



1995 SENATE BILL 409

November 7, 1995 - Introduced by Senator BRESKE. Referred to Joint committee on Finance.

- 1 **AN ACT relating to:** the expenditure of \$3,300,000 from the general fund for
2 payment of a claim against the state made by the Wisconsin Grocers
3 Association, Inc. (in behalf of its members).

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$3,300,000 from the general fund in payment of a claim made by the Wisconsin Grocers Association, Inc. (in behalf of its members), against the former lottery board and the gaming commission. On August 10, 1989, the former lottery board (now gaming commission) imposed fees upon retailers operating computerized retailer vending terminals for the state lottery under s. 565.01 (6m) (a) 2., stats. The fees included a terminal installation fee of \$250, a weekly fee of \$7 for maintaining a terminal connection and a fee of \$1,050 for changing the location of a terminal. Under s. 565.10 (8), 1987 stats., the lottery board was authorized to impose upon retailers who participate in the state lottery, by rule, a nonrefundable application fee, a nonrefundable annual fee for continuation and a nonrefundable fee for issuance of a certificate of authority to operate the lottery at each participating location. The board, and later the commission, continued to collect the fees until March 1, 1993. Neither the board nor the commission promulgated rules under s. 565.10 (8), stats., during this period. The claimant seeks a refund of \$3,300,000, representing the total fees allegedly paid by its members during this period that were collected without statutory authorization. On May 3, 1994, the claims board recommended denial of a claim by the Wisconsin Grocers Association, Inc., in the amount of \$3,300,000 relating to this matter. See 1993 *Senate Journal*, pp. 991-992.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1. Claim against the state.** There is directed to be expended from
2 the appropriation under section 20.505 (4) (d) of the statutes, as affected by the acts
3 of 1995, \$3,300,000 in payment of a claim against the state made by the Wisconsin
4 Grocers Association, Inc., Madison, Wisconsin, to compensate its members for
5 terminal installation, on-line telecommunication and special relocation fees
6 assessed by and paid to the former lottery board and the gaming commission during
7 the period from August 10, 1989, to March 1, 1993, that were not authorized by law.
8 Acceptance of this payment releases this state and its officers, employes and agents
9 from any claim resulting from assessment and collection of these fees.

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(END)