

CERTIFICATE

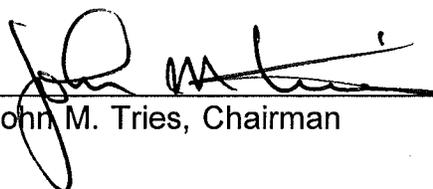
STATE OF WISCONSIN)
)
WISCONSIN GAMING COMMISSION) SS

CR 94-46

I, John M. Tries, Chairman of the Wisconsin Gaming Commission, and custodian of the official records, certify that the annexed rules, relating to the operation of pari-mutuel racing in Wisconsin, were duly approved and adopted by this commission on April 21, 1994.

I further certify that this copy has been compared by me with the original on file with this commission and that it is a true copy of the original, and of the whole original.

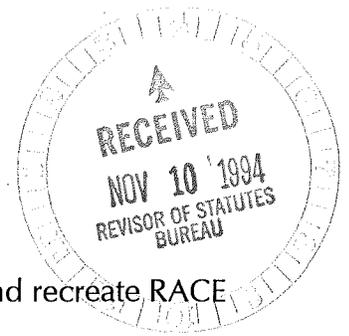
IN TESTIMONY WHEREOF, I have hereunto set my hand of the Wisconsin Gaming Commission at 150 East Gilman Street, Suite 1000, in the city of Madison this 10 day of November, 1994.



John M. Tries, Chairman



ORDER OF THE WISCONSIN GAMING COMMISSION



The Wisconsin Gaming Commission proposes an order to repeal and recreate RACE 9.11 and 9.14, relating to twin trifecta pools and tri-superfecta pools.

ANALYSIS BY THE WISCONSIN GAMING COMMISSION

Statutory Authority: ss. 561.02, 561.08 and 562.02 (1) (a), Stats.

Statute Interpreted: ss. 562.02 (1) (a) and 562.065, Stats.

Summary of Proposed Rule:

The RACE 9.11 text of twin trifecta pool is consistent with the uniform model rules as adopted by the Association of Racing Commissioners International, Inc. The twin trifecta requires selection of the first 3 finishers in exact order in each of 2 consecutive races. Twin trifecta tickets shall be purchased prior to the first of the 2 races for the first half and then exchange winning first-half tickets for winnings and a chance to select the winning combination on the second half of the pool. The attraction to the wagering public is the knowledge that the pools will now be paid out on a set date or when the jackpot pool reaches a predetermined level approved by the commission. Under this scenario it is possible that the patron does not have to select the second-half order of finish in order to win.

The RACE 9.14 text of tri-superfecta pool is consistent with the uniform model rules as adopted by the Association of Racing Commissioners International, Inc. The tri-superfecta requires selection of the first 3 finishers in exact order in the first of 2 consecutive races. In the second race the patron is required to select the first 4 finishers in exact order. Tri-superfecta tickets shall be purchased prior to the first of the 2 races for the first half and then exchange winning first-half tickets for winnings and a chance to select the winning combination on the second half of the pool. The attraction to the wagering public is the knowledge that the pools will now be paid out on a set date or when the jackpot pool reaches a predetermined level approved by the commission. Under this scenario it is possible that the patron does not have to select the second-half order of finish in order to win.

TEXT OF RULE:

SECTION 1. Section RACE 9.11 is repealed and recreated to read:

RACE 9.11 TWIN TRIFECTA POOLS. (1) The twin trifecta requires selection of the first 3 finishers, in their exact order, in each of 2 designated races. After the official declaration of the first 3 wagering interests to finish in the first race of the twin trifecta, each patron holding a winning ticket shall, prior to the running of the second twin trifecta race, exchange the winning ticket for both the monetary value established by the mutuel department and a twin trifecta exchange ticket, and at that time shall select the 3 wagering interests to finish in the second race of the twin trifecta in order as officially posted. No twin trifecta exchange ticket for the second race shall be issued except upon surrender of the twin trifecta tickets from the first race as described in this section. Mutuel windows shall be open for the purpose of cashing and exchanging winning twin trifecta tickets only after the first half of the twin trifecta has been declared official. Twin trifecta tickets shall be sold in not less than \$2 denominations; however, the association may elect to offer \$1 twin trifecta wagers in multiple wagers, such as box, wheel, key or rundown, provided each transaction has a minimum value of \$2.

(2) After wagering closes for the first half of the twin trifecta, the mutuel department shall divide the net distributable pool into separate pools of equal amount, or the association may divide the pools at a different percentage rate if approval is granted by the commission. Requests for approval shall be in writing and shall be made at least 10 days prior to the proposed date of implementation. Approval may be granted if the following conditions are met:

- (a) A successful tote test is completed;
- (b) The public is notified 7 days prior to implementation; and
- (c) The requested change is in the interest of the public.

(3) The monies in the first part of the divided pool shall be distributed to the holders of twin trifecta tickets selecting the first 3 animals, in order, on the first designated twin trifecta race.

(4) "First part of divided pool" means one half of the net distributable pool (or a percentage approved by the commission) of the total monies wagered in the twin trifecta on the current program only and, specifically excluding any carry over of any special cumulative second race twin trifecta pool from any previous program.

(5) The second part of the divided pool shall be placed in a separate pool to be distributed to holders of second-half twin trifecta tickets selecting the first 3 animals, in order, on the second designated twin trifecta race.

(6) In the first twin trifecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in correct sequence as the first 3 wagering interests. If there is no ticket sold selecting the first 3 wagering interests in correct sequence, then;

(b) As a single price pool to those whose combination included, in correct sequence, the first 2 wagering interests. If there is no ticket sold selecting the first 2 wagering interests in correct sequence, then;

(c) As a single price pool to those whose combination correctly selected the first place wagering interest only. If there is no ticket sold correctly selecting the first place wagering interest only, then;

(d) The entire twin trifecta pool shall be refunded on twin trifecta wagers for that race and the second half shall be canceled.

(7) If no first-half twin trifecta ticket selects the first 3 finishers of that race in exact order, patrons holding winning tickets in accordance with s. RACE 9.11 (6) (b) and (c) shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to the twin trifecta carryover pool.

(8) Winning tickets from the first half of the twin trifecta in accordance with s. RACE 9.11 (6) (a) shall be exchanged for tickets selecting the first 3 finishers of the second half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including the carryover pool, to those whose combination finished in correct sequence as the first 3 wagering interests. If there is no ticket sold selecting the first 3 wagering interests in correct sequence, then;

(b) The entire second-half twin trifecta pool for that race shall be added to the carryover pool and retained for the corresponding second-half twin trifecta pool of the next performance.

(9) If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary

value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool unless the second-half race is canceled, declared a "no race" or if the total number of wagering interests becomes less than the minimum.

(10) Both halves of the twin trifecta shall have at least 7 wagering interests. Prior to the running of the first half of the twin trifecta, if the total number of scheduled wagering interests become 6 or less for either half, the twin trifecta pool shall be canceled and a complete refund of the twin trifecta pool shall be performed upon presentation of valid twin trifecta tickets.

(11) If a wagering interest in the first half of the twin trifecta is scratched, the twin trifecta wagers including the scratched wagering interest shall be refunded.

(12) If a wagering interest in the second half of the twin trifecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched wagering interest. If tickets have not been exchanged prior to the close of wagering for the second twin trifecta race, the ticket holder forfeits all rights to the second-half twin trifecta pool unless the second-half race is canceled, declared a "no race" or if the total number of wagering interests becomes less than the minimum.

(13) After the first half of the twin trifecta and prior to the running of the second half of the twin trifecta, if the total number of scheduled wagering interests becomes 6 or less, the second half of the twin trifecta shall be canceled. In the event the second half of the twin trifecta is canceled, then all exchange tickets and outstanding first-half winning tickets

shall be entitled to the second-half twin trifecta pool for that race as a single price pool, but not the twin trifecta carryover.

(14) If there is a dead heat or multiple dead heats in either the first or second half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a wagering interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

(a) The first half of the twin trifecta, the payoff shall be calculated as a profit split. The method of calculation used by the association shall be prominently displayed in a conspicuous area of the grandstand or published in the program.

(b) The second half of the twin trifecta, the payoff shall be calculated as a single price pool. The method of calculation used by the association shall be prominently displayed in a conspicuous area of the grandstand or published in the program.

(15) If either of the twin trifecta races are canceled prior to the first twin trifecta race, or the first twin trifecta race is declared "no race," the entire twin trifecta pool shall be refunded on twin trifecta wagers for that race and the second half shall be canceled.

(16) If the second-half twin trifecta pool or race is canceled or declared "no race," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that race as a single price pool, but not the twin trifecta carryover, except during the mandatory payout performance, in which all exchange tickets and outstanding first-half winning tickets are entitled to the jackpot carryover pool.

(17) The twin trifecta carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the twin trifecta

"jackpot" carryover equals or exceeds the designated cap, the twin trifecta "jackpot" carryover shall be frozen until it is won or distributed under other provisions of this rule. After the twin trifecta "jackpot" carryover is frozen, 100% of the net twin trifecta pool for each individual race shall be distributed to winners of the first half of the twin trifecta pool.

(18) A written request for permission to distribute the twin trifecta carryover on a specific performance may be submitted to the commission. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. The association must notify the commission 10 days prior to implementation. If the twin trifecta pool cannot be distributed during a designated performance, the mandatory distribution shall resume on the next scheduled mandatory distribution performance.

(19) If the twin trifecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second half of the twin trifecta after completion of the first half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first 3 wagering interests. If there is no ticket sold selecting the first 3 wagering interests in correct sequence, then;

(b) As a single price pool to holders of valid exchange tickets from the first half of the twin trifecta. If there are no valid exchange tickets from the first half of the twin trifecta, then;

(c) As a single price pool to holders of outstanding first-half winning tickets.

(20) Contrary to sub. (7), during a performance designated to distribute the twin trifecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of wagering interests in their correct order of finish for the first half of the twin trifecta. If there are no wagers correctly selecting the first, second, and third place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first and second place wagering interests. If there are no wagers correctly selecting the first and second place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first place wagering interest only. If there are no wagers correctly selecting the first place wagering interest only in the first half of the twin trifecta, all first-half tickets shall become winners and shall receive 100% of that day's net twin trifecta pool and the twin trifecta carryover as a single price pool.

(21) The twin trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (a) Upon written approval from the commission as provided in sub. (18).
- (b) Upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued.
- (c) On the closing performance of the meet or split meet.

(22) If the twin trifecta carryover is held over to the corresponding twin trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover plus accrued interest shall then

be added to the second-half twin trifecta pool of the following meet on a date and performance so designated by the commission.

(23) No person may provide information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets until the second-half twin trifecta race is made official. This shall not prohibit necessary communication between totalizator and mutuel department employes for processing of pool data.

(24) The association shall obtain written approval from the commission concerning the scheduling of twin trifecta races and the amount of any cap to be set on the carryover. Any changes to the approved twin trifecta format require a written request from the association and written approval from the commission. Requests for approval shall be made at least 10 days prior to the proposed date of implementation. Approval may be granted if the following conditions are met:

- (a) A successful tote test is completed;
- (b) If the public is notified 7 days prior to implementation; and
- (c) The requested change is in the interest of the public.

(25) Sale of twin trifecta tickets other than from pari-mutuel machines by licensed pari-mutuel clerks is prohibited.

(26) Twin trifecta wagering races shall be run consecutively.

SECTION 2. Section RACE 9.14 is repealed and recreated to read:

RACE 9.14 TRI-SUPERFECTA POOLS. (1) The tri-superfecta requires selection of the first 3 finishers, in their exact order, in the first of 2 designated races and the first 4 finishers, in exact order, in the second of the 2 designated races. After the official declaration of the first 3 wagering interests to finish in the first race of the tri-superfecta, each patron holding a winning ticket shall, prior to the running of the second tri-superfecta race, exchange the winning ticket for both the monetary value established by the mutuel department and a tri-superfecta exchange ticket, and at that time shall select the 4 wagering interests to finish in the second race of the tri-superfecta in order as officially posted. No tri-superfecta exchange ticket for the second race shall be issued except upon surrender of the tri-superfecta tickets from the first race as described in this section. Mutuel windows shall be open for the purpose of cashing and exchanging winning tri-superfecta tickets only after the first half of the tri-superfecta has been declared official. Tri-superfecta tickets shall be sold in not less than \$2 denominations; however, the association may elect to offer \$1 tri-superfecta wagers in multiple wagers, such as box, wheel, key or rundown, provided each transaction has a minimum value of \$2.

(2) After wagering closes for the first half of the tri-superfecta, the mutuel department shall divide the net distributable pool into separate pools of equal amount, or the association may divide the pools at a different percentage rate if approval is granted by the commission. Requests for approval shall be in writing and shall be made at least 10 days prior to the proposed date of implementation. Approval may be granted if the following conditions are met:

(a) A successful tote test is completed;

(b) The public is notified 7 days prior to implementation; and

(c) The requested change is in the interest of the public.

(3) The monies in the first part of the divided pool shall be distributed to the holders of tri-superfecta tickets selecting the first 3 animals, in order, on the first designated tri-superfecta race.

(4) "First part of the divided pool" means one half of the net distributable pool (or a percentage approved by the commission) of the total monies wagered in the tri-superfecta on the current program only and, specifically excluding any carry over of any special cumulative second race tri-superfecta pool, from any previous program.

(5) The second part of the divided pool shall be placed in a separate pool to be distributed to the holders of second-half tri-superfecta tickets selecting the first 4 animals, in order, on the second designated tri-superfecta race.

(6) In the first tri-superfecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first tri-superfecta race:

(a) As a single price pool to those whose combination finished in correct sequence as the first 3 wagering interests. If there is no ticket sold selecting the first 3 wagering interests in correct sequence, then;

(b) As a single price pool to those whose combination included, in correct sequence, the first 2 wagering interests. If there is no ticket sold selecting the first 2 wagering interests in correct sequence, then;

(c) As a single price pool to those whose combination correctly selected the first place wagering interest only. If there is no ticket sold correctly selecting the first place wagering interest only, then;

(d) The entire tri-perfecta pool shall be refunded on tri-perfecta wagers for that race and the second half shall be canceled.

(7) If no first-half tri-perfecta ticket selects the first 3 finishers of that race in exact order, patrons holding winning tickets in accordance with s. RACE 9.14 (6) (b) and (c) shall not receive any exchange tickets for the second-half tri-perfecta pool. In such case, the second-half tri-perfecta pool shall be retained and added to the tri-perfecta carryover pool.

(8) Winning tickets from the first half of the tri-perfecta in accordance with s. RACE 9.14 (6) (a) shall be exchanged for tickets selecting the first 4 finishers of the second half of the tri-perfecta. The second-half tri-perfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second tri-perfecta race:

(a) As a single price pool, including the carryover pool, to those whose combination finished in correct sequence as the first 4 wagering interests. If there is no ticket sold selecting the first 4 wagering interests in correct sequence, then;

(b) The entire second-half tri-perfecta pool for that race shall be added to the carryover pool and retained for the corresponding second-half tri-perfecta pool of the next performance.

(9) If a winning first-half tri-perfecta ticket is not presented for cashing and exchange prior to the second-half tri-perfecta race, the ticket holder may still collect the monetary value associated with the first-half tri-perfecta pool but forfeits all rights to any distribution of the second-half tri-perfecta pool unless the second-half race is canceled, declared a "no race" or if the total number of wagering interests becomes less than the minimum.

(10) Both halves of the tri-perfecta shall have at least 7 wagering interests. Prior to the running of the first half of the tri-perfecta, if the total number of scheduled wagering interests become 6 or less for either half the tri-perfecta pool shall be canceled and a complete refund of the tri-perfecta pool shall be performed upon presentation of valid tri-perfecta tickets.

(11) If a wagering interest in the first half of the tri-perfecta is scratched, the tri-perfecta wagers including the scratched wagering interest shall be refunded.

(12) If a wagering interest in the second half of the tri-perfecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched wagering interest. If tickets have not been exchanged prior to the close of wagering for the second tri-perfecta race, the ticket holder forfeits all rights to the second-half tri-perfecta pool, unless the second-half race is canceled, declared a "no race," or if the total number of wagering interests becomes less than the minimum.

(13) After the first half of the tri-perfecta and prior to the running of the second half of the tri-perfecta, if the total number of scheduled wagering interests becomes 6 or

less, the second half of the tri-superfecta shall be canceled. In the event the second half of the tri-superfecta is canceled, then all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half tri-superfecta pool for that race as a single price pool, but not the tri-superfecta carryover.

(14) If there is a dead heat or multiple dead heats in either the first or second half of the tri-superfecta, all tri-superfecta tickets selecting the correct order of finish, counting a wagering interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

(a) The first half of the tri-superfecta, the payoff shall be calculated as a profit split. The method of calculation used by the association shall be prominently displayed in a conspicuous area of the grandstand or published in the program.

(b) The second half of the tri-superfecta, the payoff shall be calculated as a single price pool. The method of calculation used by the association shall be prominently displayed in a conspicuous area of the grandstand or published in the program.

(15) If either of the tri-superfecta races are canceled prior to the first tri-superfecta race, or the first tri-superfecta race is declared "no race," the entire tri-superfecta pool shall be refunded on tri-superfecta wagers for that race and the second half shall be canceled.

(16) If the second-half tri-superfecta pool or race is canceled or declared "no race," all exchange tickets and outstanding first-half winning tri-superfecta tickets shall be entitled to the net tri-superfecta pool for that race as a single price pool, but not the tri-superfecta carryover, except during the mandatory payout performance, in which all exchange tickets and outstanding first-half winning tickets are entitled to the jackpot carryover pool.

(17) The tri-perfecta carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the tri-perfecta "jackpot" carryover equals or exceeds the designated cap, the tri-perfecta "jackpot" carryover shall be frozen until it is won or distributed under other provisions of this rule. After the second-half tri-perfecta "jackpot" carryover is frozen, 100% of the net tri-perfecta pool for each individual race shall be distributed to winners of the first half of the tri-perfecta pool.

(18) A written request for permission to distribute the tri-perfecta carryover on a specific performance may be submitted to the commission. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. The association must notify the commission 10 days prior to implementation. If the tri-perfecta pool cannot be distributed during a designated performance, the mandatory distribution shall resume on the next scheduled mandatory distribution performance.

(19) If the tri-perfecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second half of the tri-perfecta after completion of the first half of the tri-perfecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first 4 wagering interests. If there is no ticket sold selecting the first 4 wagering interests in correct sequence, then;

(b) As a single price pool to holders of valid exchange tickets from the first half of the tri-superfecta. If there are no valid exchange tickets from the first half of the tri-superfecta, then;

(c) As a single price pool to holders of outstanding first-half winning tickets.

(20) Contrary to sub. (7), during a performance designated to distribute the tri-superfecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of wagering interests in their correct order of finish for the first half of the tri-superfecta. If there are no wagers correctly selecting the first, second, and third place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first and second place wagering interests. If there are no wagers correctly selecting the first and second place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first place wagering interest only. If there are no wagers correctly selecting the first place wagering interest only in the first half of the tri-superfecta, all first-half tickets shall become winners and shall receive 100% of that day's net tri-superfecta pool and the tri-superfecta carryover as a single price pool.

(21) The tri-superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the commission as provided in sub. (18).

(b) Upon written approval from the commission when there is a change in the carryover cap or when the tri-superfecta is discontinued.

(c) On the closing performance of the meet or split meet.

(22) If the tri-superfecta carryover is held over to the corresponding tri-superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The tri-superfecta carryover plus accrued interest shall then be added to the second-half tri-superfecta pool of the following meet on a date and performance so designated by the commission.

(23) No person may provide information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets until the second-half tri-superfecta race is made official. This shall not prohibit necessary communication between totalizator and mutuel department employes for processing of pool data.

(24) The association shall obtain written approval from the commission concerning the scheduling of tri-superfecta races and the amount of any cap to be set on the carryover. Any changes to the approved tri-superfecta format require a written request from the association and written approval from the commission. Requests for approval shall be made at least 10 days prior to the proposed date of implementation. Approval may be granted if the following conditions are met:

- (a) A successful tote test is completed;
- (b) If the public is notified 7 days prior to implementation; and
- (c) The requested change is in the interest of the public.

(25) Sale of tri-superfecta tickets other than from pari-mutuel machines by licensed pari-mutuel clerks is prohibited.

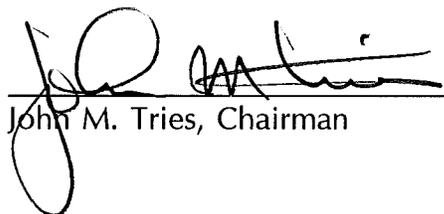
(26) Tri-superfecta wagering races shall be run consecutively.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated:

11/10/94

Agency:



John M. Tries, Chairman

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WISCONSIN GAMING COMMISSION

Tommy G. Thompson, Governor
John M. Tries, Chairman
Terence M. Dunleavy, Commissioner
Lennie A. Weber, Commissioner



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November 10, 1994

Gary Poulson
Revisor of Statutes
131 West Wilson Street
Madison, Wisconsin 53702

RE: CR 94-46

Dear Mr. Poulson:

Enclosed please find a certified copy for publication in the Wisconsin Administrative Register and the order adopting the rule in the above referenced matter. An uncertified copy and computer disk have also been provided for printing purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth J. Artis".

Kenneth J. Artis
Deputy General Counsel

KJA:cma
rules\cr94-46\revisor.lt1

Enclosures

