

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 95-144**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### **2. Form, Style and Placement in Administrative Code**

a. Although the analysis is generally very thorough, it would be helpful if the effects of repealing s. WGC 24.12 (4) and (5) in SECTION 17 could be described.

Also, in the description in the analysis of s. WGC 24.12 (6) in SECTION 19, should “to give” precede “a refund”?

b. Throughout the rule, an appropriate article like “the” should replace “such.” [See s. 1.01 (9) (c), Manual.] For example, see ss. WGC 24.12 (8) and 24.14 (1) (g).

c. In s. WGC 9.11 (17) (a), “Twin Trifecta” should not be capitalized.

d. In SECTION 12, the subdivisions labelled s. WGC 24.07 (1) (b) 1. and 2. are s. WGC 24.07 (2) (b) 1. and 2. Also, s. WGC 24.07 (1) is not an introductory paragraph, so “(intro.)” should be deleted. Both the treatment clause and the text of the rule need to be re-drafted to reflect the above changes.

e. In s. WGC 24.12 (4), “~~pools~~” should be deleted from the first line and “pools” should be replaced with “pools” in the second line.

f. In SECTION 21, the treatment clause should read “WGC 24.14 is renumbered WGC 24.21 (1) and amended to read:”.

g. All subunits of a rule, except introductory material, should end with a period. [See s. 1.03 (intro.), Manual.] For example, all of the subdivisions in s. WGC 24.14 (1) (c) should end with a period and par. (c) (intro.) should read “(c) Provide all of the following:”. The entire rule should be reviewed for instances of this error.

h. In SECTION 23, the treatment clause should read “WGC 24.15 is renumbered WGC 24.22 and amended to read:”.

i. In s. WGC 24.18, only subs. (1) and (2) appropriately follow the introductory material. Therefore, s. WGC 24.18 (intro.) should be renumbered s. WGC 24.18 (1) and s. WGC 24.18 (1) and (2) should be renumbered s. WGC 24.18 (1) (a) and (b). Section WGC 24.18 (3) and (4) should be renumbered s. WGC 24.18 (2) and (3).

j. In SECTION 30, s. WGC 24.22 (2) should be s. WGC 24.21 (2).

k. The rule must include an effective date provision at the end of the rule-making order.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In s. WGC 24.16 (14), there should be a period after “2”. Also, that cite only relates to dog racing. Should the cite for horse racing be included?

b. In s. WGC 24.17 (2) (a), there is a cite to s. WGC 24.22 (3), but there is no such subsection in s. WGC 24.22. Should the cite be to s. WGC 24.21 (3)?

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. WGC 9.11 (17) (b), stating that the “jackpot” carryover will be distributed on a mandatory basis is unclear. Does it mean that 100% must be distributed? This comment also applies to par. (c).

Also, s. WGC 9.11 (17) (b) is too wordy. In line 15, “the start of” could be deleted. In line 16, “from race performances in which the first ‘jackpot’ is capped” could be deleted. In line 19, “of the first ‘jackpot’ carryover” could be deleted; also, “will” should be “may.” In lines 23 to 24, “If while seeding the second ‘jackpot’ carryover from money designated for the second part of the divided pool from performances the first ‘jackpot’ is capped” could perhaps be replaced with “If the new first ‘jackpot’ carryover is capped.”

Also, to describe the race at which the “jackpot” will be distributed, both “specific” and “designated” are used. Perhaps one word could be used to clarify to which race the reference is made.

b. In s. WGC 9.17, “The licensee” should be “A licensee.” Also, “within the deduction rates” on lines 24 to 25 could be deleted because it is repetitive.

Also, is s. WGC 9.17 necessary since s. 562.065 (3) (a), Stats., is definitive regarding deductions?

c. In s. WGC 14.11 (1), line 12, “but not limited to” should read “but are not limited to.” Also on that line, “representation of kennels” is vague. Perhaps the sentence should be more specific and encourage testing of animals from as many kennels as possible or several kennels.

d. In s. WGC 24.02 (8), it appears that some out-of-state guest tracks are not racetracks. Perhaps, a term such as guest sites would be more appropriate.

e. In s. WGC 24.11 (3), the last sentence should perhaps specify when the stewards should be informed.

f. In s. WGC 24.11 (1), should notification of a proposal to be a host track be in writing?

g. In s. WGC 24.12 (5), is it necessary to discuss the formation of a separate pool since that is detailed in ch. WGC 9?

h. In s. WGC 24.12 (8), the last sentence would be clearer if it stated that surcharges and withholding only apply to wagers placed in the jurisdiction imposing the surcharges or withholdings.

i. In s. WGC 24.12 (9), it is unclear what deductions outside the deductions set forth in the statutes mean. Would these deductions be more or less or either?

Also in that subsection, “to produce a standard common payout price” is repetitive and could be deleted from the last sentence.

j. In s. WGC 24.13 (1), the introductory material contains a lot of information and may be clearer if it is simplified to state that a licensee must comply with the material that follows. The requirement that the licensee notify the tote company could then be placed in a separate subsection.

Also in that subsection, all of the paragraphs should have the same grammatical form. Therefore, par. (b) should start with a verb and state “Submit a fee of \$50 for each race performance...” Paragraphs (c) and (d) should also be changed and state “For a Wisconsin guest track..., provide verification that at least...”

Also, in par. (b), “less races” should be “fewer races.”

Paragraphs (e) and (f) could be placed in separate subsections because they are more general statements regarding simulcast races instead of specific steps a licensee must follow to receive approval for simulcast races.

k. In s. WGC 24.13 (3), “submitted for commission approval” may be clearer as “submitted to the commission for approval.”

l. In s. WGC 24.14 (1) (a), “TIM” is defined in s. WGC 24.02 (15). Therefore, either the term or the abbreviation, but not both, should be used.

m. In s. WGC 24.14 (1) (b), line 8, “shall” should be deleted in order to be consistent with the verb tense of the rest of the paragraph.

n. In s. WGC 24.14 (1) (g), “wagering data transmission” may be clearer as “transmitting wagering data.”

Also in that paragraph, it is unclear what a “dedicated digital data line” is. Is this term commonly understood?

Also in that paragraph, the phrase “prior approved” is awkward. Perhaps, “approved in advance” could be used. This comment also applies to s. WGC 24.16 (15).

o. In s. WGC 24.14 (1) (i) and elsewhere in the rule, “merge” should not be used as a noun. The term “merging” should be substituted.

p. In s. WGC 24.14 (3), a comma should follow “shall” on line 9.

q. In s. WGC 24.15 (1), the colon should be replaced with a comma.

r. In s. WGC 24.15 (2), “its” should replace “their” on line 8.

s. In s. WGC 24.16 (2), “The mutual department shall” should be deleted so that the subsection begins with a verb like the other subsections do.

t. In s. WGC 24.16 (4), should “Cycle of frequency” be “Cycle the frequency”?

u. In s. WGC 24.16 (6), “and be identified” should be “and are identified” to agree with the verbs in the other subsections.

v. In s. WGC 24.16 (8), “the guest track is required to” should be deleted so that the verb agrees with the verbs in the other subsections.

w. Section WGC 24.16 (11) is wordy. Perhaps “. Such direct private line telephone communication will be used” could be deleted. Also, “during instances” could be deleted.

Also in that subsection, “due to the urgency of communication” is confusing. Does it mean that the telephone line should be used in circumstances in which facsimile transmission will be too slow?

Also in that subsection, “24 hours of the end of the performance” would be clearer as “24 hours after the end of the performance.”

x. In s. WGC 24.16 (13) (b), “to” could be deleted from the end of line 13 or the sentence could be written “...to protect the security of signals and the best interests of the public and to maximize revenues to the state...”

y. In s. WGC 24.16 (13) (c), either “questions” or “inquiries” should be deleted since they generally have the same meaning.

z. In s. WGC 24.16 (14), line 20, “within” should be changed to “with.”

aa. Throughout the rule, “If” should replace “In the event” or “In the event that”. For example, see s. WGC 24.16 (14), line 21.

ab. In s. WGC 24.17 (2) (a), line 23, “then” is unnecessary and could be deleted.

ac. In s. WGC 24.18 (1), the verb does not agree with the verbs in the other subsections. Perhaps the sentence could be written as “Honor tickets issued for simulcast wagers in conformity....”

ad. In s. WGC 24.18 (4), the comma could be deleted and “were” on line 22 could be changed to “are.”

ae. In s. WGC 24.19, it may be clearer to end the sentence with “revocation or suspension” instead of “disciplinary action.”

af. Section WGC 24.20 is confusing. Perhaps it would be clearer as “Approval to offer simulcast wagering shall expire on the expiration date of a license to conduct pari-mutuel wagering under s. 562.05 (1) (b), Stats.”

ag. In s. 24.21 (3), line 4, “were” could be changed to “are.”