket or share with intent to defraud shall be fined not more than \$10,000 or imprisoned for not more than 3 years or both.

565.50 - ANNOT.

History: 1987 a. 119; 1997 a. 283.

CHAPTER 569. INDIAN GAMING

569.01 (intro.) Definitions. In this chapter:

569.01(1e)

(1e) "Department" means the department of administration.

569.01(1g)

(1g) "Indian gaming compact" means a compact entered into under s. 14.035.

569.01(1m)

(1m) (intro.) "Indian gaming receipts" means any of the following:

569.01(1m)(a)

(a) Moneys received by the state from Indian tribes as reimbursement for state costs of regulation of Indian gaming under Indian gaming compacts, except moneys received as direct reimbursements to the department of justice.

569.01(1m)(b)

(b) Moneys received by the state from Indian gaming vendors and from persons proposing to be Indian gaming vendors as reimbursement for state costs of certification and background investigations under s. 569.04, except moneys received as direct reimbursements to the department of justice.

569.01(1m)(c)

(c) Moneys received by the state from Indian tribes as reimbursement for state costs of gaming services and assistance provided by the state that are requested by an Indian tribe.

569.01(2)

(2) "Indian gaming vendor" means a person who enters into a contract with an Indian tribe for materials, supplies, equipment or services which are unique to the gaming operations of the Indian tribe and not common to the other operations of the Indian tribe, including security services, management contractors, management consulting services regarding the administration, supervision or training of one or more functions relating to gaming management or operations, financing of facilities in which gaming is conducted except for financing by a state or federally chartered financial institution, prize payout agreements or annuity contracts and materials, supplies, equipment or services involving marketing, the printing of gaming tickets or receipts, the receiving or recording of a player's selection in any game conducted by the Indian tribe and the determination of winners of a game conducted by the Indian tribe.

569.01(3)

(3) "Indian tribe" means a federally recognized Indian tribe in this state.

569.01 - ANNOT.

History: 1993 a. 16 ss. 3540, 3544; 1995 a. 27; 1997 a. 27.

569.01 - ANNOT.

Cross-reference: See definitions in s. 561.01.

569.015

569.015 Indian gaming.

569.015(1)

(1) The secretary of administration shall appoint a director of Indian gaming, who shall advise the secretary on matters relating to Indian gaming and who shall assist the department in performing the functions of the department under this chapter. The director of Indian gaming shall serve at the pleasure of the secretary of administration.

569.015(2)

(2) The secretary of administration shall appoint an attorney, whose duties shall include advising the secretary of administration and the governor on any Indian gaming compacts that may be entered into under s. 14.035. The attorney shall serve at the pleasure of the secretary of administration.

569.015 - ANNOT.

History: 1997 a. 27.

569.02

569.02 (intro.) Indian gaming; general duties. Under the direction of the secretary of administration, the director of Indian gaming shall do all of the following:

569.02(1)

(1) Coordinate all of the state's regulatory activities regarding Indian gaming.

569.02(2)

(2) Function as an Indian gaming liaison between Indians, the general public and the state.

569.02(3)

(3) Function as a clearinghouse for information on Indian gaming.

569.02(4)

(4) Assist the governor in determining the types of gaming that may be conducted on Indian lands and in entering into Indian gaming compacts.

569.02 - ANNOT.

History: 1991 a. 269; 1993 a. 16; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

569.02 - ANNOT.

If any element of an Indian tribe's television bingo game occurs off the reservation, it is subject to prosecution under Wisconsin criminal law. 80 Atty. Gen. 332.

569.03

569.03 (intro.) Indian gaming security. The department may do any of the following:

569.03(1)

(1) Provide all of the security services for the Indian gaming operations under this chapter.

569.03(2)

(2) Monitor the regulatory compliance of Indian gaming operations under this chapter and under any Indian gaming compact entered into under s. 14.035.

569.03(3)

(3) Audit the Indian gaming operations under this chapter.

569.03(4)

(4) Investigate suspected violations of this chapter.

569.03(5)

(5) Report suspected gaming-related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

569.03(6)

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

569.03 - ANNOT.

History: 1997 a. 27.

569.04

569.04 Certification and background investigation of Indian gaming employees and vendors.

569.04(1)

(1) In accordance with an Indian gaming compact or with the regulations of or an agreement with the national Indian gaming commission, the department shall certify and conduct background investigations of a person proposing to be an Indian gaming vendor and of employees of Indian tribes who are engaged in the conduct of gaming.

569.04(2)

(2) The department shall require the persons who are subject to the background investigations under sub. (1) to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints.

Notwithstanding ss. 111.321, 111.322 and 111.335, the department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

569.04(3)

(3) If the results of a background investigation under this section disclose information that, under the Indian gaming compact, disqualifies the person from becoming an Indian gaming vendor, any certificate authorizing the person to be an Indian gaming vendor that was issued before that disclosure is void.

569.04 - ANNOT.

History: 1991 a. 320; 1993 a. 16 ss. 3538, 3541 to 3543; 1995 a. 27 s. 9123 (6pp); 1995 a. 417; 1997 a. 27.

569.06

569.06 Indian gaming receipts. Indian gaming receipts shall be credited to the appropriation accounts under ss. 20.455

(2) (gc) and 20.505 (8) (h) as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h).

569.06 - ANNOT.

History: 1993 a. 16; 1995 a. 27; 1997 a. 27.

CIVIL PROCEDURE

CHAPTER 823. NUISANCES

823.20 Gambling place a public nuisance.

823.20(1)

(1) Any gambling place, as defined in s. 945.01 (4) (a), is a public nuisance and may be proceeded against under this chapter.

823.20(2)

(2) Any citizen of the county in which such nuisance exists may bring an action, without showing special damages or injury, to enjoin or abate the nuisance. The court after 3 days' notice to the defendants may allow a temporary injunction without

bond. The action shall be dismissed only if the court is satisfied that it should be dismissed on its merits. If application for dismissal is made, the court may continue the action and by order require the attorney general to prosecute it.

823.20(3)

(3) If the lessee of the place has been convicted of the crime of commercial gambling because of having operated that place as a gambling place or if such place has been adjudged a nuisance under this chapter, the lease by which such place is held is void and the lessor shall have the same remedies for regaining possession of the premises as the lessor would have against a tenant holding over the tenant's term.

823.20 - ANNOT.

History: Sup. Ct. Order, 67 W (2d) 585, 762 (1975); Stats. 1975 s. 823.20; 1993 a. 486; 1995 a. 11.

PROBATE

CHAPTER 880. GUARDIANS AND WARDS

SUBCHAPTER I. GENERAL PROVISIONS

880.01 (intro.) Definitions. For the purpose of this chapter, unless the context otherwise requires:

880.01(1)

(1) "Agency" means any public or private board, corporation or association which is concerned with the specific needs and problems of mentally retarded, developmentally disabled, mentally ill, alcoholic, drug dependent and aging persons, including a county department under s. 51.42 or 51.437.

880.01(2)

(2) "Developmentally disabled person" means any individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism or another neurological condition closely related to mental retardation or requiring treatment similar to that required for mentally retarded individuals, which has continued or can be expected to continue indefinitely, substantially impairs the individual from adequately providing for his or her own care or custody and constitutes a substantial handicap to the afflicted individual. The term does not include a person affected by senility which is primarily caused by the process of aging or the infirmities of aging.

880.01(3)

(3) "Guardian" means one appointed by a court to have care, custody and control of the person of a minor or an incompetent or the management of the estate of a minor, an incompetent or a spendthrift.

880.01(4)

(4) "Incompetent" means a person adjudged by a court of record to be substantially incapable of managing his or her property or caring for himself or herself by reason of infirmities of aging, developmental disabilities, or other like incapacities. Physical disability without mental incapacity is not sufficient to establish incompetence.

880.01(5)

(5) "Infirmities of aging" means organic brain damage caused by advanced age or other physical degeneration in connection therewith to the extent that the person so afflicted is substantially impaired in his or her ability to adequately provide for his or her own care or custody.

880.01(6)

(6) "Interested person" means any adult relative or friend of a person to be protected under this subchapter; or any official or representative of a public or private agency, corporation or association concerned with the welfare of the person who is to be protected.

880.01(7)

(7) "Minor" means a person who has not attained the age of 18 years.

880.01(7m)

(7m) (intro.) "Not competent to refuse psychotropic medication" means that, because of chronic mental illness, as defined in s. 51.01 (3g), and after the advantages and disadvantages of and alternatives to accepting the particular psychotropic medication have been explained to an individual, one of the following is true:

880.01(7m)(a)

(a) The individual is incapable of expressing an understanding of the advantages and disadvantages of accepting treatment and the alternatives.

880.01(7m)(b)

(b) The individual is substantially incapable of applying an understanding of the advantages, disadvantages and alternatives

to his or her chronic mental illness in order to make an informed choice as to whether to accept or refuse psychotropic medication.

880.01(8)

(8) "Other like incapacities" means those conditions incurred at any age which are the result of accident, organic brain damage, mental or physical disability, continued consumption or absorption of substances, producing a condition which substantially impairs an individual from providing for the individual's own care or custody.

880.01(9)

(9) "Spendthrift" means a person who because of the use of intoxicants or drugs or of gambling, idleness or debauchery or other wasteful course of conduct is unable to attend to business or thereby is likely to affect the health, life or property of the person or others so as to endanger the support of the person and the person's dependents or expose the public to such support.

880.01(10)

(10) "Ward" means a subject for whom a guardian has been appointed.

880.01 - ANNOT.

History: 1971 c. 41 s. 8; 1971 c. 228 s. 36; Stats. 1971 s. 880.01; 1973 c. 284; 1975 c. 430; 1981 c. 379; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1987 a. 366; 1993 a. 486; 1995 a. 268.

880.01 - ANNOT.

Guardianships and Protective Placements. Viney. Wis. Law. Aug. 1991.

PROVISIONS COMMON TO ACTIONS AND PROCEEDINGS IN ALL COURTS

CHAPTER 895. MISCELLANEOUS GENERAL PROVISIONS

895.055 Gaming contracts void.

895.055(1)

(1) All promises, agreements, notes, bills, bonds, or other contracts, mortgages, conveyances or other securities, where the whole or any part of the consideration of the promise, agreement, note, bill, bond, mortgage, conveyance or other security shall be for money or other valuable thing whatsoever won or lost, laid or staked, or betted at or upon any game

of any kind or under any name whatsoever, or by any means, or upon any race, fight, sport or pastime, or any wager, or for the repayment of money or other thing of value, lent or advanced at the time and for the purpose, of any game, play, bet or wager, or of being laid, staked, betted or wagered thereon shall be void.

895.055(2)

(2) This section does not apply to contracts of insurance made in good faith for the security or indemnity of the party insured.

895.055(3)

(3) This section does not apply to any promise, agreement, note, bill, bond, mortgage, conveyance or other security that is permitted under chs. 562 to 569 or under state or federal laws relating to the conduct of gaming on Indian lands.

895.055 - ANNOT.

History: 1993 a. 174; 1995 a. 225; 1997 a. 27.

895.055 - ANNOT.

Puerto Rican judgment based on gambling debt was entitled to full faith and credit in Wisconsin.

Conquistador Hotel Corp. v. Fortino, 99 W (2d) 16, 298 NW (2d) 236 (Ct. App. 1980).

895.056

895.056 Recovery of money wagered.

895.056(1)

(1) (intro.) In this section:

895.056(1)(a)

(a) "Property" means any money, property or thing in action.

895.056(1)(b)

(b) "Wagerer" means any person who, by playing at any game or by betting or wagering on any game, election, horse or other race, ball playing, cock fighting, fight, sport or pastime or on the issue or event thereof, or on any future contingent or unknown occurrence or result in respect to anything whatever, shall have put up, staked or deposited any property with any stakeholder or 3rd person, or shall have lost and delivered any property to any winner thereof.

895.056(2)

(2)

895.056(2)(a)

(a) A wagerer may, within 3 months after putting up, staking or depositing property with a stakeholder or 3rd person, sue for and recover the property from the stakeholder or 3rd person whether the property has been lost or won or whether it has been delivered over by the stakeholder or 3rd person to the winner.

895.056(2)(b)

(b) A wagerer may, within 6 months after any delivery by the wagerer or the stakeholder of the property put up, staked or deposited, sue for and recover the property from the winner thereof if the property has been delivered over to the winner.

895.056(3)

(3) (intro.) If the wagerer does not sue for and recover the property, which was put up, staked or deposited, within the time specified under sub. (1), any other person may, in the person's behalf and the person's name, sue for and recover the property for the use and benefit of the wagerer's family or heirs, in case of the wagerer's death. The suit may be brought against and property recovered from any of the following:

895.056(3)(a)

(a) The stakeholder or a 3rd person if the property is still held by the stakeholder or 3rd person, within 6 months after the putting up, staking or depositing of the property.

895.056(3)(b)

(b) The winner of the property, within one year from the delivery of the property to the winner.

895.056(4)

(4) This section does not apply to any property that is permitted to be played, bet or wagered under chs. 562 to 569 or under state or federal laws relating to the conduct of gaming on Indian lands.

895.056 - ANNOT.

History: 1993 a. 174, 486; 1995 a. 225; 1997 a. 27, 35.

CRIMINAL CODE

CHAPTER 945. GAMBLING

945.01

945.01 (intro.) Definitions. In this chapter:

945.01(1)

(1) (intro.) Bet. A bet is a bargain in which the parties agree that, dependent upon chance even though accompanied by some skill, one stands to win or lose something of value specified in the agreement. But a bet does not include:

945.01(1)(a)

(a) (intro.) Bona fide business transactions which are valid under the law of contracts including without limitation:

945.01(1)(a)1.

1. Contracts for the purchase or sale at a future date of securities or other commodities, and

945.01(1)(a)2.

2. Agreements to compensate for loss caused by the happening of the chance including without limitation contracts of indemnity or guaranty and life or health and accident insurance;

945.01(1)(b)

(b) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the bona fide owners of animals or vehicles entered in such contest;

945.01(1)(cm)

(cm) Participation in bingo or a raffle conducted under ch. 563.

945.01(1)(d)

(d) Pari-mutuel wagering subject to ch. 562.

945.01(1)(e)

(e) Participation in a lottery conducted under ch. 565.

945.01(2)

(2) Bookmaking. "Bookmaking" means the receiving, recording or forwarding of a bet or offer to bet on any contest of skill, speed, strength or endurance of persons or animals.

945.01(3)

(3) Gambling machine.

945.01(3)(a)

(a) A gambling machine is a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, even though accompanied by some skill and whether or not the prize is automatically paid by the machine.

945.01(3)(b)

(b) (intro.) "Gambling machine" does not include any of the following:

945.01(3)(b)1.

1. A device used in conducting a bingo occasion or raffle event under ch. 563, used in conducting a lottery under ch. 565 or used in conducting a race under ch. 562.

945.01(3)(b)2.

2. Any amusement device if it rewards the player exclusively with one or more nonredeemable free replays for achieving certain scores and does not change the ratio or record the number of the free replays so awarded.

945.01(3)(b)3.

3. An amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than 7 times the cost charged to play the amusement device once or \$5, whichever is less. In this subdivision, "skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use his or her knowledge which enables him or her to obtain more frequent rewards or prizes than does another less precise, dextrous or knowledgeable player.

945.01(4)

(4) Gambling place.

945.01(4)(a)

(a) A gambling place is any building or tent, any vehicle (whether self-propelled or not) or any room within any of them, one of whose principal uses is any of the following: making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling machines.

945.01(4)(am)

(am) "Gambling place" does not include a place where bingo or a raffle is conducted under ch. 563, where a lottery is conducted under ch. 565 or where a race is conducted under ch. 562 and does not include a gambling vessel that is in the process of construction, delivery, conversion or repair by a shipbuilding business that complies with s. 945.095.

945.01(4)(b)

(b) Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be professional gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

945.01(4)(c)

(c) Any gambling place is a public nuisance and may be proceeded against under ch. 823.

945.01(5)

(5) Lottery.

945.01(5)(a)

(a) A lottery is an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance, even though accompanied by some skill.

945.01(5)(am)

(am) "Lottery" does not include bingo or a raffle conducted under ch. 563, pari-mutuel wagering conducted under ch. 562 or the state lottery or any multijurisdictional lottery conducted under ch. 565.

945.01(5)(b)

(b)

945.01(5)(b)1.

1. "Consideration" in this subsection means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant, but does not include any advantage to the promoter or disadvantage to any participant caused when any participant learns from newspapers, magazines and other periodicals, radio or television where to send the participant's name and address to the promoter.

945.01(5)(b)2.

2. (intro.) In any game, drawing, contest, sweepstakes or other promotion, none of the following shall constitute consideration under this subsection:

945.01(5)(b)2.a.

a. To listen to or watch a television or radio program.

945.01(5)(b)2.b.

b. To fill out a coupon or entry blank which is received through the mail or published in a newspaper or magazine, if facsimiles thereof or handwritten and other informal entries are acceptable or if no purchase is required.

945.01(5)(b)2.c.

c. To furnish proof of purchase if the proof required does not consist of more than the container of any product as packaged by the manufacturer, or a part thereof, or a facsimile of either.

945.01(5)(b)2.d.

d. To send the coupon or entry blank and proof of purchase by mail to a designated address.

945.01(5)(b)2.e.

e. To fill out a coupon or entry blank obtained and deposited on the premises of a bona fide trade fair or trade show defined as an exhibition by 5 or more competitors of goods, wares or merchandise at a location other than a retail establishment or shopping center or other place where goods and services are customarily sold; but if an admission fee is charged to such exhibition all facilities for obtaining and depositing coupons or entry blanks shall be outside the area for which an admission fee is required.

945.01(5)(b)2.f.

f. To visit a mercantile establishment or other place without being required to make a purchase or pay an admittance fee.

945.01(5)(b)2.g.

g. To use a chance promotion exempt under s. 100.16 (2).

945.01(6)

(6) Wire communication facility. "Wire communication facility" means any and all instrumentalities, personnel and services, and among other things the receipt, forwarding or delivery of communications used or useful in the transmission of writings, signs, pictures and sounds of all kinds by means of wire, cable, microwave or other like connection between the points of origin and reception of such transmission.

945.01 - ANNOT.

History: 1973 c. 156; Sup. Ct. Order, 67 W (2d) 585, 784 (1973); 1975 c. 94; 1977 c. 90, 426; 1979 c. 40, 91; 1981 c. 351; 1983 a. 189; 1987 a. 119, 329, 354, 403; 1989 a. 31; 1991 a. 269, 321; 1993 a. 486; 1995 a. 11; 1997 a. 27.

945.01 - ANNOT.

Defendant's use of warehouse to conduct pyramid club meetings was "principal use" under (4) (a). State v. Dahlk, 111 W (2d) 287, 330 NW (2d) 611 (Ct. App. 1983).

945.01 - ANNOT.

Evidence of prior gambling activity is necessary to prove existence of "gambling place". State v. Nixa, 121 W (2d) 160, 360 NW (2d) 52 (Ct. App. 1984).

945.01 - ANNOT.

Monies paid by individuals to subscribe to CATV could be consideration which would make a bingo game offered over CATV gambling. 60 Atty. Gen. 382.

945.01 - ANNOT.

The silent auction is not a lottery because the element of prize is not present. 62 Atty. Gen. 122.

945.01 - ANNOT.

Illegality of Michigan lottery activities in Wisconsin discussed. 62 Atty. Gen. 186.

945.01 - ANNOT.

If any element of Indian tribe's television bingo game occurs off the reservation, it is subject to prosecution under Wisconsin criminal law. 80 Atty. Gen. 332.

945.01 - ANNOT.

A video poker machine is not a gambling machine per se. State v. Hahn, 203 W (2d) 450, 553 NW (2d) 292 (Ct. App. 1996).

945.02

945.02 (intro.) Gambling. Whoever does any of the following is guilty of a Class B misdemeanor:

945.02(1)

(1) Makes a bet; or

945.02(2)

(2) Enters or remains in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling machine; or

945.02(3)

(3) Conducts a lottery, or with intent to conduct a lottery, possesses facilities to do so.

945.02 - ANNOT.

History: 1977 c. 173.

945.02 - ANNOT.

Games such as "Las Vegas nights" constitute illegal lotteries; law does not exempt benevolent and nonprofit organizations. 70 Atty. Gen. 59.

945.03

945.03 (intro.) Commercial gambling. Whoever intentionally does any of the following is engaged in commercial gambling and is guilty of a Class E felony:

945.03(1)

(1) Participates in the earnings of or for gain operates or permits the operation of a gambling place; or

945.03(2)

(2) For gain, receives, records or forwards a bet or offer to bet or, with intent to receive, record or forward a bet or offer to bet, possesses facilities to do so; or

945.03(3)

(3) For gain, becomes a custodian of anything of value bet or offered to be bet; or

945.03(4)

(4) Conducts a lottery where both the consideration and the prize are money, or with intent to conduct such a lottery, possesses facilities to do so; or

945.03(5)

(5) Sets up for use for the purpose of gambling or collects the proceeds of any gambling machine; or

945.03(6)

(6) For gain, maintains in this state any record, paraphernalia, tickets, certificates, bills, slip, token, paper, writing or other device used, or to be used, or adapted, devised or designed for use in gambling; or

945.03(7)

(7) For gain, uses a wire communication facility for the transmission or receipt of information assisting in the placing of a bet or offer to bet on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of a bet or offer to bet.

945.03 - ANNOT.

History: 1977 c. 173.

945.03 - ANNOT.

The offense of commercial gambling is distinguishable from the offense of making a bet and the statute is not unconstitutionally vague. *State v. Vlahos*, 50 W (2d) 609, 184 NW (2d) 817.

945.03 - ANNOT.

A complaint charging one defendant with 30 counts of commercial gambling, one of which identified the date and subject of a bet allegedly taken by defendant, and 29 of which charged the regular receipt of bets from 8 bettors—all but one named in 2 or more counts—on unspecified athletic events from periods of one to several months between September, 1971, and January, 1974, was multiplicitous and defective as to the 29, because the counts divided a single charge (continuous commercial gambling) into several counts. *State v. George*, 69 W (2d) 92, 230 NW (2d) 253.

945.03 - ANNOT.

A video poker machine is not a gambling machine per se. For a violation of sub. (5) to be found, the defendant must have collected proceeds from video poker machines knowing they were being used for gambling and that the proceeds were derived from the gambling. *State v. Hahn*, 203 W (2d) 450, 553 NW (2d) 292 (Ct. App. 1996).

945.03 - ANNOT.

An Iowa licensed river boat equipped with casino-style gambling games may be engaged in illegal commercial gambling if it enters Wisconsin waters. 79 Atty. Gen. 206.

945.03 - ANNOT.

Although indictment failed to state which of 7 subsections defendants' alleged gambling business violated, more specificity was not required to enable defendants successfully to plead bar of double jeopardy and to inform them of what they would have to meet to formulate a defense; thus the indictment was not subject to dismissal. *U.S. v. Halmo*, 386 F Supp. 593.

945.04

945.04 (intro.) Permitting premises to be used for commercial gambling. Whoever intentionally does any of the following is guilty of a Class A misdemeanor:

945.04(1)

(1) Permits any real estate owned or occupied by him or her or under his or her control to be used as a gambling place; or

945.04(2)

(2) Permits a gambling machine to be set up for use for the purpose of gambling in a place under his or her control.

945.04 - ANNOT.

History: 1977 c. 173; 1993 a. 486.

945.04 - ANNOT.

See note to 945.01, citing *State v. Dahlk*, 111 W (2d) 287, 330 NW (2d) 611 (Ct. App. 1983).

945.041

945.041 Revocation of license and injunction against gambling devices.

945.041(1)

(1) A license or permit issued under ch. 125 to any person who knowingly permits any slot machine, roulette wheel, other similar mechanical gambling device, or number jar or other device designed for like form of gambling, or any horse race betting or other bookmaking as defined in s. 945.01, or solicitation of drinks from customers under s. 944.36 to be set up, kept, managed, used or conducted upon the licensed premises or in connection therewith upon premises controlled directly or indirectly by the person, shall be revoked by the circuit courts by a special proceeding as provided in this section. If a license or permit has been revoked no other license or permit of any character provided for by ch. 125 may be issued to the person who held the license or permit, prior to the expiration of one year from the effective date of the revocation. If any appeal is taken from the revocation, any period during which the order is stayed shall be added to the one year.

945.041(2)

(2) Any sheriff, undersheriff, deputy sheriff, constable or other municipal police officer or any person authorized to enforce the gambling laws under s. 165.60 shall within 10 days after acquiring such information report to the district attorney of the county the name and address of any licensee or permittee under ch. 125 who to his or her knowledge has knowingly

suffered or permitted any device in sub. (1) or any horse race betting to be set up, kept, managed, used or conducted upon the licensed premises or in connection therewith upon premises controlled directly or indirectly by such licensee or permittee. Such officer or person shall also report to the district attorney knowledge of the circumstances and the name of the municipality or officer by whom the license or permit has been issued. Any other person may in writing and signed by that person report any such name, address and other information to the district attorney. Within 10 days after any report the district attorney shall institute a proceeding as hereinafter provided before the circuit court of the county or shall within such time report to the attorney general the reasons why such a proceeding has not been instituted. The attorney general may direct the department of justice or the district attorney to institute such proceeding within a reasonable time.

945.041(3)

(3) Such proceeding shall be in the name of the state and the issues may be determined by a jury. It shall be instituted by the filing of a petition and service of a notice as herein provided. The petition shall be directed to the circuit court and shall set forth a clear and concise statement of the grounds that are alleged to exist justifying a revocation of the license or permit under sub. (1), and shall request an order revoking such license or permit. It shall also request an injunction restraining the defendant from thereafter knowingly suffering or permitting any such devices or any horse race betting to be set up, kept, managed, used or conducted upon premises directly or indirectly controlled by the defendant. Upon the filing of such petition the court shall fix a time for hearing not to exceed 30 days from the date of filing at a place within the judicial circuit, and a copy of the petition and a notice of the time and place of hearing shall be served upon the defendant not less than 20 days prior to the date of hearing. Such service shall be made in the same manner as a summons is served in a civil action, except that it may also be made by leaving a copy of said petition and notice with any person charged with the operation of the licensed premises under s. 125.68 (2). The allegations of the petition shall be deemed controverted and shall be at issue without further pleading by the defendant. No hearing shall be adjourned except for cause. If upon such hearing the court finds that the allegations of the petition are true, it shall issue a written order revoking the license or permit and shall likewise enjoin the defendant from thereafter knowingly suffering or permitting any gambling devices referred to in

sub. (1) or any horse race betting to be set up, kept, managed, used or conducted upon premises directly or indirectly controlled by the defendant. The district attorney shall forthwith cause a copy of the order to be filed with the issuing authority of the license or permit and shall cause a copy to be served upon the defendant as above provided or the defendant's attorney. The revocation and injunction shall become effective upon such service. In cases where a license is issued by a town, city or village, a copy of the order shall also be filed with the department of revenue.

945.041(4)

(4) The law enforcement officials referred to in sub. (2) shall also report to the district attorney the names and addresses of persons other than licensees under ch. 125 who permit devices referred to in sub. (1) or any horse race betting to be set up, kept, managed, used or conducted upon premises controlled directly or indirectly by such persons. They shall also report their knowledge of the circumstances and the location of such premises. Thereupon the district attorney shall proceed as in the case of licensees or permittees, except that the only request of the petition shall be for the issuance of the injunction referred to in sub. (3) and the other required allegations shall be correspondingly changed. Such proceeding shall be had and such injunctive orders entered and served as under sub. (3).

945.041(5)

(5) Violations of injunctive orders under this section are punishable by the court as contempts of court under ch. 785.

945.041(6)

(6) Appeals may be taken from orders issued by the circuit court hereunder as in the case of special proceedings.

945.041(7)

(7) Any proceeding instituted by a district attorney shall not be dismissed with the district attorney's consent except upon the written approval of the circuit court.

945.041(8)

(8) Any officer or employe referred to in sub. (2) or any district attorney who shall without proper excuse neglect or refuse to perform the duties required of him or her herein within such times as may be specified shall be subject to removal. The governor may remove any such sheriff or district attorney under s. 17.16 by filing a complaint on the governor's own

motion.

945.041(9)

(9) Every officer and district attorney shall keep a written record of reports made by or to him or her under sub. (2).

945.041(10)

(10) No proceeding under this section may be commenced for violations of ch. 563.

945.041 - ANNOT.

History: 1973 c. 156; 1975 c. 39 s. 675v; 1975 c. 199; Stats. 1975 s. 945.041; 1977 c. 26, 173; 1977 c. 187
s. 135; 1979 c. 257; 1981 c. 79 s. 18; 1987 a. 399; 1991 a. 269; 1993 a. 486.

945.05

945.05 Dealing in gambling devices.

945.05(1)

(1) (intro.) Whoever manufactures, transfers commercially or possesses with intent to transfer commercially either of the following is guilty of a Class E felony:

945.05(1)(a)

(a) Anything which he or she knows evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet; or

945.05(1)(b)

(b) Any device which he or she knows is designed exclusively for gambling purposes or anything which he or she knows is designed exclusively as a subassembly or essential part of such device. This includes without limitation gambling machines, numbers jars, punch boards and roulette wheels. Playing cards, dice and permanently disabled gambling machines shall not be considered devices primarily for gambling purposes.

945.05(2)

(2) Proof of possession of any device designed exclusively for gambling purposes, which is less than 25 years old, is not in a gambling place and is not set up for use, is prima facie evidence of possession with intent to transfer.

945.05(3)

(3) Any motor vehicle or aircraft, used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of those gambling devices enumerated in sub. (1), may be seized by any peace officer and shall be forfeited to the

state in an action brought by the attorney general or the district attorney of the county where the vehicle or aircraft is subject to forfeiture and such action shall be in the name of and on behalf of the state in accordance with ch. 778.

Lienholders and owners shall have the same rights as provided in s. 139.40.

945.05 - ANNOT.

History: 1977 c. 173, 297; 1979 c. 32 s. 92 (8); 1993 a. 486.

945.05 - ANNOT.

Dissemination of out-of-state lottery tickets by business establishments in Wisconsin, with or without a purchase, violates (1) (a). 75 Atty. Gen. 47.

945.06

945.06 Public utilities to cease service. When any public utility, common carrier, contract carrier, or railroad, subject to the jurisdiction of the public service commission, office of the commissioner of railroads or department of transportation of this state, is notified in writing by a federal, state or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information in violation of the laws of this state it shall discontinue or refuse the leasing, furnishing or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility, common carrier, contract carrier or railroad, for any act done in compliance with any notice received from a law enforcement agency under this section. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination as otherwise provided by law in any court or tribunal or agency, that such facility should not be discontinued or removed, or should be restored.

945.06 - ANNOT.

History: 1977 c. 29 s. 1654 (9) (i); 1981 c. 347 s. 80 (2); 1993 a. 16, 123.

945.07

945.07 Gambling by participants in contest.

945.07(1)

(1) Any participant in, or any owner, employer, coach or trainer of a participant in, any contest of skill, speed, strength or endurance of persons, machines or animals at which admission is charged, who makes a bet upon any opponent in such contest is guilty of a Class A misdemeanor.

945.07(2)

(2) In this section, "participant" includes any person who is selected or who expects to take part in any such contest.

945.07 - ANNOT.

History: 1975 c. 94; 1977 c. 173.

945.08

945.08 Bribery of participant in contest.

945.08(1)

(1) Any person who, with intent to influence any participant to refrain from exerting full skill, speed, strength or endurance, transfers or promises any property or any personal advantage to or on behalf of any participant in a contest of skill, speed, strength or endurance is guilty of a Class D felony.

945.08(2)

(2) Any participant in any such contest who agrees or offers to refrain from exerting full skill, speed, strength or endurance in return for any property or any personal advantage transferred or promised to the participant or another is guilty of a Class A misdemeanor.

945.08(3)

(3) In this section "participant" includes any person who is selected to or who expects to take part in any such contest.

945.08 - ANNOT.

History: 1977 c. 173.

945.09

945.09 Commercial printing. Sections 945.02, 945.03 and 945.05 do not apply to any person who operates a commercial printing business and without consideration other than for regular and customary printing charges, prints and sells tickets in the ordinary course of business which have been ordered by a customer in another state to be sold in that state, if the lottery is lawful in the state from which the order is placed and the order is shipped to such customer in that state.

945.09 - ANNOT.

History: 1977 c. 66.

945.095

945.095 Shipbuilding business.

945.095(1)

(1) (intro.) Notwithstanding ss. 945.03, 945.04 and 945.05, a person may construct, deliver, convert or repair a vessel that is equipped with gambling devices if all of the following conditions are satisfied:

945.095(1)(a)

(a) The work performed on the vessel is ordered by a customer who shall use or possess the vessel outside of this state in a locality where the use or possession of the gambling devices on the vessel is lawful.

945.095(1)(b)

(b) The person performs the work on the vessel that is equipped with the gambling devices at a shipbuilding business that is located in Sturgeon Bay, Manitowoc, Marinette, Superior or La Crosse, Wisconsin.

945.095(1)(c)

(c) The person registers with the U.S. attorney general, pursuant to 15 USC 1173, and specifies in that registration that the person is in the business of installing and removing gambling devices, as defined in 15 USC 1171 (a), as part of the process of performing work on vessels ordered by a customer who shall use or possess the vessel outside of this state in a locality where the use or possession of the gambling devices on the vessel is lawful.

945.095(1)(d)

(d) The person provides the department of administration, prior to the importation of the gambling devices into the state, all records that account for the gambling devices, including the identification number affixed to each gambling device by the manufacturer, and that identify the location where the gambling devices will be stored prior to the installation of the gambling devices on the vessel.

945.095(1)(e)

(e) The person stores the gambling devices at a secured warehouse facility and permits any person authorized to enforce the gambling laws under s. 165.50 to inspect the facility where the gambling devices are stored and any records relating to the gambling devices.

945.095(1)(f)

(f) If the person removes used gambling devices from a vessel, the person shall provide the department of administration with an inventory of the used gambling devices prior to their removal from the vessel. The inventory shall include the

identification number affixed to each gambling device by the manufacturer.

945.095(1)(g)

(g) The person submits documentation to the department of administration, no later than 30 days after the date of delivery, that the vessel equipped with gambling devices has been delivered to the customer who ordered the work performed on the vessel.

945.095(1)(h)

(h) The person does not sell a gambling device to any other person except to a customer who shall use or possess the gambling device outside of this state in a locality where the use or possession of the gambling device is lawful. If a person sells a gambling device to such a customer, the person shall submit documentation to the department of administration, no later than 30 days after the date of delivery, that the gambling device has been delivered to the customer.

945.095(2)

(2) If any person who constructs, delivers, converts or repairs a vessel that is equipped with gambling devices does not satisfy all of the conditions under sub. (1), the person is subject to ss. 945.03, 945.04 and 945.05.

945.095 - ANNOT.

History: 1995 a. 11, 27, 225; 1997 a. 27.

945.10

945.10 Prizes forfeited. Anything of value received by any person as a prize in any lottery conducted in violation of this chapter shall be forfeited to the state and may be recovered in any proper action brought by the attorney general or any district attorney in the name and on behalf of the state.

945.12

945.12 Endless sales chains. Whoever sets up, promotes or aids in the promotion of a plan by which motor vehicles are sold to a person for a consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery and

shall be punished as provided in s. 945.02. The further prosecution of any such plan may be enjoined.

945.12 - ANNOT.

Cross-reference: As to endless chain sales, see also s. 218.01 (3) (a) 20.

945.13

945.13 Interstate transportation of gambling devices. Pursuant to the authority granted the state in 15 USC 1172, which makes unlawful the transportation of any gambling device to any place in a state or a possession of the United States from any place outside of the state or the possession, this state exempts Sturgeon Bay, Manitowoc, Marinette, Superior and La Crosse, Wisconsin, from the application of 15 USC 1172.

945.13 - ANNOT.

History: 1995 a. 11, 225.

CHAPTER 947. CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS

947.02

947.02 (intro.) Vagrancy. Any of the following are vagrants and are guilty of a Class C misdemeanor:

947.02(1)

(1) A person, with the physical ability to work, who is without lawful means of support and does not seek employment; or

947.02(3)

(3) A prostitute who loiters on the streets or in a place where intoxicating liquors are sold, or a person who, in public, solicits another to commit a crime against sexual morality; or

947.02(4)

(4) A person known to be a professional gambler or known as a frequenter of gambling places or who derives part of his or her support from begging or as a fortune teller or similar imposter.

947.02 - ANNOT.

History: 1977 c. 173; 1993 a. 486.

CRIMINAL PROCEDURE

CHAPTER 968. COMMENCEMENT OF CRIMINAL PROCEEDINGS

968.13 Search warrant; property subject to seizure.

968.13(1)

(1) (intro.) A search warrant may authorize the seizure of the following:

968.13(1)(a)

(a) Contraband, which includes without limitation because of enumeration lottery tickets, gambling machines or other gambling devices, lewd, obscene or indecent written matter, pictures, sound recordings or motion picture films, forged money or written instruments and the tools, dies, machines or materials for making them, and controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m), and the implements for smoking or injecting them. Gambling machines or other gambling devices possessed by a shipbuilding business that complies with s. 945.095 are not subject to this section.

968.13(1)(b)

(b) Anything which is the fruit of or has been used in the commission of any crime.

968.13(1)(c)

(c) Anything other than documents which may constitute evidence of any crime.

968.13(1)(d)

(d) Documents which may constitute evidence of any crime, if probable cause is shown that the documents are under the control of a person who is reasonably suspected to be concerned in the commission of that crime under s. 939.05 (2).

968.13(2)

(2) In this section, "documents" includes, but is not limited to, books, papers, records, recordings, tapes, photographs, films or computer or electronic data.

968.13 - ANNOT.

History: 1971 c. 219; 1979 c. 81; 1995 a. 11, 448.

968.28 Application for court order to intercept communications. The attorney general together with the district attorney of any county may approve a request of an investigative or law enforcement officer to apply to the chief judge of the judicial administrative district for the county where the interception is to take place for an order authorizing or

approving the interception of wire, electronic or oral communications. The chief judge may under s. 968.30 grant an order authorizing or approving the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense for which the application is made. The authorization shall be permitted only if the interception may provide or has provided evidence of the commission of the offense of homicide, felony murder, kidnapping, commercial gambling, bribery, extortion, dealing in controlled substances or controlled substance analogs, a computer crime that is a felony under s. 943.70, or any conspiracy to commit any of the foregoing offenses.

968.28 - ANNOT.

History: 1971 c. 219; 1977 c. 449; 1983 a. 438; 1987 a. 399; 1995 a. 448.