

Order of the Department of Administration

The Department of Administration proposes an order to renumber Game 3.03(2), WGC 4.02(2), 7.10(2)(h), (i), (j) and (k), 13.13(5), 13.19, 16.03(2); to create Game 1, Game 3.03(2)(b), 3.06(3), WGC 4.08(3), 4.13, 4.14, 5.08(11), 7.03(2)(g), (h), and (i), 7.05(1)(j), 7.06(1)(e), 7.06(2)(g), (h), and (i), 7.06(3)(j), 7.07(5), 7.08(3)(b), 7.09(5)(e), (f) and (g), 7.10(1)(i), 7.10(2)(h) and (i), 7.10(5)(f) and (6)(c) and (d), 7.10(10), 8.12(1)(b), (c) and (d), 8.12(4)(title) and (intro.), 9.04(4), 9.10(9), 10.06(7)(l), 10.07(22) and (23), 13.02(4) and (5), 13.04(3), 13.08(10), 13.11(1)(d), 13.15(4)(d), 13.15(6) through (12), 13.19(2), 13.20(5), 13.23(16) through (26), 13.24, 14.02(3), 14.09(3), 14.12(4) and (5), 14.15(4), 14.21(3) and (4), 14.24, 15.02(1)(d), 15.05(9) through (12), 15.06 through 15.08, 16.02(4), 16.07 through 16.10, 19.04(1)(i) and (j); to amend Game 3.05(1)(intro), WGC 4.04, 4.05(2)(a), (b), (c), and (3), 4.06(1), (2), (3) and (6), 4.07(4), (9), (11) and (12), 4.08(2), 4.10, 4.12, 5.03(1) and (2), 5.04(1), 5.05(intro.) and (4), 5.08(1), 5.09(1) and (2)(a), 5.10, 5.16(1)(intro.) and (2), 5.21, 5.22(2), 7.02(3), (5) and (6), 7.03(2)(a), 7.05(1)(c) and (h), 7.05(2)(a) and (b) and (4)(a) and (b), 7.06(2)(a), (c) and (d), 7.06(3)(d) and (e), 7.06(4)(b) and (e), 7.08(1)(b) and 2(a), (b) and (g), 7.08(4)(b), 7.09(1)(a), (2)(h), (3)(b) and (5)(a), 7.10(1)(b), 7.10(2)(a), (c) and (e), 7.10(4)(g), 7.10(5)(b), (c) and (d), 7.10(7)(a) and (d), (8)(a), (b)(intro.) and 6., and (9)(title)(intro), (a), (b), (c) and (d), 8.03(1)(a), 8.03(1)(b)1., 8.06(2)(a) through (f), 8.07, 8.12(1)(a), 9.10(2), 9.12(4), 9.13(1), (4), (8) and (9), 10.04(1)(c), 10.06(8) and (9), 10.07(7)(a), 10.07(13), 10.07(15)(title) and (intro.), 10.07(18), 10.08(2), 10.08(4)(a) and (b), 10.08(5), 10.08(9)(intro.) and (2)(b), 13.09(1), 13.11(1)(intro.), 13.13(title), 13.14(title) and (3), 13.15(3), 13.23(8), 13.23(13), 14.03, 14.07, 14.11(5), 14.12(1) and (3), 14.15(1), 14.20(4), 14.21(1) and (2), 14.22(5), 14.23(1)(h) and (2), 15.02(2)(a), 15.04(2), 15.05(4), 15.05(6), 15.05(8), 20.04(5), 20.10(2), 23, 24.16(14); to repeal WGC 1, WGC 4.02(1), 7.06(4)(e)2. and 4., 9.10 (3) through (6), 9.15, 10.03(1) through (4), 10.05(3), 11, 14.22(8), 15.05(2), 17, 18, 24.18(3); to renumber and amend WGC 7.06(4)(e)3., 7.08(3), 7.10(2)(l), 9.10(7) through (12), 10.03(5), 13.13(2) through (4), 15.05(3); to repeal and recreate WGC 7.10(1)(a), 9.13(3), 13.05, 16.03(1), 16.04.

ANALYSIS PREPARED BY THE DEPARTMENT OF ADMINISTRATION.

STATUTORY AUTHORITY: ss. 16.004 (1), 227.11(2)(a), 562.02(1), 562.04(2), 562.05(2), 562.057(5), 562.065(1), and 562.09 Stats.

STATUTES INTERPRETED: ss. 562.02(1), 562.04, 562.05(6)(e)2., 562.057(4m)(b), 562.065, 562.06(2), 562.105, and 562.11, Stats.

The Department of Administration proposes to revise its administrative code relating to greyhound racing and pari-mutuel wagering. The revision process was conducted in order to ensure the Department exercises its regulatory oversight functions in an effective and efficient manner. The proposed amendments reflect contemporary regulatory and industry standards. In many cases, the amendments raise regulatory standards and safeguards by conforming the administrative code to current practices in place at Wisconsin racetracks.

In addition, the amendments afford Wisconsin racetracks and licensees greater flexibility while preserving and strengthening key regulatory safeguards that protect the health, welfare and safety of greyhounds and the public, and the integrity of pari-mutuel wagering and greyhound racing. The plain language analyses provided for each section are contained below based on the general common areas of concern.

Sections 1g and 1r: Definitions.

Chapter WGC 1 is repealed and Game 1 is created to insert new definitions that will clarify and give insight to terms used in the administrative code. The new definitions reflect terminology specific to greyhound racing, pari-mutuel wagering and practices of the Department's Division of Gaming and its licensees.

Sections 2 through 5: Relating to appeals, hearings and enforcement proceedings.

Sections 2 through 4 create requirements for the Division of Gaming to ensure the timely advancement of appeals filed by occupational licensees. Specifically these sections require the Division of Gaming's Chief Steward to compile all materials relating to the original enforcement proceedings and report to the Division of Gaming's Administrator within 7 days of receipt of an appeal. In addition, the proposal mandates that the Division of Gaming make a request for the appointment of a hearing officer within 45 days of receipt of the appeal.

Section 5 provides for final resolution of certain issues if one or more related issues are contested through the appeal process.

Sections 6 through 17: Relating to duties and responsibilities of racetrack associations and operators.

Sections 6 and 7 repeal the requirement that racetrack operators receive approval from the Division of Gaming to conduct more than 13 races per performance.

Section 8 provides technical changes to reflect the proper terminology of “daily race program” in place of “program” and updates the Division of Gaming’s current business address. In addition, the amendment establishes a minimum timeframe of 15 days in which racetrack operators must seek Division of Gaming approval for the format of the daily race program. It also requires racetrack operator’s to provide a notice in the daily race program where copies of the Division of Gaming’s administrative code may be viewed.

Section 9 adds the phrase “per year” to contracts exceeding \$10,000 to identify a specific time frame covered by the contract. In addition, this section increases the number of days from 5 to 15 in which a licensee shall file a contract with the Division of Gaming and delineates the disciplinary actions that may be taken in the event of non-compliance.

Section 10 modifies requirements related to the security of the racetrack facility and greyhounds, safety of racetrack employees, and emergency care of racing greyhounds. Under s. WGC 4.06 (1), Wis. Admin. Code, changes are proposed to the entity with which the racetrack operator shall file security reports, from the Division of Gaming to the Division Stewards. This change allows for more local control and monitoring of security operations. In addition, this section extends the filing deadline for security reports from daily to 48 hours thereby allowing the preparer the opportunity to file a more thorough report.

Section WGC 4.06 (2), Wis. Admin. Code, clarifies racetrack operators must have 24-hour security present when greyhounds are housed on the premises.

The proposed amendment to s. WGC 4.06 (3), Wis. Admin. Code, requires the installation and utilization of two power switches within 20 feet of the racetrack surface and within 5 feet of the lure operator’s control room, for the purpose of disengaging electricity to the racetrack’s artificial lure. The artificial lure operates on two copper rods containing high voltage electricity. In addition, the amendment requires the

association to ensure that all persons working within 30 inches of the rail of the lure disengage the power switches.

The proposed amendment to s. WGC 4.06 (6), Wis. Admin. Code, requires the racetrack operator to maintain an inventory of basic and essential supplies and medications that are necessary for the emergency treatment of greyhounds by the Division of Gaming's veterinarian. In addition, the amendment specifies the storage of these supplies in the Division of Gaming veterinarian's office.

Section 11 eliminates the specification for vehicles used to apply water to the racetrack surface to allow for various types of equipment to be used. In addition, this section specifies that the Division of Gaming's approval of kennel contracts is specific to each individually executed contract.

Section 12 provides racetrack operators the ability to enclose greyhound-starting boxes with material other than chain link fence, provided the Division of Gaming approves the enclosure. Furthermore, this section establishes a requirement that racetracks operated from November to March provide a heated racing surface, heated sprint path and heated and fully enclosed starting box approved by the Division of Gaming.

Section 13 is a technical amendment to change "lease agreement" to "lease affidavit" to reflect changes made to requirements under ch. WGC 7, Wis. Admin. Code.

Section 14 establishes that deductions from purse payments due a greyhound owner or kennel owner may only be made upon the written consent of the party entitled to payment.

Section 15 limits supervision of totalizator system costs payable by racetrack operators to the Division of Gaming to special audits, tote tests or investigation when a third party is needed to assist the Division of Gaming.

Section 16 provides for the cancellation of a race performance due to inclement weather only after consulting with racetrack management. In addition, this section provides funding of regulatory functions carried on by the Division of Gaming whether or not a race performance is cancelled due to inclement weather.

Section 17 creates s. WGC 4.13, Wis. Admin. Code requiring racetrack operators to submit audited financial statements to the Division of Gaming within 120 days of the end of the calendar year to ensure the integrity of racetrack operators. In addition, this section creates s. WGC 4.14, Wis. Admin. Code, which outlines areas of the racetrack grounds that are considered restricted and the restrictions in place for each area in order to protect the integrity of racing and wagering and the health and safety of greyhounds housed at racetracks.

Sections 18 through 27: Relating to the licensure of racetracks.

Section 18 addresses initial applications for the licensure of racetrack owners, sponsors and management entities. In WGC 5.03 (1), Wis. Admin. Code, relating to initial applications under s. 562.05 (1) (a), Stats., references to sub. (b) of the statute are deleted. Under WGC 5.03 (2), Wis. Admin. Code, relating to initial applications under s. 562.05 (1) (b), Stats., references to sub. (a) of the statute are deleted. In addition, the requirement that applications under either sub. (1) or (2) of the administrative code be submitted to the Division of Gaming only between the time periods of September 15 and October 15 are repealed to allow the Division of Gaming to receive and consider applications during any given time of year.

Section 19 is a technical amendment modifying the Division of Gaming business address.

Section 20 contains a technical amendment to reflect the repeal of the application time period outlined in Section 18. In addition, the number of application copies that must be submitted has been reduced from 15 to 10 as a result of the Division of Gaming's desire to streamline the application process.

Section 21 eliminates redundant wording in WGC 5.08 (1), Wis. Admin. Code.

Section 22 creates an additional factor for the Division of Gaming to consider the economic impact a license to sponsor or manage a racetrack would have on a local community.

Section 23 amends the application requirement to include all previous addresses if less than 20 years at the current residence instead of only the previous 5 addresses as currently required. In addition, this section authorizes agents of the Division of Gaming to inspect records relating to the information provided in the application form. Although s. 562.02(2)(d), Stats., grants the Department of

Administration, Division of Gaming the authority to inspect these records, the current rule authorizes only the Department of Justice, Division of Criminal Investigation, to do so.

Section 24 broadens the scope of responsibility of persons designated to classify license application requirements to include existing applicants as well as potential applicants.

Sections 25 and 26 adds the phrase “per year” to contracts exceeding \$10,000 to identify the specific time frame covered by that contract.

Section 27 deletes the specific bond amount of \$250,000 and allows the Division of Gaming to determine the amount of the bond based on the estimated total monthly dollar amount paid by the racetrack operator related to fees, taxes, animal purses, adopt-a-greyhound program operating expenses, unclaimed prizes, and pay-outs on winning wagers or other amounts payable under ch. 562, Stats. In addition, Section 27 allows the Division of Gaming to require the increase in the amount of the bond prior to the commencement of a race meet up to the maximum amount allowable.

Section 28 through 65: Relating to the conduct of greyhound racing.

Section 28 clarifies requirements for the submission of past performance information for each for maiden greyhounds which have officially schooled or started and a modification to specify that references to performance lines shall be the greyhound’s most recent performances. In addition, this section increases the number of kennels per racetrack to which a greyhound owner may lease greyhounds, from 2 to 3, in an effort to encourage greyhound owners to race their greyhounds in Wisconsin.

Section 29 requires that a lessee of a greyhound submit an affidavit attesting to the terms of the lease agreement between the kennel owner and greyhound owner for each greyhound leased. Currently, kennel owners are required to submit a written lease agreement meeting the minimum standards imposed under WGC 7.02 (5). In most instances, kennel owners and greyhound owners rely on verbal agreements and valid written lease agreements do not exist between the parties. The implementation of a lease affidavit will allow the kennel owner to memorialize in verbal lease agreements.

Section 30 establishes that greyhounds not raced for 31 days or more shall be schooled to the satisfaction of the stewards at least twice as means of ensuring the greyhound is healthy and fit to race.

Section 31 establishes that schooling periods are to be offered free of charge to contracted kennel operators and creates a minimum amount of schooling over weekly period(s) to include at least 2 sessions of at least 2 hours each to promote the proper conditioning of racing greyhounds. In addition, this section requires the schooling of greyhounds housed at Wisconsin racetracks only at facilities licensed by the Division of Gaming.

Section 32 designates that a maiden greyhound shall be under the age of 24 months and shall be graded to grade E on the last race day of the month in which the greyhound reaches 24 months. Furthermore, section 32 allows for the racing secretary to regrade any greyhound not racing for 30 days or more due to injury. Currently, regrading may only occur if a greyhound has not raced for 30 days or more due to illness.

Section 33 allows a racing secretary to form races of 3/8 of mile or greater from 2 consecutive grades, not including maidens. A racing secretary choosing to draw a mixed grade race must designate the race by adding the letter "T" to the race's grade designation and pay a purse consistent with the higher of the two grades. This will enable racetracks to offer additional long-distance races that normally have fewer greyhounds available to compete.

Section 34 authorizes the advancement of a greyhound winning a Grade M race to Grade D upon the request of the trainer and consent of the racing secretary. In addition, this section clarifies the requirement that all greyhounds that fail to finish in the top 4 positions in 6 consecutive Grade M starts shall be ineligible to compete further at the race meet except as specified. Furthermore, the re-qualification is clarified to specify requalifying in official schooling.

Section 35 clarifies the requirement that Grade E greyhounds that fail to finish in the top 4 positions in 6 consecutive Grade E starts shall be dropped from racing.

Section 36 requires that entry into a race shall be free unless stipulated in the conditions of the race. If the conditions require a fee, then the fee shall be paid at the time of the registration.

Section 37 amends s. WGC 7.06 (2) (a), Wis. Admin. Code, to specify that any purse money won while the greyhound was owned or controlled by a disqualified person shall be returned and redistributed as purse money in a manner as if the greyhound did not compete. In addition, this section amends par. (b) to require the removal of greyhounds from a schooling or veterinarian's list prior to entering any official

race. Furthermore, par. (d) is amended to clarify the non-acceptance of greyhounds that are “coming in season” to specify that greyhounds shall not be entered for a period of 30 days following the date the greyhound came in season.

Section 38 establishes that greyhounds may not be permitted to enter schooling or official races until all ownership interests of the greyhound are licensed by the Division of Gaming. Section 38 also requires that stewards shall declare a no race and all monies wagered on the race shall be refunded in cases where a greyhound starts a race from a different post position than what is listed in the program. In the event a greyhound starts a race from a different post position than listed in the program, and the stewards declare the race official, all winning tickets reflecting the posted official order of finish shall be honored as winning tickets and all remaining tickets subject to refund.

Section 38 also prohibits the refund of a race in the event a greyhound’s blanket comes loose or falls, or if the greyhound’s muzzle falls off, is hanging or is in the greyhound’s mouth.

Section 39 is a technical amendment changing references from “racing meet” to “race meet” and “program” to “daily race program” in accordance with the definitions promulgated in section 1.

Section 40 requires that any error pertaining to the entry or declaration of a stakes race shall be presented to the stewards prior to any qualifying races or the draw.

Section 41 permits the presence of assistant trainers at the drawing of a greyhound for a live racing performance. In addition, this section allows the stewards to designate a representative to oversee the conduct of the draw and post positions assignments and allows the assistant racing secretary or director of racing, in addition to the racing secretary, to be present and meet the requirement of an association representative at the draw.

Section 42 decreases the number of separate ownership interests that comprise a race from 7 to 6 distinct greyhound owners. In addition, this section clarifies that no greyhound owner shall have more than 2 entries in any race except stakes races.

Section 43 repeals the requirement that a kennel owner consent to the entry of more than one greyhound from her or his kennel. In addition, consent language for races over 5/16 of a mile is repealed to create

uniform consent rules regardless of the distance of the race. Both provisions streamline the process for a racetrack to draw greyhounds into races.

Section 44 amends the authority of racing secretaries to draw more than one greyhound per kennel into a race to reflect the common practice of trainers, as opposed to kennel owners, entering greyhounds into a race.

Section 45 authorizes the stewards to require any scratched greyhound to race in official schooling, to the stewards' satisfaction, prior to reentry into a race.

Section 46 eliminates the 4 day waiting period from the time the trainer changes a greyhound's official weight to the time the weight is recognized. This change reflects the current use of technology by the racing association. Historically the racing association required 2-3 days to change racing weights in the official program. Currently, utilizing the computerized greyhound entry software, changes to racing weights can be made at the next draw after submission of the change.

Section 47 establishes that greyhounds must be weighed in for racing not more than 3 hours prior to the first race of the performance. In addition, this section allows the racing association to conduct more than one weigh-in when it desires to conduct more than 15 races per performance. Currently, lock out facilities at each racetrack are only configured to accommodate greyhounds for 15 races. This provision allows the racetrack to conduct a second weigh-in during the performance to allow for additional races beyond 15 to be conducted. Furthermore, this section amends the current administrative code to allow lead-outs to be present in the lock-out facility in the presence of a racing official and remove the requirement that racing officials be present only in the lock-out facility in groups of 2 or more. Current security monitoring requirements for the lock-out kennel make the current prohibitions on lead-outs and single racing officials obsolete.

Section 48 clarifies the requirement that greyhounds be weighed out immediately after being removed from the lock-out kennel. The provision requiring that weigh out occur prior to entry into the paddock has been deleted to recognize that the scale for weighing greyhounds is located in the paddock, thereby requiring the greyhounds to be in the paddock during weigh out.

Section 49 establishes requirements related to greyhounds that lose more than one and one half pounds between weigh in and weigh out. Specifically, this requirement provides that the Division Veterinarian

keep a record of greyhounds that lose excessive weight, establishes a designation to appear in the daily race program for all greyhounds designated as weight losers, and mandates that a greyhound must lose excessive weight on a minimum of three consecutive occasions prior to be designated as a weight loser.

Section 50 is a technical amendment to reflect a change in terminology from “daily program” to “daily race program”.

Section 51 amends the requirement that racing blankets and muzzles not be removed from competing greyhounds until after the greyhound has been accepted by a kennel representative to allow for the removal of the blanket and muzzle once the greyhound is under visual observation by the kennel representative. Furthermore, this section clarifies wording to indicate that no refund of monies wagered shall occur in cases where a greyhound refuses to leave the starting box, which reflects actual practice.

Section 52 authorizes the stewards to require that a greyhound be placed on the schooling list and required to school at the stewards’ discretion for cause. In addition, section 52 eliminates the requirement that persons filing objections to the eligibility of a greyhound also file a copy of the complaint with the Division Administrator.

Section 53 addresses the handling of objections. Under s. WGC 7.09 (5) (e), Wis. Admin. Code, money or a prize due any greyhound involved in an objection must be withheld until the objection is resolved. This amendment will prevent the dispersal of any prize or monies due a greyhound not eligible to compete, and eliminates the potential of dispersing funds and then being unable to recover those funds and pay the legitimate winners. Section WGC 7.08 (5) (f), Wis. Admin. Code, is created to direct the stewards regarding the disposition of matters involving fraud or willful deception, and to ensure that such allegations are bona-fide. Finally, s. WGC 7.09 (5) (g), Wis. Admin. Code, provides the stewards with specific direction regarding the determination of the new order of finish and the distribution of purse money in cases where the objection is declared valid.

Section 54 modifies the designation of racing officials to reflect current staffing and staff titles representing both the Division of Gaming and racetracks.

Section 55 eliminates references to positions that no longer exist within the Division of Gaming including commission auditor and paddock judge. In addition, wording is added to designate that the Division of Gaming is responsible for appointing all racing officials who are Division of Gaming employees.

Section 56 establishes a mandate that the General Manager inform the stewards of planned absences of 2 or more performances and designate a person to exercise General Manager-related duties and responsibilities in the General Manager's absence. This requirement ensures that stewards have a point of contact for racetrack related matters when the General Manager is absent.

Section 57 clarifies the stewards' role, scope of responsibility, and method for decision making. In addition, this section clarifies the stewards' role in matters pertaining to racing in issuing orders that shall supersede the orders of the officers and directors of the association. This section also requires that stewards be present at least 15 minutes prior to the time for weigh-in to perform their duties.

Section 58 is a technical amendment renumbering 4 sections contained in s. WGC 7.10 (2), Wis. Admin. Code.

Section 59 eliminates personnel language related to stewards employed by the Division of Gaming. This amendment recognizes that the personnel policy for all Division of Gaming employees is established by the departments of Administration and Employment Relations. In addition, this section adds the adjective "association" to clarify the application of s. WGC 7.10 (2) (l), Wis. Admin. Code to association stewards.

Section 60 creates the authority for the presiding steward to appoint a division steward or veterinarian to serve in the event of an emergency vacancy in one of the two positions. Furthermore, the general manager is authorized to make a temporary appointment subject to the approval of the stewards in the event of an emergency vacancy of a racing official.

Section 61 eliminates the reference to a commission paddock judge and recognizes the role of the association's paddock judge in assigning lead-outs to post positions. In addition, this amendment allows the stewards to approve the assignment list and re-assign post positions.

Section 62 eliminates the reference to a commission paddock judge and recognizes the role of the paddock judge employed by the association. In addition, this section eliminates references to the kennel master and recognizes that the paddock judge is responsible for the lock-out kennel. The Division of Gaming's veterinarian is designated as the responsible party for ensuring the lock-out kennels are kept in good condition and may direct the association to correct deficiencies. Finally, this section includes the

division stewards in addition to the paddock judge as responsible parties for ensuring that unlicensed persons do not weigh in greyhounds.

Section 63 creates requirements related to the duties of the paddock judge and starter. The paddock judge is required to ensure that each greyhound is fitted with a muzzle, blanket and lead prior to leaving the paddock for the starting box. This section requires that the starter inspect the starting boxes prior to the first race of a performance. In addition, the starter is identified as the party responsible for ensuring each greyhound is placed in the correct post position when loaded into the starting box.

Section 64 delineates that the kennel owner or trainer when filing lease and ownership paperwork with the racing secretary, shall also file other required forms such as interstate health certificates, live lure affidavits, and animal vaccination records.

Furthermore, section 64 amends the duties of timer-photo finish operator. This amendment designates the association steward as the timer-photo finish operator to reflect current practices of racetrack operators. In addition, the end time of a race is defined as the time of the first greyhound crossing the finish line. Language is added to require that stewards, in addition to the timer-photo finish operator, must be satisfied that the automatic timing device is working properly for that device's time to be used as the official time of the race. In the event of the automatic timer not working properly, additional discretion is allowed to use other devices in addition to the use of a stop watch as a hand timing device. Finally, this section requires the board of stewards to approve any photo prior to display to the public, and requires the retention of a paper copy of the photo for a period of 90 days. This last provision ensures the accuracy of photos displayed to the public and enables stewards or other racetrack personnel the ability to show a photo to a patron after the photo is displayed on the television system.

Section 65 defines the duties of the lure operator. Section WGC 7.10 (10) (a), Wis. Admin. Code is created to require that the lure operator operate the lure in a consistent manner that will not disrupt the running of the race. Subsection (b) requires the lure operator to consider weather conditions when determining the speed of the lure. Subsection (c) requires the lure operator to test the lure for any malfunctions prior to the first race of the performance.

Sections 66 through 72: Relating to pari-mutuel operations.

Section 66 eliminates the requirement that racetracks file weekly admissions reports. In addition, admissions reports will be filed with the Division of Gaming's stewards and not the auditor because the auditor position has been eliminated.

Section 67 clarifies that money payable to the Division of Gaming for outstanding tickets is due the following day after the last day to cash any outstanding tickets.

Section 68 clarifies the stewards' duties in the event of starting box failure. Current language references occasions when single animals are prevented from a fair start due to starting box failure. Given that each starting box contains one solid lid for all 8 post positions, it is not possible for only one animal to be affected and the other animals to be unaffected. Therefore, the language was streamlined to recognize that all animals are impacted by a starting box failure and therefore the races so affected should be declared a "no race".

Section 69 allows racetrack operators the ability to offer \$1.00 wagers for pools in which the total price of the ticket is at least \$2.00. Currently, racetracks are limited to offering \$1.00 wagers on trifecta, superfecta, twin-trifecta and tri-superfecta wagering only. This provision will now extend the \$1.00 wager option to quinnella, daily double, and pick (N) wagers consistent with wagering options available in many regulatory jurisdictions.

Section 70 provides language that pari-mutuel tickets may only be sold from facilities licensed by the Division of Gaming.

Section 71 restricts the purchase of pari-mutuel tickets to provide only for the acceptance of US currency, totalizator vouchers, winning pari-mutuel tickets or refunded tickets. Furthermore, this section prohibits racetrack operators from extending credit or accepting checks or credits directly for the payment of pari-mutuel tickets. In addition, this section requires a person to be present on the grounds of the racetrack to place a wager and prohibits the sale of pari-mutuel tickets via the telephone, computer or any other device not approved by the Division of Gaming. Finally, section 71 prohibits the discounting or rebating of pari-mutuel wagers or offering cash incentives as a premium for placing wagers.

Section 72 declares that patrons taking a pari-mutuel ticket and leaving the pari-mutuel wagering window or terminal are acknowledging that the ticket is correct. This provision requires a patron to present any ticket-related errors to the mutuel teller prior to leaving the window.

Sections 73 through 82: Relating to pari-mutuel wagering pools.

Section 73 clarifies the pricing methods when determining the order of finish for the place pool to allow for the pool to be distributed to the holder of place tickets on the animal finishing third, in the event no place tickets are sold on both of the two animals finishing first or second.

Sections 74 through 77 simplify the pricing methods when determining the order of finish for the trifecta pool, in cases where no ticket is sold on the winning combination or including the first and second place animal correctly selected. In this case, holders of a ticket selecting only the first place animal would be entitled to the trifecta winnings. If no person purchased a ticket selecting the first place animal, then the pari-mutuel pool would be refunded.

Section 78 clarifies the pricing methods when determining the order of finish for the superfecta pool. This amendment allows Wisconsin racetracks to price the superfecta pool consistent with the majority of other racing jurisdictions thereby eliminating patron confusion.

Sections 79 and 80 clarify the rules governing the conduct of Pick (N) wagers. These revised procedures reflect the standardized rules of play adopted by the North American Pari-Mutuel Regulators Association and allow for easier understanding by patrons and racetrack operators, as well as providing additional options for the conduct of Pick (N) wagering.

Section 81 repeals the daily triple wager. The daily triple wager is the same as the Pick (3) wager. The repealed language is redundant based on the changes made under Sections 79 and 80.

Sections 82 through 97: Relating to totalizator operations.

Section 82 repeals requirements related to the duties and responsibilities of the Division of Gaming auditor. The Division of Gaming does not employ audit staff located at each racetrack facility. In addition, the need for the racetrack association to supply a separate work area, file storage, telephones and televisions for auditors is no longer necessary through the Division of Gaming's increased use of technology, electronic data recording and streamlined record keeping requirements.

Section 83 modifies the language to reference the deletion of the auditor positions and transferring of specific notification requirements in s. WGC 10.03, Wis. Admin. Code, to the stewards.

Section 84 clarifies that the retention of cashed and canceled tickets by racetracks shall occur until 60 days after the payment of “outs” money to the state. The Division of Gaming, when conducting an audit or investigation, may direct that the tickets be retained for a longer period of time.

Section 85 repeals the language restricting the cancellation of tickets so that racetrack operators may establish policies specific to each racetrack.

Section 86 mandates that the expiration date of the ticket be printed on the ticket. This requirement ensures patrons are aware of the last date for cashing a winning ticket. Expiration dates are commonly found on lottery and keno tickets throughout the United States and pari-mutuel and sports betting tickets in Nevada.

Sections 87 through 97 represent necessary amendments to reflect the change in technology that has occurred in totalizator operations since the administrative code was last promulgated. In addition, the proposal outlined in the sections contain additional safeguards to protect the integrity of pari-mutuel wagering based on initiatives put in place by various totalizator system providers after a major incident of wagering pool tampering occurred during the Breeder’s Cup in October of 2002.

Section 87 changes the party responsible for a security system to safeguard the facilities housing the totalizator company from the racing association to the totalizator system licensee. In addition, it clarifies that the totalizator system licensee does not have to directly provide the security, but must ensure its presence whether the system is operated at the racetrack or an off-site locations. It is becoming more common that totalizator systems are being operated at off-site locations out of the control of the racing association. These provisions ensure the presence of a security system safeguarding the totalizator system wherever the system is housed.

Furthermore, section 87 amends ss. WGC 10.06 (8) (a) through (c), Wis. Admin. Code. Subsections (a) and (b) are amended to add specific security requirements related to the security systems in place for each totalizator system. This section requires that all entry and exit doors be locked when unattended, be under 24 hour video surveillance, and have signs posted which read “Authorized Personnel Only”. In addition,

a list of individuals with keys to the door is required and a copy of the list must be provided to the Division of Gaming.

Section 87 also amends s. WGC 10.06 (9), Wis. Admin. Code, by implementing additional security requirements for access to the totalizator system. This section requires that only individuals possessing an occupational license issued by the Division of Gaming be granted routine access to the room housing the totalizator system. In addition, totalizator operators are be required to post work schedules and maintain a paper log of all visitors to the room housing the totalizator system.

Section 88 removes the restriction on the length of time between odds updates on the totalizator board. This provision allows the Division of Gaming to approve the frequency of odds updates and ensures that the betting public has the most accurate odds information.

Section 89 requires that the totalizator operator report instances when the log of outstanding uncashed tickets is accessed. This allows the Division of Gaming to monitor access to uncashed tickets to ensure fraudulent use of this data and the theft of uncashed winning tickets does not occur.

Section 90 is a technical amendment changing references from “magnetic log” to “totalizator” to represent the current terminology and technology utilized in totalizator operations.

Section 91 increases the length of time emergency back up power must be available from 30 to 60 minutes. This increase ensures that totalizator systems are able to be shut down in an orderly fashion without loss of data in the event of a power outage.

Section 92 outlines new restrictions on totalizator programmers accessing the totalizator system remotely. These restrictions require that all remote access equipment be disconnected when not in use and that it be stored in visible areas. In addition, all cases of remote access should be via a distinct user name and password, and must be documented. All peripheral equipment attached to the totalizator system needs to be documented. These restrictions should help prevent unauthorized entry into the totalizator system from remote locations.

Section 93 changes the reference to the working title of “commission auditor” to “division representative” to reflect the absence of specific auditors assigned by the Division of Gaming. In addition, this section deletes requirements that notice of the annual totalizator system test occurs no later than 7 days prior to

the beginning of the racing season, and the actual test occurs within 3 days of the season. This deletion grants the Division of Gaming additional flexibility when scheduling annual totalizator system tests.

Sections 94 and 95 are technical amendments changing references from “magnetic log” and “disk file” to “electronic media” to represent the current terminology and technology used in the totalizator system industry.

Section 96 eliminates the requirement that totalizator system licensees submit a listing of authorized personnel within 10 days of the beginning of the race season. Totalizator system licensees in many cases do not have a list of personnel finalized until within 10 days of the beginning of the racing season.

Section 97 reduces the number of application copies a totalizator system license applicant needs to submit from 10 to 7 copies. These changes reflect the Division of Gaming’s desire to reduce and streamline the process for license applicants.

Section 98: Relating to the powers and duties of the Division of Gaming

Section 98 repeals ch. WGC 11, Wis. Admin. Code, which references a predecessor agency to the Division of Gaming. The recreated chapter 11 outlines the Division of Gaming’s powers and duties and formalizes previous policy determinations and interpretations of the Division of Gaming related to enforcement authority and the board of stewards.

Section 562.02 (2) (d), Stats., authorizes the Department to conduct warrantless inspections of racetracks and related records. Section 98 interprets this statute to mean that areas of the racetrack subject to inspection include but are not limited to, all buildings, structures, equipment and property located on the grounds of a racetrack regardless of whether the property is owned or leased by or to the racetrack. In addition, this section specifies the types of records subject to inspection to include both paper or electronic documents maintained by a licensee, and related to the activities for which the person is licensed, occur on racetrack property or are related to greyhound racing or wagering.

Section 98 also outlines the enforcement authority relating the exclusion of persons from racetracks as authorized in s. 562.02 (2) (e), Stats. This section authorizes the Division of Gaming to exclude persons for a maximum of 48 hours, except in cases of a suspension or revocation of license, for interfering conduct that poses a threat to the integrity of racing. Interfering conduct is described as profanity, making

noises with the intent to stop a greyhound race, unauthorized presence in restricted areas, entering a facility without paying the prescribed admissions fee, possession of narcotics, drugs and firearms, engaging in violence towards a person or racing animal, restricting the entrance or exit of a building or driveway, attempting to violate a statute, rule or order of the Division of Gaming, or impeding representatives of the Division of Gaming or racing officials. The Division of Gaming is authorized to contact local law enforcement to assist in exclusion of persons.

In addition, the Division of Gaming is authorized to restrict the movement of greyhounds into and out of any racetrack in the state. This provision is necessary to stop the spread of highly contagious or infectious diseases that occasionally afflict greyhounds in other racing jurisdictions. Due to the transient nature of the greyhound population in the United States, certain disease outbreaks, if not properly contained, can cause devastating effects to the health of hundreds of greyhounds housed at racetrack and significant economic impact to the racetrack operators, licensees and the state.

In relation to the board of stewards, Section 98 provides specific procedures for the board of stewards to follow when conducting hearings. The board of stewards is the entity charged with enforcement the Department's administrative code and has the authority to conduct hearings and issue fines and license suspensions. Section 98 specifies an individual's rights regarding proper hearing notice, conduct of stewards' hearings, and notification of penalties. In addition, this section provides specific authority that the stewards may exercise without conducting a hearing. These activities include scratching greyhounds from competition, ordering the refund of mutuel tickets, determining order of finish, canceling races, and taking other actions which do not impose a fine or suspend a license. These amendments are necessary to protect the due process rights of persons appearing before the board of stewards, and to ensure that the violation of such procedures may be considered during any appeal of the board of stewards decision.

Sections 99 through 119: Relating to occupational licensing.

Section 99 authorizes the Division of Gaming or board of stewards to require an applicant to demonstrate that the applicant is qualified to obtain a license. In addition, this section creates a maximum 5-day period for the board of stewards to take action on a license application. Currently, a board of stewards has no limitation on the amount of time it may take to make a determination on a license application.

Section 100 mandates that all licenses issued by the Division of Gaming are temporary for a period of 90 days. This temporary provision allows for the Division of Gaming to deny a license in event of a positive

criminal history report or other evidence that indicates the person does not meet the necessary qualifications to hold a license. Currently there is an approximately 3-5 week delay between the time a person is fingerprinted and the time the results are received from the Department of Justice.

Section 101 modifies license types and fees for all occupational licenses. The amendment reflects the Division of Gaming's desire to streamline the licensing process. License categories, which do not directly impact greyhound racing or pari-mutuel wagering, were combined into a general category to allow racetrack employers greater flexibility in utilizing employees. In addition, license types of a racing official nature were streamlined into a common racing official license to recognize that many employees are performing more than one racing official function.

In addition, the Division of Gaming reviewed the fee levels established for various license types and compared them to those fees established in similar racing jurisdictions. Racetracks and kennel operators recruit employees from other states and cited higher licensing fees as one reason that qualified applicants were choosing other racetracks over Wisconsin racetracks when looking for employment. In other instances, racetrack employers cited the difficulty in recruiting applicants for general positions such as food and beverage, maintenance, and administrative support, due to the necessity for a person to pay initial licensing and fingerprints fees of \$61.00 or more prior to employment. The Division of Gaming considered the deterrent effect that its licensing fees were having on employment when, in many cases, qualified applicants could obtain a similar job at a local business where no licensing fee is required. The new licensing fee schedule will aid in the racetracks' ability to recruit qualified applicants, thereby increasing the level of public confidence in pari-mutuel wagering and greyhound racing. In addition, the Division of Gaming anticipates an increased number of applicants for licenses due to lower fees.

Section 101 also amends language that is a deterrent to the implementation of online licensing and credit card payments. Section 101 provides for a 20 day grace period for applicants applying via an electronic self-service licensing system to submit fingerprint cards. This will enable first time and renewal applicants requiring fingerprint cards to take advantage of the proposed online licensing system. In addition, the amendment allows for the Division of Gaming to charge a convenience fee similar to what is currently assessed for individuals applying or renewing licenses issued by the Departments of Transportation or Natural Resources online. This fee would cover the additional expense the state incurs for credit card processing and transactions.

This provision also requires that all persons issued a license to consent to a reasonable search by the Division of Gaming of the individual and property located on the grounds of the racetrack. This includes a search of the person's kennel, motor vehicle, trailer, box, bag or container. This provision, common throughout the racing industry, is in accordance with s. 562.02 (2) (d), Stats., and is necessary to ensure licensees do not possess prohibited substances in restricted areas.

Section 101 also requires any person appearing at a Division of Gaming office to be fingerprinted or obtain a Division of Gaming identification badge to show a government issued photo identification card.

Section 102 establishes that a foreign corporation may not be licensed if it has not registered to conduct business in Wisconsin under s. 180.1501, Stats.

Section 103 establishes that all applicants for a license as a racing official shall be at least 18 years of age.

Section 104 amends s. WGC 13.11 (1), Wis. Admin. Code, allowing the Division of Gaming to issue fines, in addition to other sanctions, for falsifying information or omitting facts on a license application or during the course of stewards inquiry.

Section 105 prohibits licensees from providing false or misleading information to the Division of Gaming.

Section 106 amends to the title to s. WGC 13.13, Wis. Admin. Code, to specify that the provisions of this section are in reference to animal ownership.

Section 107 is a technical amendment consolidating three separate subsections under the corporation subsection. In addition, various grammatical corrections are made.

Section 108 is a technical amendment renumber s. WGC 13.13 (5), Wis. Admin. Code, as a result of the renumbering which occurred as part of section 107.

Section 109 amends the title of s. WGC 13.14 (1), Wis. Admin. Code, to specify that this section pertains to owners of greyhounds and not track ownership. In addition sub. (3) is amended to reflect a change in terminology from "stabling" to "kenneling" to reference the proper terminology utilized in greyhound racing.

Section 110 amends “licensed trainer” to “kennel owner” to reflect that assistant trainers are employed by kennel operators and not trainers.

Section 111 establishes that individuals forming a partnership and desiring to operate a kennel are required to register the partnership with the Division of Gaming and identify one person as the representative for the kennel.

Section 112 provides additional requirements for kennel operators and trainers that reflect common industry and regulatory standards. Specifically, kennel operators are required to designate a trainer of record for the kennel. The trainer of record is the person who is ultimately responsible for the health, welfare and safety of the greyhounds in the kennel and is identified in the daily racing program. In addition, the trainer of record is responsible for maintaining a list of all individuals authorized to assist the trainer in the kennel. Minimum time requirements are also established to ensure that the trainer of record is on the grounds of the racetrack ensuring the proper care of the greyhounds housed in the kennel. Provisions are contained in this section stating the process for a trainer of record relinquishing the designation.

In addition, section 112 prohibits a trainer from being employed by more than one kennel owner in the state of Wisconsin at any given time. Kennel owners, trainers and assistant trainers are also prohibited in this section from racing a greyhound he or she owns which is not in a kennel under their care. These provisions are designed to eliminate any potential conflicts of interest which could arise from dual employment by trainers or having kennel, trainer or assistant trainer owned greyhound race in a competing kennels.

Section 113 is a technical amendment to renumber the existing section due to the newly created sub. (2) contained in section 114.

Section 114 places restrictions on immediate family members of racing officials obtaining licenses with the Division of Gaming. The Division of Gaming desires to review license applications made by a racing official’s immediate family member to ensure there will not be or appear to be any conflict of interest in the family member holding the desired license.

Section 115 prohibits a mutuel employee from also being licensed as a kennel worker. This reduces the risk of race fixing and the appearance of collusion between the mutuel department and kennels.

Section 116 is a technical amendment removing references to January 1, 1992.

Section 117 amends s. WGC 13.23 (13) to prohibit the sale, possession, receipt or use of drug paraphernalia. This will aid the Division of Gaming and racetrack operators in ensuring Wisconsin racetracks are free from drugs.

Section 118 lists specific activities that are prohibited. These prohibitions are common regulatory standards contained in most racing jurisdictions as means of protecting the health, welfare and safety of greyhounds and ensuring the integrity of pari-mutuel wagering and greyhound racing. In the past, several of the common prohibitions have been violated by licensees and the Division of Gaming has had to utilize less specific provisions of the administrative code to take enforcement action. By specifically promulgating these provisions, all licensees will be aware of prohibited conduct.

Specifically, section 118 prohibits the following activities: a) altering or forging greyhound medication prescriptions, b) knowingly allowing an unlicensed person to work, c) smoking in designated “no smoking” areas, d) killing an animal or using a dead animal for training a greyhound, e) submitting false information to the division, racetrack association or National Greyhound Association, f) cashing a pari-mutuel ticket belonging to another person for the purpose of avoiding tax withholding, g) possessing food, drink, gum, candy or tobacco products in the paddock, h) writing personal checks to the Division of Gaming from accounts with insufficient funds, i) failing to disclose the correct ownership of a greyhound and j) entering an ineligible greyhound into an official race.

Section 119 provides relief to creditors who are owed money directly related to greyhound racing. As the average purse money earned by kennel operators continues to decline, more licensees are defaulting on financial obligations. These delinquencies are having residual effects on other kennel operators, because many vendors will discontinue servicing the racetrack if kennel operators default on payments. In addition, this section provides procedures for the Division of Gaming to take action to enforce the financial responsibility requirements for kennel operators and greyhound owners contained in ch. WGC 13, Wis. Admin. Code.

Sections 120 through 135: Relating to medication.

Section 120 defines “test sample” to mean urine, blood, feces, saliva, hair or any other substance obtained for the purpose of submission to the testing laboratory to determine compliance with ch. WGC 14, Wis. Admin. Code.

Section 121 establishes maximum levels of the following foreign substances in a test sample; procaine, sulfa drugs, polyethylene glycol, and fenbendazole. At or below the levels identified, veterinary and racing chemistry experts agree that the substances have no impact on a greyhound’s performance, the health of a greyhound, or the ability of the testing laboratory to detect other prohibited substances.

Procaine is commonly found in procaine penicillin that is used to treat various infections or procaine hydrochloride used as a local anesthetic. The direct race day administration of procaine would result in detection at levels greater than 5.0 micrograms per milliliter. At or below 5.0 micrograms per milliliter procaine would have no effect on the performance of the racing greyhound and is evidence of procaine ingestion through the greyhound’s feed or direct administration and the long withdrawal period of procaine from a greyhound’s body even after the drug has efficacy.

Sulfa drugs are used to treat a wide variety of bacterial infections in dogs and are commonly prescribed by veterinarians in oral doses. While high levels of sulfa drugs in a greyhound’s urine may be indicative of an underlying health concern, levels less than or equal to 100 micrograms per milliliter represent the presence of the drug at levels insufficient to affect the greyhound’s performance and do not indicate a medical concern.

Polyethylene glycol and fenbendazole are substances of concern because they have the ability to mask other substances during thin layer chromatography testing. Neither substance has an impact on greyhound performance. Polyethylene glycol is not a drug but instead is utilized as a base or solvent for drug products. Fenbendazole is a drug commonly utilized in the treatment of intestinal parasites. Fenbendazole is recommended by many veterinarians due to its effectiveness and safety. Both substances can be detected in greyhound urine at levels that do not interfere with testing. Because thin layer chromatography is a more qualitative analysis, this section allows the testing laboratory the discretion to determine qualitatively when either substance reaches the level at which it interferes with testing. This type of discretion is commonly applied by the testing laboratory when conducting thin layer chromatography for other racing jurisdictions.

Section 122 clarifies that no person may possess prescription drugs in the kennel compound without a written prescription. In addition, this section requires that the prescription drug be kept in its original pharmacy container with a prescription label affixed to it.

Section 123 creates a provision allowing the use and possession of dosage syringes for the purpose of administering oral medications. Hypodermic syringes modified for use orally would continue to be prohibited. Dosage syringes are in many cases the safest way to dose and administer certain medications orally. Dosage syringes are manufactured for oral use only and can not be adapted for use hypodermically.

Section 124 is a technical amendment to reflect that samples are defined as “test samples” and not “body fluid” samples.

Section 125 clarifies the requirements governing referee test samples. A referee test sample is a portion of a test sample made available for testing by a laboratory hired by a person who is being charged with a violation of ch. WGC 14, Wis. Admin. Code.

Section 126 establishes that a copy of the referee sample testing results must be provided to the Division. In addition, this section requires laboratories desiring to conduct referee sample testing to have at least one staff member who is a registered member of the Association of Official Racing Chemists.

Section 127 eliminates references to the accuracy of the laboratory’s report in s. WGC 14.15 (1), Wis. Admin. Code, because the stewards’ or Division of Gaming’s determination regarding a violation of ch. WGC 14, Wis. Admin. Code, is not based on the accuracy of the reporting by the laboratory.

Section 128 authorizes the Division of Gaming to suspend or revoke a kennel owner’s or greyhound owner’s license for failing to return purse money as directed by the stewards.

Section 129 requires the use of disposable syringes, in addition to needles, by licensed veterinarians practicing medicine on racetrack property.

Sections 130 and 131 concern post-mortem examination requirements for racing greyhounds. Section 130 requires that a kennel owner or trainer inform the Division’s veterinarian of any greyhound that dies or is euthanitized while under her/his care. In addition, the Division veterinarian may exempt greyhounds

from undergoing a post-mortem examination. Section 130 requires that all post-mortem examinations be conducted by the Wisconsin animal health laboratory, UW-Madison veterinary medical school, or other entity designated by the Division. Currently, post-mortem examinations are conducted by private veterinarians who have financial relationships with kennel operators and racetracks raising potential conflict of interest concerns. In addition, the Division of Gaming believes that the post-mortem examination conducted by the identified state entities will result in more thorough examinations and conclusive results at significantly lower costs to the racetrack operators.

Section 131 requires the trainer of a deceased greyhound to deliver the greyhound to the Division's veterinarian. The Division of Gaming will be responsible for the transportation of the greyhound to the laboratory for examination. These delivery and transportation requirements will not require additional funding to the Division of Gaming and can be accomplished with existing resources.

Section 132 specifies the responsibility of the Division of Gaming's veterinarians to observe and inspect a greyhound prior to a race.

Section 133 repeals language that essentially repeats statutory language concerning employment requirements of Division veterinarians.

Section 134 relates to contractors providing laboratory and testing services. This section provides that a holder of any ownership interest must comply with the provision of s. WGC 14.23 (1) (h), Wis. Admin. Code, and that the selected laboratory must meet all requirements of a request for proposal or bid, in accordance with state procurement statutes and rules.

Section 135 requires all kennel operators to maintain a listing of all medications, vitamins, supplements, and other substances fed or administered to racing greyhounds. This section also contains specific posting and review requirements. The utilization of medication lists is common through the industry and the lists are currently being utilized by Wisconsin racetracks.

Section 136 through 145: Relating to the humane treatment of racing animals.

Section 136 prohibits altering or removing any marking utilized to identify a greyhound.

Section 137 requires kennel personnel submit an affidavit attesting to the training of a greyhound prior to entry of the greyhound in a race. Currently, affidavits may be submitted after entry but before the greyhound actually races. This provision allows the Division of Gaming to avoid scratching competing greyhounds from races due to incomplete paperwork.

Section 138 is a technical amendment removing references to January 1, 1992.

Section 139 repeals language requiring an inspection of the racetrack surface prior to the beginning of the race meet. Current provisions in the administrative code require the Division of Gaming to conduct an inspection of the racetrack surface prior to each racing performance thereby making the repealed language redundant.

Section 140 streamlines requirements related to the removal of greyhounds from the grounds of the racetrack. The amendment excludes the removal of greyhounds for veterinary care or greyhounds housed in the racetrack's adoption kennel from prior approval for removal. In addition, this section makes the Division of Gaming's authority to inspect and identify greyhounds prior to removal discretionary. This section also repeals the requirement that the greyhound be inspected upon return to the racetrack.

Section 141 mandates that vehicles used to transport greyhounds in Wisconsin must be in good operating condition and the crates utilized during transportation are of sound construction, in good repair and clean.

Section 142 clarifies that the requirement of one greyhound per crate applies to greyhounds housed in a kennel.

Section 143 removes references to the annual nature of rabies vaccinations to recognize that rabies vaccinations can be given in one or 3 year doses. In addition, this section repeals the one week grace period for the vaccination against rabies and requires that all greyhounds be vaccinated for rabies prior to entering the kennel compound. These provisions ensure that greyhounds are not unnecessarily exposed to rabies.

Section 144 mandates the vaccination of greyhounds against distemper, hepatitis, leptospirosis, parainfluenza and parvo virus annually. The distemper series of vaccination requirements mirror those of rabies. In addition, this section prohibits racing any greyhound that has expired vaccinations.

Furthermore, section 144 prohibits the possession of devices utilized for the forced ingestion or absorption of substances into a greyhound unless the item is utilized under the order of a veterinarian or is an oral syringe, eye dropper or inhalation device. In addition, it prohibits the probing or intubation of greyhounds without a veterinarian's order or placing an item in a body cavity in an attempt to cause a greyhound to lose or gain weight.

Section 145 prohibits a licensee other than a greyhound's owner from transporting a racing greyhound for use in medical research or blood donation. In addition, this section prohibits the removal of a greyhound from the racetrack grounds, except for purposes of receiving veterinary care, without the greyhound owner's consent.

Section 145 outlines specific standards for kennel buildings. These requirements serve as minimum acceptable standards to ensure the health and safety of racing greyhounds. All current kennel facilities are capable of meeting the requirements outlined and are generally held to similar standards during Division of Gaming inspections.

Section 146 through 150: Relating to prohibited activities of employees of licensees.

Section 146 defines the term "wagering" to clarify the effect of the provisions contained in ch. WGC 16, Wis. Admin. Code.

Section 147 is a technical amendment that creates theft and touting and bookmaking prohibitions as separate sections.

Section 148 combines wagering prohibitions for all licensees into one section. The net effect of the repealed and recreated language is the following:

- a) Leadouts will be allowed to wager with the same requirements as all other racetrack employees. Currently leadouts are prohibited from wagering at a race meet in which he/she is licensed.
- b) Kennel owners, trainers, assistant trainers, and kennel helper wagering restrictions have been clarified to ensure these individuals are unable to wager against greyhounds under their immediate care and custody. These clarified provisions are necessary to preserve the integrity of wagering and racing.

Section 149 prohibits licensees from working at the racetrack while under the influence of alcohol or any controlled substance.

Section 150 prohibits licensees from placing wagers through the telephone or internet, providing false information to the Division of Gaming, failing to cooperate with a Division of Gaming investigation or inquiry, or engaging in conduct that creates a threat to public health, safety or welfare or the integrity of wagering or racing on racetrack grounds.

Sections 151 and 152: Relating to uniform system of accounts and special programs funding.

Section 151 repeals ch. WGC 17, Wis. Admin. Code. A common uniform system of accounts at all racetrack facilities is not practicable and places unnecessary costs and burdens on racetracks. With changes in banking and computerized accounting over the last 7 to 10 years, coding of accounts has changed. The Division of Gaming also believes that this type of regulation crosses the regulatory line into micro-management of racetrack operations. The Division of Gaming continues to require that each racetrack association submit annual audited financial statement that meet GAAP guidelines.

Section 152 repeals ch. WGC 18, Wis. Admin. Code, because the statutory requirement for the distribution of special funds has been removed from s. 562.07, Stats.

Sections 153: Relating to the schedule of suspensions, revocations and forfeitures.

Section 153 authorizes the Division of Gaming to order the return and redistribution of purse money won by greyhounds racing with foreign substances in their body. In addition, this section authorizes the Division of Gaming to issue a minimum forfeiture totaling the amount of money wagered and won if individuals violate the wagering prohibition in ch. WGC 14, Wis. Admin. Code.

Section 154: Relating to concessionaires.

Section 154 exempts charitable organizations, community organizations and promotional event organizers from obtaining food service licenses with the Division of Gaming for operations of 10 race days or less. In addition, this section grants food service concessionaires an additional 30 days to turn in annual income and expense reports.

Section 156: Relating to the Wisconsin Whelped Program.

Section 156 amends the Wisconsin Whelped Program to apply to greyhounds owned but not necessarily bred by Wisconsin residents. These changes recognize the absence of greyhound breeders in the state of Wisconsin and creates an incentive for Wisconsin resident greyhound owners to race their greyhounds at Wisconsin racetracks. In addition, annual reporting requirements for racetrack operators related to Wisconsin Owned Program are extended to allow sufficient time for completing and filing the required report.

Section 157 and 158: Relating to intertrack wagering.

Section 157 authorizes the Division of Gaming to establish the percentage of simulcast handle that is allocated towards the payment of purses for greyhound racing in Wisconsin. Current percentages are 2% of simulcast handle generated from simulcast horse performances conducted when no live racing occurs during the performance, and 2.75% of simulcast handle when live racing occurs during the simulcast horse performance.

Section 158 repeals language regarding outstanding winning tickets from simulcast wagering because unclaimed prizes are governed by s. 562.065 (4), Stats.

Section 159: Relating to terminology changes.

Chapters WGC 4 through 10, 13 through 16, 19, and 24, Wis. Admin. Code, are amended to replace all references to the following terms: “commission”, “director” and “WGC”, with the following terms respectively: “division”, “administrator” and “Game”. These amendments reflect changes in the title of the regulatory body and regulatory body head responsible for greyhound racing and pari-mutuel wagering as contained in ch. 562, Stats. In addition, the acronym used to identify the Department’s administrative code related to greyhound racing and pari-mutuel wagering has been changed from “WGC” to “Game” by the Revisor of Statutes.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

To provide clarification, the Department has always viewed kennel operators as small businesses. Kennel operators supply the greyhounds that race at the racetracks. The Department believes that there will be an insignificant economic impact on small businesses. Additionally, any impact on small businesses should be cost savings as the primary economic impact results from proposed license fee reductions.

When determining the proposed amendments to the administrative code, the Department reviewed the criteria established in s. 227.114, Stats., in an effort to reduce the effect of the proposed order on small businesses. The Department notified all small business owners licensed by the Division of Gaming in writing, to seek their input prior to drafting proposed amendments to the administrator. Additionally, the Department provided written notice and the opportunity for all licensed small business owners to receive a copy of the draft amendments and offer informal comment on the proposed amendments during a written comment period and two public informational meetings.

Besides the insignificant economic impact, the operational impact of the proposed order is expected to be minimal. The Department does not foresee the businesses inheriting any additional bookkeeping, clerical, professional or administrative requirements to maintain compliance with Department's administrative code.

TEXT OF RULE:

SECTION 1g. WGC 1 is repealed.

SECTION 1r. Game 1 is created to read:

Game 1.01 Definitions. The following definitions shall apply in all rules adopted by the division of gaming unless otherwise indicated:

- (1) "Administrator" means the administrator of the division.
- (2) "Applicant" means a person or entity who files an application for a license from the division.
- (3) "Association" means any corporation, partnership, association, entity or person licensed to sponsor or manage races under ss. 562.05 (1) (b), (c) or (e), Stats.
- (4) "Best efforts" means an active and serious attempt that is made in good faith, and goes beyond due diligence, to provide the information required to be disclosed.
- (5) "Board" means the board of stewards.
- (6) "Breakage" means the odd cents that the amount payable on each dollar wagered on a race exceeds a multiple of 10 cents.
- (7) "Business day" has the meaning as defined in s. 421.301 (6), Stats.
- (8) "Daily race program" means the association's printed schedule of races, wagering pools and entries for each race performance.
- (9) "Division" means the division of gaming.

- (10) "Greyhound age" means the age of the greyhound that begins on the day it was whelped.
- (11) "Host track" means a racetrack that conducts a race on which intertrack wagering is conducted.
- (12) "Immediate family member" means a person's parent, spouse, child or sibling or a person's relative by marriage, lineal descent or adoption, receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.
- (13) "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.
- (14) "Intertrack wagering licensee" means an entity that is licensed under s. 562.05 (1) (e), Stats.
- (15) "Inquiry" means a board of stewards' inquiry.
- (16) "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.
- (17) "Out-of-state legal wagering entity" means an entity that 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.
- (18) "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.
- (19) "Ours money" means any unclaimed prize money payable to winning ticket holders or the division under s. 562.065 (4), Stats.
- (20) "Paddock" means the area racing greyhounds are brought to and kept prior to weigh-in and through the conclusion of any post-race testing or veterinary examination. The paddock area includes, but is not limited to, the scale, the review area, the lock-out kennel, testing areas and adjacent offices.
- (21) "Parent corporation" means any corporation that has an ownership interest of 25% or more in another corporation.
- (22) "Pari-mutuel" means a wagering system in which all persons who wager on any animal 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 s. 562.065, Stats.
- (23) "Presiding officer" means a chief steward or presiding steward who conducts a meeting of the board of stewards.
- (24) "Profit split" means the winning distributable pool paid out according to the amount wagered on each winning combination when there is more than one winning order of finish.
- (25) "Race" means any animal race licensed under s. 562.05 (1), Stats.

(26) "Race day" means a 24-hour period ending at midnight during a race meet in which races are conducted.

(27) "Race meet" means that period of time for which the applicant has been issued a license under s. 562.05 (1) (b), Stats., by the division to sponsor and manage races on which pari-mutuel wagering is conducted including the periods of time during which an association has been granted division approval to simulcast races.

(28) "Race performance" means a minimum schedule of 13 races of either a matinee or evening program conducted on any race day.

(29) "Resident of this state" means for purposes of s. 562.05 (3w) (a), Stats.:

(a) Any individual who is and has been domiciled in this state for at least one year immediately prior to the filing of an application for a license under s. 562.05 (1) (a), Stats.

(b) Any corporation, partnership, association or other entity that is incorporated or otherwise formed in this state, has its principal place of business in this state, and is and has been actively doing business in this state for at least one year immediately prior to the filing of any application for a license under s. 562.05 (1) (a), Stats.

(30) "Serious violation" means for purposes of s. 562.05 (5) (a) 5, Stats., any violation that resulted in a sentence of a fine of \$10,000 or more or imprisonment for 9 months or more, or both.

(31) "Single price pool" means the winning distributable pool paid out equally with respect to one winning order of finish.

(32) "Wagering revenue" means the total amount of money wagered minus the following deductions:

(a) Money returned to patrons.

(b) Taxes and fees paid to the division.

(c) Payments to host sites in exchange for the authorization to conduct simulcast wagering.

(d) Payments to providers of satellite decoders for the purpose of viewing simulcast races conducted at a host site.

(e) Purse payments made to kennel and greyhound owners.

(33) "Weight loser" means a greyhound identified by the division veterinarian that loses weight in excess of one and one-half pounds, while in the lock-out kennel.

(34) "Whelped" means the birth of the greyhound.

(35) "Working day" means a day in which the members of the board of stewards are regularly scheduled to work.

(36) "Year" means a calendar year.

SECTION 2. Game 3.03 (2) is renumbered Game 3.03 (2) (a).

SECTION 3. Game 3.03 (2) (b) is created to read:

Game 3.03 (2) (b) The chief steward shall compile and review a copy of the transcript related to the stewards inquiry and other written materials on file with the division regarding the matter being appealed. The chief steward shall prepare a report of the chief steward's review and file it with the administrator within 7 days of the division's receipt of a request under this section.

SECTION 4. Game 3.05 (1) (intro) is amended to read:

Game 3.05 (1) SELECTION OF HEARING OFFICER. The division shall request the appointment of a hearing officer within 45 days after receipt of a request under s. Game 3.03. Hearing The hearing officer shall be appointed pursuant to s. 227.43 or 227.46 (1), Stats. The hearing officer shall have all the powers and duties enumerated in ch. 227, Stats. In addition, a hearing officer appointed pursuant to this section may:

SECTION 5. Game 3.06 (3) is created to read:

Game 3.06(3) CONTESTED DECISION. If a court of competent jurisdiction or any administrative hearing examiner holds any part of a decision to issue a license by the division pursuant to s. 562.06(1)(a), (b), (c), (d) or (e), Stats., invalid or otherwise unenforceable, such holding shall not affect the validity of the remainder of the decision, unless this result is directed in the order of the court.

SECTION 6. WGC 4.02 (1) is repealed.

SECTION 7. WGC 4.02 (2) is renumbered as WGC 4.02 (1).

SECTION 8. WGC 4.04 is amended to read:

WGC 4.04 ~~Racing~~ Daily race programs.

(1) REQUIRED INFORMATION FOR DAILY RACE PROGRAMS. The association shall cause all daily ~~racing~~ race programs to contain the following information:

(a) This race ~~meeting~~ meet is conducted under that authority of a license issued by the Wisconsin ~~gaming commission~~ division of gaming and pursuant to the rules and regulations adopted by the ~~commission;~~ division.

(b) The Honorable _____, Governor;

(c) Wisconsin ~~Gaming Commission~~ Division of Gaming, ~~150 E. Gilman, P.O. Box 7975, Madison, WI 53707-7975~~ 2005 West Beltline Highway, Suite 201, P.O. Box 8979, Madison, WI 53708-8979., (608) ~~267-3291; 270-2555.~~

(d) Wisconsin ~~gaming commission members and titles;~~ department of administration secretary.

(e) Wisconsin ~~gaming commission executive director;~~ division administrator.

(f) Names and titles of:

1. Track officers;

2. Track officials;

3. Wisconsin ~~gaming commission~~ division of gaming officials;

(g) The address and telephone number of the track facility;

(h) A prominent notice that there is an information window where complaints may be made by the public and copies of the Division of Gaming's administrative rules viewed. Such notice shall specify the exact location of such windows;

(i) The location of facilities for handicapped patrons;

(j) The location of the commission's office at the track facility;

(k) The location of photo finish pictures;

(l) The approximate payouts on different pari-mutuel odds.

(2) DAILY RACE PROGRAM TO SUPPLY PARI-MUTUEL INFORMATION FOR PATRONS. Each association shall include in the daily race program sufficient information to advise the public and new ~~track~~ racetrack patrons about the pari-mutuel system. This information shall include but not be limited to the following:

(a) Wagers are to be made by daily race program number;

(b) Tickets shall be retained until the stewards have declared the race official;

(c) Payouts are not permitted until the stewards have notified the pari-mutuel department of the official order of finish;

(d) The commission has adopted detailed rules for occurrences such as dead heats or the failure of patrons to select the winning animals or combinations of finishing animals. Such rules are available for public inspection at the information windows and the office of the commission located at the track;

(e) The period of time and procedures for uncashed tickets to be redeemed;

(f) The daily race program shall provide a page for the advertisement and dissemination of information regarding the ~~track's racetrack's~~ adopt-a-greyhound program;

(g) The association ~~is responsible for~~ shall make a good faith effort to ensure the accuracy of all information contained in the daily race program. All errors detected by the association after the printing of the daily race program has commenced shall be corrected by the association printing a corrected page

for distribution with the daily race program, announcements of the error and correct information via a public address system, or both. The association shall obtain prior approval of the proposed daily race program from the ~~commission~~ division at least 15 days prior to the start of a new race meet or before formatting a new daily race program during the current race meet.

SECTION 9. WGC 4.05 (2) (a), (b), (c), and (3) are amended to read:

WGC 4.05 (2) (a) Any contract in excess of \$10,000 per year for any goods or services or both shall be subject to approval by the ~~commission~~ division and submitted to the ~~commission~~ division for approval by the licensee. Such a contract shall not, as a matter of public policy, become effective and binding on the parties to the contract unless and until it has been approved by the ~~commission~~ division. Any contract not so approved shall be considered void as against public policy. Any person requesting ~~commission~~ division approval of a contract pursuant to this section shall provide the ~~director~~ administrator a copy of the contract, which has been signed by all parties to the contract, within 15 days of execution.

(2) (b) Any multiple contracts under \$10,000 per year which the ~~commission~~ division finds are for same or substantially similar goods or services or both shall be deemed to be a contract requiring approval. Any multiple contracts deemed to be a contract requiring approval shall not be binding on the parties unless and until it has been approved by the ~~commission~~ division. Any contract or contracts not so approved shall be considered void as against public policy. If the ~~commission~~ division finds that the use of multiple contracts was to circumvent the requirements of this section, the parties thereto shall be subject to a forfeiture not to exceed \$10,000 or suspension or revocation of licensure or both.

(2) (c) Any amendment, alteration, addition or deletion of the terms of a contract previously approved by the ~~commission~~ division shall also be approved by the ~~commission~~ division. Such amendment, addition, alteration or deletion shall not, as a matter of public policy, become effective and binding on the parties until approved by the ~~commission~~ division. Any amendment, alteration, addition or deletion not so approved shall be considered void as against public policy. Any person requesting ~~commission~~ division approval of an amendment, alteration, addition or deletion shall provide the ~~director~~ administrator a copy of the same, which has been signed by all parties, within 15 days of execution.

(3) Any contract for any goods or services or both not in excess of \$10,000 per year entered into by any person licensed by the ~~commission~~ division and any other person shall be filed with the ~~commission~~ division by the licensee within ~~5~~ 15 days of the effective date of the agreement. Any amendment, alteration, addition or deletion thereto shall be filed with the ~~commission~~ division by the licensee within ~~5~~ 15 days of the effective date of the amendment, alteration, addition or deletion. Any amendment, alteration, addition or deletion which makes the total value of any goods or services or both

governed by the contract and amendment, alteration, addition or deletion to be in excess of \$10,000 per year shall require ~~commission~~ division approval of both the original contract and amendment, alteration, addition or deletion as provided in this section. Failure to so obtain ~~commission~~ division approval by the licensee shall subject the licensee to the disciplinary procedures ~~specified in this section~~ which may include license suspension or revocation or imposition of a forfeiture.

SECTION 10. WGC 4.06 (1), (2), (3) and (6) are amended to read:

WGC 4.06 (1) Security reports shall be filed with the ~~commission~~ division stewards by the association ~~on a daily basis~~ within 48 hours after the completion of each race performance.

(2) The association shall provide on site 24 hour security for the kennel compound during all times greyhounds are housed on the premises.

(3) The association shall provide an inside lure with an extendable arm. Every lure which is operated using electricity shall have an operational switch for the purpose of stopping the flow of electricity to lure located within 5 feet of the lure operator's control unit and at one location within 20 feet of the racetrack surface. The association shall ensure that all persons present on the racetrack surface are aware of the location of the power switch and how to utilize the power switch. Furthermore, the association shall ensure that all power switches are in the off position when persons are working within 30 inches of the lure rail.

(6) The association shall maintain ~~an intravenous kit with saline solution~~ triage supplies and medications, for use only by the division veterinarian or designee who is a licensed veterinarian for the emergency treatment of seriously ill or injured greyhounds. These supplies and medications are to be stored in the division veterinarian's office.

SECTION 11. WGC 4.07 (4) and (9) are amended to read:

WGC 4.07 (4) The association shall provide a watering system for the track which provides adequate volume and pressure to provide uniform watering of the track surface. ~~If a water track vehicle is used, it shall have a boom so the vehicle will travel along the outside edge of the track without disturbing the portion of the track on which the greyhounds run.~~

(9) The ~~commission~~ division shall approve all individually executed kennel contracts prior to the commencement of racing. Any contract not so approved shall be void as against public policy, and the kennel shall not be eligible to participate at the race ~~meeting~~ meet.

SECTION 12. WGC 4.07 (11) and (12) are amended to read:

WGC 4.07 (11) The association shall provide that each starting box and loading area behind the starting box is covered by an overhead structure with the ~~open~~ sides of the structure enclosed with a chain link fence or other means approved by the division and at least one gate for entering and exiting.

(12) Any association whose race dates include performances in any of the months of November through March shall provide a ~~winterized heated racing surface, spring heated sprint path, and heated and fully enclosed starting box~~ approved by the ~~commission~~ division.

SECTION 13. WGC 4.08 (2) is amended to read:

WGC 4.08 (2) The association shall pay all purses payments directly to the owner of the greyhound or, if a greyhound is leased, the purse shall be paid directly to the lessor and lessee of the greyhound as agreed in the lease ~~agreement~~ affidavit on file with association.

SECTION 14. WGC 4.08 (3) is created to read:

WGC 4.08 (3) No deductions from purse payments due a greyhound owner or kennel owner shall occur unless the greyhound owner or kennel owner consents in writing to the deduction.

SECTION 15. WGC 4.10 is amended to read:

WGC 4.10 The association ~~shall~~ may, as determined by the division, be responsible for all reasonable costs incurred by the ~~commission~~ division payable to an outside agency, company, entity or individual other than division personnel, relative to tests of totalizator systems and all audits of any association or pari-mutuel book, record, document or other source of information.

SECTION 16. WGC 4.12 is amended to read:

WGC 4.12 An association shall obtain the approval of the stewards or ~~director~~ administrator or designee prior to canceling any race due to inclement weather. The stewards shall order cancellation of the race ~~program~~ performance or any portion thereof after consultation with the association management upon a determination that weather conditions pose a threat to the health of the greyhounds or personnel involved in the running of the race. Regulation fees are payable for all canceled race performances or portions thereof.

SECTION 17. WGC 4.13 and 4.14 are created to read:

WGC 4.13 Financial Audit. Audits shall be completed by the association and delivered to the division. (1) Each association shall have an annual audit performed at the close of the calendar year.

This audit is to be performed in accordance with generally accepted accounting principles by an independent certified public accountant registered by the state of Wisconsin. The resulting audit report is to be prepared in accordance with the American Institute of Certified Public Accountants (AICPA) industry audit guide. The report shall also contain the auditor's opinion regarding the financial statements taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the auditor expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefore shall be stated.

(2) The latest audit report shall be filed with the division within 120 days of the end of the calendar year.

(3) A request for an extension of time to file an audit report shall be submitted in writing 7 days prior to the deadline for filing the audit report.

(4) A request for an extension of time to file an audit report shall only be granted when the auditor submits a signed statement verifying that the audit cannot be completed in the designated time due to circumstances beyond the control of the auditor and the association. The auditor's statement shall also detail the circumstances that form the basis for the request.

WGC 4.14 Restricted areas. (1) The following areas on association grounds shall be considered restricted areas:

(a) Paddock, including lock-out kennel, division veterinarian's office, paddock parking lot and other areas in which competing greyhounds may be held between weigh-in and the conclusion of live racing.

(b) Urine sample collection & processing area.

(c) Kennel compound.

(d) Racetrack surface, including starting boxes, totalizator board and all areas in between the paddock and racing surface where competing greyhounds may be located during live racing.

(e) Totalizator office.

(f) Money room & vault.

(2) Unless specifically prohibited, on-duty emergency, law enforcement and division personnel or designees shall have unrestricted access to all restricted areas.

(3) Only persons licensed by the division shall be present in a restricted area unless escorted by a representative of the division or a licensee with access to the restricted area.

(4) All licensees present in a restricted area shall be performing duties related to the individual's license and shall be wearing the identification badge issued by the division.

(5) No person shall possess any animal except a greyhound while in a restricted area.

(6) Access to the following areas shall be restricted by the association in the following manner:

(a) No person licensed pursuant to ss. Game 13.05 (1) (e), (g), or (h) (2), shall be present in the kennel compound.

(b) On a day in which live greyhound racing is scheduled, no person licensed pursuant to s. Game 13.05 (1), shall be present in the urine sample collection area unless the person is escorted by a division employee.

(c) On a day in which live greyhound racing is scheduled, persons not holding an occupational license issued by the division and persons licensed pursuant to ss. Game 13.05 (1) (c), (e), (h) (1), (h) (2), (h) (3), or (i) shall not be present in the paddock or racetrack surface area from the conclusion of weigh-in until the last race.

(d) No person shall be present in the totalizator room unless the person possesses a license issued under s. Game 13.05 (1), and is designated by the totalizator company as having access or meets sub. (3).

(e) No person shall be present in the money room unless the person possesses a license issued under s. Game 13.05 (1), and is designated by the association as having access or meets sub. (3).

(7) Any licensee observing a violation of s. Game 4.14, shall immediately report the observation to the association security office and division.

SECTION 18. WGC 5.03 (1) and (2) are amended to read:

WGC 5.03 (1) Any person or entity wishing to own and operate a race track at which pari-mutuel wagering is conducted under s. 562.05 (1) (a), Stats., which person or entity has not previously been licensed, shall file an application as set forth in s. WGC 5.04 with the ~~commission~~ division ~~on or after September 15 and not later than October 15 of any calendar year or by such other date as the division may declare during a meeting of the division.~~ The ~~commission~~ division may, in its discretion, determine that no applications for license pursuant to s. 562.05 (1) (a) ~~or (b)~~, Stats., will be accepted for any given period.

(2) Any person or entity wishing to sponsor or manage any race on which pari-mutuel wagering is conducted and which is not located at a fair under s. 562.05 (1) (b), Stats., which person or entity has not previously been licensed, shall file an application as set forth in s. WGC 5.04 with the ~~commission~~ division ~~on or after September 15 and not later than October 15 of any calendar year or by such other date as the division may declare.~~ The ~~commission~~ division may, in its discretion, determine that no applications for license pursuant to s. 562.05 (1) (a) ~~or (b)~~, Stats., will be accepted for any given period.

SECTION 19. WGC 5.04 (1) is amended to read:

WGC 5.04 (1) An applicant for a license under s. 562.05 (1) (a) or (b), Stats., shall file with the ~~commission~~ division an affidavit and application and any exhibits ~~thereto~~, in the form and manner

prescribed by the ~~commission~~ division and on forms furnished by the ~~commission~~ division. NOTE: ~~Application Applications~~ and related forms are available at the ~~commission's~~ division's office, P.O. Box ~~7975~~ 8979, Madison, WI ~~53707-7975~~ 53708-8979, or by calling ~~608/267-3291~~ 270-2555.

SECTION 20. WGC 5.05 (intro.) and (4) are amended to read:

WGC 5.05 An applicant for a license under s. 562.05 (1) (a) and (b), Stats., shall submit to the ~~commission's~~ division's office not later than the time and ~~dates~~ date specified in s. ~~WGC 5.03~~ the application:

(4) A letter of transmittal to the ~~commission~~ division and ~~one manually signed~~ executed with original signature, and ~~45~~ 10 copies of the application.

SECTION 21. WGC 5.08 (1) is amended to read:

WGC 5.08 (1) The types and dates of race ~~meetings~~ meets being held ~~elsewhere~~, both within and outside this state.

SECTION 22. WGC 5.08 (11) is created to read:

WGC 5.08 (11) The economic impact on the local community.

SECTION 23. WGC 5.09 (1) and (2) (a) are amended to read:

WGC 5.09 (1) Full name, business and residence addresses and telephone numbers, ~~list last 5 residence~~ all previous residential addresses for the preceding 20 years or if less than 20 years at the current residence address, date of birth, place of birth, and 2 references.

(2) (a) Authorizes a review by and full disclosure to any agent of the division or Wisconsin department of justice, division of criminal investigation of all records concerning the individual, relating to the information provided in the application form, whether the records are public, non-public, private or confidential.

SECTION 24. WGC 5.10 is amended to read:

WGC 5.10 The ~~director~~ administrator or ~~director's~~ administrator's designee shall clarify license application requirements upon the written request of ~~a~~ an applicant or potential applicant. The ~~director~~ administrator may consult counsel, staff or members of the ~~commission~~ division, but shall respond to clarification requests promptly upon the receipt of the request, either orally or in writing. Interpretations of application requirements by any other person shall not be binding on the ~~commission~~ division.

SECTION 25. WGC 5.16 (1) (intro.) and (2) are amended to read:

WGC 5.16 (1) Any contract in excess of \$10,000 per year for the provision of goods and services, including but not limited to concession contracts, entered into by any licensee under s. 562.05 (1), Stats., shall be subject to the approval of the ~~commission~~ division. The ~~commission~~ division shall determine whether the contract may affect the integrity of pari-mutuel racing. Until approved by the ~~commission~~ division, the contract is not valid or binding on any licensee under s. 562.05 (1), Stats. The ~~commission~~ division shall, within 45 days after submission of a contract to the ~~commission~~ division, approve or disapprove the contract and if not acted upon by the ~~commission~~ division within 45 days after submission, the contract shall be considered approved by the ~~commission~~ division, unless additional information regarding the contract is requested by the ~~commission~~ division and action is taken within 30 days of the date of receipt of the additional information. In making a determination that a contract may affect the integrity of racing, the ~~commission~~ division may consider such factors as it considers relevant including without limitation:

(2) Any contract for \$10,000 per year or less for the provision of goods and services, including but not limited to concession contracts, entered into by any licensee under s. 562.05 (1), Stats., shall be filed with the ~~commission~~ division.

SECTION 26. WGC 5.21 is amended to read:

WGC 5.21 No licensee under s. 562.05 (1) (a) or (b), Stats., may construct, expand, reduce, alter, or otherwise modify an existing or proposed race track facility after a license has been issued under s. 562.05 (1) (a) or (b), Stats., for that facility, which would result in an increase or decrease of \$10,000 per year or more in the development costs of the facility as proposed at the time the license was granted or which would cost in excess of \$10,000 per year at an existing facility, without the prior approval of the ~~commission~~ division. If a licensee fails to obtain the required approval, the ~~commission~~ division may revoke or suspend the licensee's license and impose a fine under s. 562.13, Stats.

SECTION 27. WGC 5.22 (2) is amended to read:

WGC 5.22 (2) An applicant for a license to sponsor and manage a race under s. 562.05 (1) (b), Stats., shall file with the ~~commission~~ division at the time the applicant files its application, a bond payable to the ~~commission~~ division in ~~the~~ an amount of ~~\$250,000 for pari-mutuel racing determined by the division equal to the total monthly dollar amount estimated to be paid by the association related to fees, taxes and other money due, including animal purses, operations of the adopt-a-greyhound program, unclaimed prizes, and pay-outs on winning wagers or other amounts payable pursuant to the provisions of~~ ch. 562, Stats. The ~~commission~~ division may require the applicant to ~~increase~~ amend the amount of the

bond prior to the ~~division issuing a license under s. 562.05 (1) (b), Stats., to the applicant but in any case~~ not more than commencement of the race meet in which the applicant was licensed under s. 562.05 (1) (b), Stats. The amount of the bond will not exceed the estimated total financial liability of the applicant throughout the race ~~meeting~~ meet for which the license under s. 562.05 (1) (b), Stats., is requested, as determined by the ~~commission~~ division. The bond shall be executed by the applicant and a surety company or companies authorized to do business in this state, and conditioned on the payment by the licensee under s. 562.05 (1) (b), Stats., of all fees, taxes and other money due, including animal owner's purses, operations of the adopt-a-greyhound program, unclaimed prizes, and pay-outs on winning wagers or other amounts payable pursuant to the provisions of the ch. 562, Stats.

SECTION 28. WGC 7.02 (3) and (6) are amended to read:

WGC 7.02 (3) A certificate of registration for each greyhound shall be filed with the racing secretary by the trainer or kennel owner along with the ~~last greyhound's most recent~~ 4 performance lines, except for maidens, ~~whose certificates which~~ shall contain the last 2 greyhound's most recent 2 performance lines, when available if the maiden has officially schooled or started. All greyhounds ~~must~~ shall meet the requirements of s. WGC 7.06 (4) (f).

(6) No owner of a greyhound shall have greyhounds in more than 23 kennels at any given racetrack.

SECTION 29. WGC 7.02 (5) is amended to read:

WGC 7.02 (5) The lessee of the greyhound shall file ~~a copy of the lease agreement~~ an affidavit with the racing secretary attesting to the terms of the lease agreement between the lessee and lessor. ~~The lease agreement shall include:~~

- ~~(a) The name of the greyhound;~~
- ~~(b) The name and address of the owner;~~
- ~~(c) The name and address of the lessee;~~
- ~~(d) The kennel name, if any, of each party;~~
- ~~(e) The terms of the lease.~~

SECTION 30. WGC 7.03 (2)(a) is amended to read:

WGC 7.03 (2) PROCEDURES FOR SCHOOLING. (a) Any greyhound that has not raced for a period of 10 racing days or more shall be officially schooled at least once to the satisfaction of the stewards before being eligible for entry. Any greyhound that has not raced for a period of 31 calendar

days or more shall be officially schooled at least twice to the satisfaction of the stewards before being eligible for entry.

SECTION 31. WGC 7.03 (2)(g) , (h), and (i) are created to read:

WGC 7.03 (2) (g) No greyhound kenneled in the compound or registered with the racing secretary shall be permitted to be schooled at a facility other than a racetrack licensed by the division.

(h) No charge shall be imposed for conducting schooling races upon any kennel under contract with the association.

(i) Each association shall provide unofficial schooling at least 2 times per week, weather permitting, for a minimum of 2 hours per session.

SECTION 32. WGC 7.05 (1) (c) and (h) are amended to read:

(c) Grade M refers to maiden classification which indicates a greyhound has not won an official race at a pari-mutuel racetrack supervised by a regulatory agency and is under the age of 24 months. On the last race day of the month in which a greyhound reaches the age of 24 months, maidens shall be graded to grade E.

(h) Greyhounds not racing because of illness or injury for 30 days or more may be re-~~classified~~ graded.

SECTION 33. WGC 7.05 (1) (j) is created to read:

WGC 7.05 (1) (j) The racing secretary may form races of a distance of 3/8 of a mile or greater from 2 consecutive grades, not to include maiden. The races shall be designated by the letter "T" and the grade designation of the highest of the 2 grades and shall pay a purse consistent with the higher grade.

SECTION 34. WGC 7.05 (2) (a) and (b) and (4) (b) are amended to read:

WGC 7.05 (2) (a) ADVANCE IN GRADE. (a) The racing secretary shall advance a greyhound that wins a maiden race to grade E. A greyhound that wins a maiden race may be entered in grade D at the request of the trainer and with the approval of the racing secretary.

(b) The racing secretary shall advance a greyhound that wins a race ~~one~~ grade until reaching grade A.

(4) (b) ~~If a maiden~~ A greyhound which fails to finish in the top 4 positions in 6 consecutive maiden starts, ~~the greyhound~~ shall be dropped from further racing at the race meeting, except that if it re-qualifies in official schooling, the greyhound shall be given 2 additional starts. If the greyhound fails

to finish in the top 4 positions in those 2 starts, the greyhound shall be dropped from further racing at the race meeting.

SECTION 35. WGC 7.05 (4) (a) is amended to read:

WGC 7.05 (4) (a) ~~If a A greyhound in grade E which fails to finish in the top 4 finishing positions in 6 consecutive grade E starts shall be dropped from further racing at that race meeting. However, a greyhound that wins a maiden race and advances to grade E in its initial entry in that grade may fail to finish in the top 4 finishing positions in 6 consecutive starts before being dropped from further racing.~~

SECTION 36. WGC 7.06 (1) (e) is created to read:

WGC 7.06 (1) (e) Entry into a race shall be free, unless otherwise stipulated in the conditions of the race. If the conditions require an entrance fee, it shall accompany the entry.

SECTION 37. WGC 7.06 (2) (a), (c) and (d) are amended to read:

WGC 7.06 (2) (a) A greyhound shall not be qualified to be entered or to start in any race if owned in whole or in part or is under the control, directly or indirectly, of a ~~disqualified~~ person not eligible to hold a license. Any purse money won during the period the greyhound was owned or controlled by a person not eligible to hold a license shall be returned to the association and redistributed as purse money.

(c) No greyhound on the schooling list or the veterinarian's list shall be allowed to enter any official race without being properly removed from such lists.

(d) Female greyhounds coming in season during the race ~~meeting~~ meet shall not be accepted for entry within 30 days ~~from~~ following the date the greyhound came in season. Before being accepted for entry the greyhound shall be examined by the ~~commission~~ division's veterinarian and schooled to the satisfaction of the stewards.

SECTION 38. WGC 7.06 (2) (g), (h), and (i) are created to read:

WGC 7.06 (2) (g) No greyhound shall be permitted to enter schooling or official races unless all persons holding any ownership interest in the greyhound are licensed by the division.

(h) In the event a greyhound starts a race from a post position other than the assigned post position identified in the daily race program, the stewards shall declare a "no race" and all monies wagered shall be refunded. In the event a greyhound starts a race from a post position other than the assigned post position identified in the daily race program, and the stewards fail to declare the race a "no

race”, then all winning tickets reflecting the posted official order of finish shall be honored as winning tickets and all remaining tickets shall be subject to refund.

(i) After the start of a race no refunds shall be provided in the event a greyhound’s blanket comes loose or falls off, or if the greyhound’s muzzle falls off, is hanging, or is in the mouth.

SECTION 39. WGC 7.06 (3) (d) and (e) are amended to read:

WGC 7.06 (3) (d) In the absence of notice to the contrary, entrance and declarations for stakes races which close during or on the eve of a ~~racing~~ race meet shall close at the office of the racing secretary. Closing at all other times for stakes races shall be at the office of the association.

(e) All stakes races shall be indicated by the letter "S" and the grade. The letter "S" shall appear at the top of each page of the daily race program for this type of race. After racing in a grade S race, the greyhound's grade shall include the S followed by the greyhound's current grade.

SECTION 40. WGC 7.06 (3) (j) is created to read:

WGC 7.06 (3) (j) An error pertaining to any entry or declaration in a stakes race must be presented to the stewards prior to any qualifying races or the draw.

SECTION 41. WGC 7.06 (4) (b), is amended to read:

WGC 7.06 (4) (b) Entries shall not be drawn and assigned a post position unless a steward or designee representing the ~~commission~~ division and the racing secretary, assistant racing secretary or director of racing are present. The kennel owner, ~~or~~ trainer or assistant trainer may be present, but their absence at the time of drawing shall constitute a waiver of their right to be present.

SECTION 42. WGC 7.06 (4) (e) is amended to read:

WGC 7.06 (4) (e) In purse races, there shall be at least 76 greyhounds of completely different ownership. No trainer or greyhound owner shall have more than 2 greyhounds in any race except in stakes or sweepstakes. In all other purse races, the following conditions shall apply:

SECTION 43. WGC 7.06 (4) (e) 2. and 4. are repealed.

SECTION 44. WGC 7.06 (4) (e) 3. is renumbered as 7.06 (4) (e) 2 and as renumbered is amended to read:

WGC 7.06 (4) (e) 2. When no other single entry is available, the racing secretary may use a double entry without the permission of the ~~owner~~ trainer.

SECTION 45. WGC 7.07 (5) is created to read:

WGC 7.07 (5) At any time a greyhound is scratched, it may be required to perform to the satisfaction of the stewards in an official schooling race prior to being reentered for an official race.

SECTION 46. WGC 7.08 (1) (b) is amended to read:

WGC 7.08 (1) (b) The established racing weight may be changed on written request of the trainer and by written consent of the stewards, ~~providing the change is made 4 calendar days before the greyhound is allowed to race at the new weight.~~ The new racing weight shall become effective at the next draw following submission and consent of the request.

SECTION 47. WGC 7.08 (2) (a), (b) and (g) are amended to read:

WGC 7.08 (2) (a) All greyhounds shall be weighed not less than one hour and not more than 3 hours before the time of the first race of the ~~program~~ race performance in which they are to appear. In cases where the total number of greyhounds entered into a race performance are exceeded by the total number of crates in the lock out kenel, the association may designate two periods for weigh in and the corresponding entries to be weighed in at each period. In cases where more than one weigh in period is conducted, all greyhounds identified for the second weigh in period shall be weighed not less than one hour before the earliest scheduled post time for all greyhounds being weighed in during that period. Only one weigh-in per greyhound shall be permitted.

(b) As each greyhound is weighed in, there shall be an identification tag attached to its collar indicating the number of the race in which the greyhound is entered and its post position. This tag shall not be removed until the greyhound has been weighed out, ~~and~~ blanketed and identified.

(g) Upon placement of the greyhounds in the lock-out kennels after weighing-in, no person except racing officials, lead-outs in the presence of a racing official or designated representatives of the ~~commission~~ division shall be allowed in the lock out kennels. ~~At no time shall less than 2 such authorized individuals be present in the lock out kennel.~~

SECTION 48. WGC 7.08 (3) is renumbered to WGC 7.08 (3) (a), and WGC 7.08 (3) (a), as renumbered, is amended to read:

WGC 7.08 (3) (a) Each greyhound shall be weighed out ~~prior to entry into the paddock~~ immediately after being removed from the lock-out kennels. If a greyhound loses weight in excess of 1-1/2 pounds from its weigh-in weight while in the lock-out kennels, the stewards shall consult with the ~~commission~~ division veterinarian. If, in the opinion of the ~~commission~~ division's veterinarian, the loss of

weight while in the lock-out kennels does not impair the racing condition of the greyhound, the stewards shall allow the greyhound to race. Otherwise, the greyhound shall be scratched.

SECTION 49. WGC 7.08 (3) (b) is created to read:

WGC 7.08 (3) (b) A record of all greyhounds losing in excess of one and one-half pounds while in the lock-out kennel shall be maintained by the division veterinarian. The division veterinarian shall identify a greyhound as a weight loser who loses weight in excess of one and one-half pounds on a minimum of three consecutive occasions while in the lock-out kennel. Each greyhound classified as a weight loser shall be identified with the initials "WL" following its name in the daily race program.

SECTION 50. WGC 7.08 (4) (b) is amended to read:

WGC 7.08 (4) (b) The weight regulations provided in ~~these rules~~ this section shall be printed in the daily race program.

SECTION 51. WGC 7.09 (1) (a) and (2) (h) are amended to read:

WGC 7.09 (1) (a) All greyhounds shall wear the regulation muzzle and blanket while racing. Following the race, racing blankets shall not be removed until the greyhounds are ~~accepted~~ under visual observation by their trainer or designee.

(2) (h) If a greyhound ~~is left in~~ refuses to leave the box when the doors of the starting box open at the start, there shall be no refund of monies wagered. Such greyhound shall be considered a starter.

SECTION 52. WGC 7.09 (3) (b) and (5) (a) are amended to read:

WGC 7.09 (3) (b) Any greyhound may be placed on the schooling list at the discretion of the stewards at any time. No animal placed on the schooling list shall be permitted to race without schooling back to the satisfaction of the stewards.

(5) (a) All objections as to eligibility of an animal to race shall be made to the stewards in writing, and signed by the objector, ~~and a copy sent immediately to the director .~~

SECTION 53. WGC 7.09 (5) (e), (f) and (g) are created to read:

WGC 7.09 (5) (e) Pending a decision on the objection, any prize or money due any greyhound involved in the objection shall be withheld until the objection is resolved.

(f) In all cases of fraud or willful deception, the time limitation identified in this section shall not apply if the stewards determine the objector could not have reasonably ascertained the basis of the objection within 48 hours.

(g) If an objection is declared valid, the stewards shall determine the new order of finish and the redistribution of all purse monies. The stewards' decision shall not affect the pari-mutuel payoff.

SECTION 54. WGC 7.10 (1) (a) is repealed and recreated to read:

WGC 7.10 (1) (a) The following are designated racing officials of a race meet:

1. Board of stewards (presiding division steward, division steward, and association steward).
2. Director of racing.
3. Racing secretary.
4. Paddock judge.
5. Chartwriter.
6. Lure operator.
7. Starter.
8. Announcer.
9. Division veterinarian.
10. Clerk of scales.
11. General manager.
12. Brake operator.
13. Director of security.
14. Mutuel manager.
15. All assistant positions of those listed above.
16. All other staff members of the division.

SECTION 55. WGC 7.10 (1) (b), is amended to read:

WGC 7.10 (1) (b) All designated racing officials shall be appointed by the association except the ~~commission~~ division stewards, ~~commission~~ division veterinarian, ~~commission~~ division auditor, ~~commission~~ division paddock judge, ~~investigator~~ and ~~commission~~ division veterinarian, and all other division employees, all of whom shall be appointed by the ~~commission~~ division. All association racing officials shall be licensed by the ~~commission~~ division. The successor to an official whom is replaced shall be subject to the approval of the ~~commission~~ division.

SECTION 56. WGC 7.10 (1) (i) is created to read:

WGC 7.10 (1) (i) Whenever the general manager is to be absent from the grounds of a racetrack for more than one performance, the general manager shall, in writing, inform the stewards of the anticipated length of the absence and provide the name of the racing official who will assume the

responsibilities of the general manager. The person designated to assume the responsibilities shall be authorized to exercise all duties and responsibilities of the general manager and shall be licensed as an assistant general manager.

SECTION 57. WGC 7.10 (2) (a), (c), and (e) are amended to read:

WGC 7.10 (2) (a) The stewards shall supervise the race ~~meeting~~ meet to which they are assigned including the actions and decisions of all racing officials in carrying out their duties. In all cases of a ~~conflict~~ conflicts, the decisions of the stewards shall control. The stewards shall be responsible for enforcing ch. 562, Stats., and the ~~commission~~ division's rules. The stewards shall interpret the rules and decide all questions not addressed in statutes or administrative code. All decisions and rulings within the stewards' authority shall be determined by a majority vote of the board of stewards, subject to division review.

(c) Should any situation occur which may not be covered by the rules of racing, it shall be determined by the stewards in conformity with custom and usage in the industry and in the best interest of racing. In matters pertaining to racing, the orders of the stewards shall supercede the orders of the officers and directors of the association.

(e) During each racing day the stewards of the ~~meeting~~ race meet shall be at the ~~commission~~ division offices on the grounds of the association where the ~~racing meeting~~ race meet is being held not later than 15 minutes prior to weighing-in time to exercise the authority and perform the duties imposed on the stewards by the rules of racing.

SECTION 58. WGC 7.10 (2) (h), (i), (j) and (k) are renumbered to WGC 7.10 (2) (j), (k), (l) and (m).

SECTION 59. WGC 7.10 (2) (l) is renumbered to WGC 7.10 (2) (n), and WGC 7.10 (2) (n), as renumbered, is amended to read:

WGC 7.10 (2) (m) All association stewards are required to obtain a license as a an association steward from the ~~commission~~ division. All association stewards shall have a knowledge ~~of~~ of the principles and practices of the pari-mutuel racing industry, the use of administrative rules and practices within the pari-mutuel industry, and the principles and practices of oversight of pari-mutuel racetrack operations. ~~Stewards which are employees of the commission or provide services to the commission pursuant to a professional services contract shall comply with the following: s. 562.045, Stats., and all published policies and procedures as set forth from time to time by the state of Wisconsin department of~~

~~employment relations. All salary ranges, benefits, etc. shall be set by Wisconsin department of employment relations.~~

SECTION 60. WGC 7.10 (2) (h) and (i) are created to read:

WGC 7.10 (2) (h) If a vacancy occurs for a division steward or division veterinarian prior to or during a race performance, the presiding steward shall appoint an individual to serve for the remainder of the race performance.

(i) If a vacancy occurs for a racing official not listed under WGC 7.10 (2) (h), the general manager or designee shall appoint a racing official to serve for the remainder of the race performance. The general manager's appointment shall be subject to the review and consent of the board of stewards.

SECTION 61. WGC 7.10 (4) (g) is amended to read:

WGC 7.10 (4) (g) Lead-outs shall be assigned to post positions by the ~~commission~~ paddock judge or designee by lot before each race ~~program~~ performance and subject to approval and reassignment by the division stewards.

SECTION 62. WGC 7.10 (5) (b), (c) and (d) are amended to read:

WGC 7.10 (5) (b) The ~~commission~~ paddock judge shall fully identify and check against the card index system of identification maintained by the association the greyhounds starting in schooling and official pari-mutuel races. The ~~commission~~ paddock judge shall report to the stewards any greyhound who does not conform to the card index identification.

(c) ~~Under the supervision of the commission paddock judge, the association paddock judge or the kennel master~~ shall unlock the ~~lock-out~~ lock-out kennel immediately before weigh-in time to see that the ~~lock-out~~ lock-out kennels are in good repair and that nothing has been deposited in any of the crates for the greyhounds' consumption. The ~~commission paddock judge~~ division veterinarian shall see that the ~~lock-out~~ lock-out kennels are kept in repair and proper sanitary condition and shall direct the association to make the required corrections when deemed necessary. The ~~kennel master~~ paddock judge or an assistant designee(s) shall receive the greyhounds from the trainer one at a time, and see that each greyhound is placed in its ~~lock-out~~ lock-out kennel and remain on guard from that time until the greyhounds are removed for the last race.

(d) The ~~commission~~ division steward and paddock judge shall not allow anyone to weigh in a greyhound unless that person has in their possession a valid owner's, trainer's or assistant trainer's license.

SECTION 63. WGC 7.10 (5) (f) and (6) (c) and (d) are created to read:

WGC 7.10 (5) (f) The paddock judge shall ensure that each greyhound is properly fitted with an approved muzzle, blanket and lead prior to its leaving for the starting box.

(6) (c) The starter shall inspect all starting boxes and areas adjacent to the starting boxes to be used each race performance prior to the first race to ensure they are clean and free of any foreign materials.

(d) The starter shall be responsible that each greyhound is correctly placed in its assigned post position as identified in the daily racing program.

SECTION 64. WGC 7.10 (7) (a) and (d), (8) (a), (b) (intro.) and 6., and (9) (title) (intro), (a), (b), (c) and (d) are amended to read:

WGC 7.10 (7) (a) The racing secretary shall maintain a complete and updated file of all lease and ownership papers on greyhounds racing at the race meet. All ownership and lease documents shall be inspected to be sure they are accurate, complete and updated. To perform this responsibility the racing secretary shall have the authority to demand the production of any documentation or evidence relating to the ownership of a greyhound. Kennel owners and trainers shall file with the racing secretary all current ownership and lease records and any other forms required by the division including but not limited to health certificates, live lure affidavits and animal vaccination records. By filing these documents the owner and trainer warrant that the documents are true, accurate and authentic.

(d) As soon as entries have closed for each race ~~program performance~~, the racing secretary shall compile and post a list of entries minus any subsequent withdrawals. Names of greyhounds on the leftover list shall also be compiled and posted in an announced location.

(8) (a) The chartwriter shall compile the past performance information necessary for the daily race program.

(b) The daily race program shall contain:

6. In case the name of a greyhound is changed, the new name together with the former name shall be published in the official entries and daily race program until after the greyhound has started 6 times.

(9) TIMER-PHOTO FINISH OPERATOR. The association steward shall be the timer-photo finish operator.

(a) The timer-photo finish operator/~~timer operator~~ shall maintain the photo finish and timing equipment in proper working order and shall be responsible for photographing each race.

(b) The timer-photo finish operator/~~timer operator~~ shall declare the official time of each race. The time of the race shall be taken from the opening of the doors of the starting box to the time of the first greyhound crossing the finish line.

(c) Each association shall install an automatic timing device approved by the ~~commission~~ division. The timer-photo finish operator shall use the time shown on the timing device as the official time of the race if the timer-photo finish operator and stewards ~~is~~ are satisfied that the timing device is functioning properly. Otherwise, the timer-photo finish operator shall consult with the stewards and use the time shown on the stop watch or other back-up timing device in use to record the time of the race. When the stop watch time or other back-up timing device is used as to record the official time of the race it shall be so announced to the public.

(d) When the "photo" sign is posted by the stewards on the totalizator board the timer-photo finish operator/~~timer operator~~ shall prepare a photograph which shall be made available and displayed for public viewing. The photo shall be approved by the board of stewards prior to public viewing. A paper copy of the displayed photo shall be retained for a period of 90 days.

SECTION 65. WGC 7.10 (10) is created to read:

WGC 7.10 (10) LURE OPERATOR. (a) The lure operator shall operate the lure in a smooth, uniform and consistent manner so as not to impede or otherwise disrupt the running of the race.

(b) The location of the lure on the course and the prevailing weather conditions shall be taken into consideration by the lure operator when calculating the appropriate distance of the lure from the lead greyhound.

(c) The lure operator shall test the operation of the lure prior to the running of the first race of each race performance. Any malfunctions shall be reported to the stewards and corrected prior to the start of the race performance.

SECTION 66. WGC 8.03 (1) (a) is amended to read:

WGC 8.03 (1) (a) The association shall file admission reports daily with the ~~commission auditor~~ division stewards. The association shall file ~~weekly,~~ monthly and end of race ~~meeting~~ meet admission reports to the ~~director~~ administrator. All ~~association~~ daily admission reports shall include:

SECTION 67. WGC 8.03 (1) (b) 1. is amended to read:

WGC 8.03 (1) (b) 1. The association shall deliver to the ~~commission~~ division no later than ~~90~~ 91 days after the last performance of each race ~~meeting~~ meet a check representing the value of all outstanding tickets payable to the division. ~~All tickets paid after the final performance shall be secured by the association and delivered to the commission no later than 90 days after the last performance of the race meeting.~~

SECTION 68. WGC 8.06 (2) (a) through (f) are amended to read:

WGC 8.06 (2) FAILURE OF STARTING BOX. In a greyhound race, if the ~~doors~~ door in front of any starting box in a mechanically or electrically operated starting box should fail to open simultaneously with the other starting box doors, thereby preventing an animal from obtaining a fair start when the starter dispatches the field, the following shall apply: , the stewards shall declare a “no race”.

~~(a) If any animal is so prevented from starting, the entire amount in the win, place and show pools wagered on that animal shall be refunded unless the animal finishes first, second, third or 4th in which case the animal shall be considered a starter for all pools in which the animal earned a placing and a non starter in all other pools.~~

~~(b) If less than 5 animals in different wagering interests leave the boxes the entire amount wagered in the show, superfecta and trifecta pool shall be refunded.~~

~~(c) If less than 4 animals in different wagering interests leave the boxes the entire amount wagered in the place, show, quiniela and perfecta pools shall be refunded.~~

~~(d) If less than 2 animals leave the boxes, the entire amount wagered in the win, place, show and any other multiple pools shall be refunded.~~

~~(e) In all races on which multiple wagering is permitted, except on the second half of the daily double, if any animal is so prevented from starting, the entire amount wagered on any combination including that animal shall be refunded unless prohibited by other rules.~~

~~(f) In the case of a failure of all boxes to open, thereby preventing all animals from starting, an immediate decision shall be made by the stewards as to cancellation of the race. In the event the stewards allow the race to be run, they shall allow a period of 5 minutes for the cancellation of tickets and an announcement to this effect shall immediately be made to the public.~~

SECTION 69. WGC 8.07 is amended to read:

WGC 8.07 For all win, place and show wagers ~~except the trifecta, superfecta, tri superfecta and twin trifecta~~, the minimum wager to be accepted by any association shall be \$2. The minimum payout by an association on a \$2 wager shall be \$2.20. The association may set the minimum wager for ~~the trifecta, superfecta, tri superfecta and twin trifecta combinations~~ any wager other than win, place or show, as in a wheel or box, at \$1, provided that no ticket shall be sold for less than \$2.00. For purposes of pari-mutuel calculations the minimum payout for a \$1 wager shall be \$1.10. In cases where a minus pool occurs, the association shall be responsible for the payment of the minimum payout from their share of the pari-mutuel commission.

SECTION 70. WGC 8.12 (1) (a) is amended to read:

WGC 8.12 (1) (a) Pari-mutuel tickets may not be sold on any race performance more than one hour before post time of the first pari-mutuel race of each performance unless prior approval is obtained from the ~~commission~~ division. All wagering shall be conducted only within the racetrack ~~enclosure~~ facility in which authorized racing takes place wagering is permitted pursuant to a license issued under s. 562.05 (1), Stats.

SECTION 71. WGC 8.12 (1) (b), (c), and (d) are created to read:

(b) All pari-mutuel tickets shall be purchased with U.S. currency, totalizator generated vouchers, winning pari-mutuel tickets issued by the racetrack or refunded pari-mutuel tickets. No pari-mutuel facility shall extend credit, accept checks, or accept credit cards directly for payment of pari-mutuel tickets.

(c) No pari-mutuel facility shall allow wagers to be accepted over the telephone, computer or other device not approved by the division. All wagers shall be made in person at the racetrack.

(d) No pari-mutuel facilities shall discount pari-mutuel wagers, award rebates or offer any type of cash incentive as a premium for wagering.

SECTION 72. WGC 8.12 (4)(title) and (intro) are created to read:

WGC 8.12 (4) ACKNOWLEDGEMENT OF MUTUEL TICKETS. Notwithstanding other division rules, the acceptance of a mutuel ticket by taking an issued ticket away from the window or terminal from which it is purchased shall constitute an acknowledgment by the purchaser of the correctness of the ticket, and each purchaser of a mutuel ticket agrees to be bound by the terms and provisions of this requirement. Neither the association, totalizator company, the division nor the state of Wisconsin shall be liable to any person for any ticket which is not a winning ticket in accordance with the provisions of this rule nor shall they be liable to any person for any mutuel ticket not delivered for any reason, including but not limited to, mechanical malfunction, electrical failure, machine locking, or other cause.

SECTION 73. WGC 9.04 (4) is created to read:

WGC 9.04 (4) In the event no place ticket is sold on both of the wagering interests which finish first or second, the net place pool shall be distributed to holders of place tickets on the animal finishing third.

SECTION 74. WGC 9.10 (2) is amended to read:

WGC 9.10 (2) If no ticket selecting the first and second animals is sold, the profit shall be apportioned equally among the holders of tickets selecting the animal finishing first and third animals in exact order.

SECTION 75. WGC 9.10 (3) through (6) are repealed.

SECTION 76. WGC 9.10 (7) through (12) are renumbered as WGC 9.10 (3) through (8) and WGC 9.10 (6) as renumbered is amended to read.

WGC 9.10 (6) In all combinations described in sub. ~~(7), (8), and (9)~~ (3), (4), and (5), the profit shall be divided in separate pools, calculated as a place pool and paid off accordingly.

SECTION 77. WGC 9.10 (9) is created to read:

WGC 9.10 (9) If no ticket is sold that would require distribution of the net trifecta pool to a winner as above defined, the association shall make a full refund of the net trifecta pool.

SECTION 78. WGC 9.12 (4) is amended to read:

WGC 9.12(4) In races with superfecta wagering, if there is a failure to select, in exact order, the first 4 animals, payouts shall be made on superfecta tickets in the following order of priority:

(a) Tickets selecting the first, second, and third finishers in that order, 1-2-3-all. If no ticket is sold selecting the first, second, and third finishers in that order, then;

~~(b) Tickets selecting the first, second, and fourth finishers in that order, 1-2-all-4. If no ticket is sold selecting the first, second, and fourth finishers in that order, then;~~

~~(c) Tickets selecting the first, third, and fourth finishers in that order, 1-all-3-4. If no ticket is sold selecting the first, third, and fourth finishers in that order, then;~~

~~(d) Tickets selecting the second, third, and fourth finishers in that order, all-2-3-4. If no ticket is sold selecting the second, third and fourth finishers in that order, then;~~

~~(b)(e)~~ Tickets selecting the first and second finishers in that order, 1-2-all-all. If no ticket is sold selecting the first, and second finishers in that order, then;

~~(f) Tickets selecting the first and third finishers in that order, 1-all-3-all. If no ticket is sold selecting the first and third finishers in that order, then;~~

~~(g) Tickets selecting the first and fourth finishers in that order, 1-all-all-4. If no ticket is sold selecting the first, and fourth finishers in that order, then;~~

~~(ge) Tickets selecting the second and third finishers in that order, all-2-3-all. If no ticket is sold selecting the second and third in that order, then;~~

~~(gm) Tickets selecting the second and fourth finishers in that order, all 2 all 4. If no ticket is sold selecting the second and fourth finishers in that order, then;~~

~~(gs) Tickets selecting the third and fourth finishers in that order, all all 3 4. If no ticket is sold selecting the third and fourth finishers in that order, then;~~

~~(c) (h) Tickets selecting the first finisher, 1-all-all. If no ticket is sold selecting the first finisher, then;~~

~~(i) Tickets selecting the second finisher, all 2 all all. If no ticket is sold selecting the second finisher, then;~~

~~(j) Tickets selecting the third finisher, all all 3 all. If no ticket is sold selecting the third finisher, then;~~

~~(k) Tickets selecting the fourth finisher, all all all 4. If no ticket is sold selecting the fourth finisher, then;~~

~~(l) If fewer than 4 animals finish and the race is declared official by the stewards, the payout shall be made to the holders of tickets selecting the finishing animals in order.~~

SECTION 79. WGC 9.13 (1), (4), (8) and (9) are amended to read:

WGC 9.13 (1) Each person participating in a Pick (N) pool shall select the winning animal in (N) consecutive races designated by the association. The number of contests so designated ~~may be 4, 5, 6, 7, 8, 9 or 10~~ shall be greater than 2. Once an association has decided the number of contests comprising the Pick (N), it may not change that number in the middle of a meet without prior approval of the commission. The contests so designated comprise the Pick (N) for that performance. The association shall issue the Pick (N) participant a ticket which shall reflect the participant's selections in the designated contests.

(4) In the event of a dead heat for win between 2 or more animals in any Pick (N) race, all such animals in the dead heat for win shall be considered as the winner in the race for the purpose of distributing the ~~jackpot~~ Jackpot, Consolation, and the Super (N) pools.

(8) Each jackpot pool shall have a cap that the ~~jackpot~~ Jackpot and Super (N) pools may not exceed. ~~The cap for a pick four jackpot pool shall be \$4,000 or 2,000 times the minimum wager, whichever is less. The cap for a Pick (5) jackpot pool shall be \$30,000 or 15,000 times the minimum wager, whichever is less. The cap for a Pick (6) jackpot pool shall be \$1,000,000 or 500,000 times the minimum wager, whichever is less. The cap for a Pick (7) jackpot pool shall be \$1,000,000. The cap for a Pick (8) jackpot pool shall be \$2,000,000. The cap for a Pick (9) jackpot pool shall be \$5,000,000. The cap for a Pick (10) jackpot pool shall also be \$5,000,000. Prior to the opening of a meet the association may~~ shall declare a cap for the jackpot Jackpot and Super (N) pools ~~less than the cap imposed above,~~

~~provided the cap is in increments of \$1,000.~~ Once the association has elected a cap the association shall not alter the cap without providing the ~~commission division~~ with prior written notice. If, at the close of any performance the amount accumulated in the ~~jackpot~~ Jackpot or Super (N) pools equals or exceeds the cap, then at such time, the ~~jackpot~~ Jackpot or Super (N) pools shall be frozen until it is won under the other provisions of this section. Thereafter, the ~~jackpot~~ Jackpot or Super (N) pools ~~is~~ are frozen under these provisions and 100% of all subsequent contributions shall go to the Super (N) pool and be distributed accordingly. Nothing herein shall affect the total distribution of both pools on the closing day of any meet or portion of a split meet.

(9) Prior to the opening of a meet at which a Pick (N) wager will be offered, the association may elect to force an early payout of the ~~jackpot~~ Jackpot or Super (N) pools, as allowed by this rule and in no other manner. The election shall be made by informing the ~~commission division~~ in writing prior to the opening of the meet of the association's intent to force an early payout if the conditions of this rule for an early payout are met. If the election is made, then an early payout of the ~~jackpot~~ Jackpot or Super (N) pools shall be made as follows. Within 24 hours after the ~~jackpot~~ Jackpot or Super (N) pools reaches ~~its~~ their cap, the association shall designate the performance at which the early payout shall be made by informing the ~~commission division~~ in writing of the designated performance. The designated performance shall be no sooner than 6 calendar days after the cap is reached and no later than 13 calendar days after the cap is reached. If at the conclusion of the last contest comprising the Pick (N) of the designated performance, no wager has won the ~~jackpot~~ Jackpot or Super (N) pools, then the funds in the ~~jackpot~~ Jackpot or Super (N) pools shall be transferred to the Super (N) pool for the designated performance and distributed in the manner in which the Super (N) pool is distributed.

SECTION 80. WGC 9.13 (3) is repealed and recreated to read:

WGC9.13 (3) The Pick (N) pool shall operate as follows:

(a) *Pick (N) with carryover.* 1. The Pick (N) pool shall consist of 2 separate and distinct pari-mutuel pools. At the option of the association, 50% or 75% of the gross amount of all sums wagered on Pick (N) tickets on each performance shall be paid into the pari-mutuel pool to be known as the "Jackpot." The remaining 50% or 25% of the gross amounts of all sums wagered on Pick (N) tickets for that performance shall be paid into a pari-mutuel pool to be known as the "Super (N)." The association shall notify the division in writing before the beginning of each race meet of its decision as to which one of the Pick (N) wagering and gross amount splits has been selected. Once the meet begins, no changes shall be allowed without written approval of the division.

2. The Super (N) and Jackpot, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (N) contests, based upon the official order of finish. If

there are no wagers which selected the first-place finisher in each of the races comprising the Pick (N), then the Super (N) shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (N) contests.

(b) *Pick (N) with minor pool and carryover.* 1. The Pick (N) pool shall consist of 3 separate and distinct pari-mutuel pools. At the option of the association, 50% or 75% of the gross amount of all sums wagered on Pick (N) tickets on each performance shall be paid into the pari-mutuel pool to be known as the "Jackpot". The remaining 50% or 25% of the gross amounts of all sums wagered on Pick (N) tickets for that performance shall be paid into 2 pari-mutuel pools to be known as the "Super (N)" and "Consolation" in percentages established by the association equal to 50% or 25% of the gross amounts not paid into the Jackpot. The association shall notify the division in writing before the beginning of each race meet of its decision as to which one of the Pick (N) wagering and gross amount splits has been selected. Once the meet begins, no changes shall be allowed without written approval of the division.

2. The Super (N) and Jackpot, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (N) contests, based upon the official order of finish. The Consolation shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (N) contests, the Consolation shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (N) contests; and the Super N share shall be added to the carryover.

(c) *Pick (N) with no minor pool and no carryover.* The net Pick (N) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (N) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) *Pick (N) with minor pool and no carryover-greatest correct.* 1. The Pick (N) pool shall consist of 2 separate and distinct pari-mutuel pools. At the option of the association, 50% or 75% of the gross amount of all sums wagered on Pick (N) tickets on each performance shall be paid into the pari-mutuel pool to be known as the "Super (N)". The remaining 50% or 25% of the gross amounts of all sums wagered on Pick (N) tickets for that performance shall be paid into the pari-mutuel pool to be known as the "Consolation". The association shall notify the division in writing before the beginning of each race meet of its decision as to which one of the Pick (N) wagering and gross amount splits has been selected. Once the meet begins, no changes shall be allowed without written approval of the division.

2. The Super N shall be distributed to those who selected the first place finisher in the greatest number of Pick (N) contests, based upon the official order of finish. The Consolation pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in

a second greatest number of Pick (N) contests, the Consolation pool shall be combined with the Super (N) for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (N) contests. If the greatest number of first-place finishers selected is one, the Super (N) and Consolation are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(e) *Pick (N) with minor pool and no carryover-all correct.* 1. The Pick (N) pool shall consist of 2 separate and distinct pari-mutuel pools. At the option of the association, 50% or 75% of the gross amount of all sums wagered on Pick (N) tickets on each performance shall be paid into the pari-mutuel pool to be known as the “Super (N)”. The remaining 50% or 25% of the gross amounts of all sums wagered on Pick (N) tickets for that performance shall be paid into the pari-mutuel pool to be known as the “Consolation”. The association shall notify the division in writing before the beginning of each race meet of its decision as to which one of the Pick (N) wagering and gross amount splits has been selected. Once the meet begins, no changes shall be allowed without written approval of the division.

2. The Super (N) pool shall be distributed to those who selected the first-place finisher in each of the Pick (N) contests, based upon the official order of finish. The Consolation pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (N) contests, the entire net Pick (N) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (N) contests.

SECTION 81. WGC 9.15 is repealed.

SECTION 82. WGC 10.03 (1), (2), (3), (4), are repealed.

SECTION 83. WGC 10.03 (5) is renumbered WGC 10.03 and as renumbered is amended to read:

WGC 10.03 System failure. If, for any reason, during the course of a racing program the totalizator system is unable to record wagers received from the public or guarantee the integrity of the pari-mutuel pools, the totalizator system licensee shall advise the mutuel manager who shall then immediately notify ~~the commission auditor and~~ the stewards. The totalizator system licensee shall keep ~~the commission auditor~~ stewards advised of its efforts to correct the problem and, if said licensee is unable to correct the problem, it shall so advise ~~commission auditor~~ the stewards. After consultation with the association, the stewards may order the cancellation of wagering for the race or program and the refund of the affected wagers. The stewards, after consultation with the association may permit some or all of the

remaining races to be contested as wagerless exhibitions, after taking into consideration factors including, but not limited to, the purses, the amount of wagering, and the time required to make repairs to the totalizator system.

SECTION 84. WGC 10.04 (1) (c) is amended to read:

WGC 10.04 (1) (c) Cashed and canceled tickets shall be maintained ~~for~~ until 60 days after the payment of any out money due the state for the race meet for which the ticket was purchased, unless the ~~director or the stewards~~ division directs, in writing, that the association continue to retain the tickets specified for the purpose of conducting an investigation or audit;

SECTION 85. WGC 10.05 (3) is repealed.

SECTION 86. WGC 10.06 (7) (l) is created to read:

WGC 10.06 (7) (l) The date the ticket expires.

SECTION 87. WGC 10.06 (8) and (9) are amended to read:

WGC 10.06 (8) SECURITY FOR TOTALIZATOR EQUIPMENT. Each ~~association~~ totalizator system licensee shall provide ensure the presence of a security system for the facilities housing the totalizator computers when such equipment is ~~on-site~~ located on association grounds or off-site. The security system shall be provided by the association when totalizator equipment is housed on the grounds of the association. The security system shall be provided by the totalizator system licensee when totalizator equipment is housed outside of association grounds. Such security system shall include:

(a) ~~Be capable of detecting authorized and unauthorized entry through use of a coded locking system, card identification or other devices approved by the commission; and~~ All entry and exit doors to the computer room shall be locked when unattended. A list of individuals with keys to each door shall be maintained and provided to the division. All doors shall have signs posted on the exterior which read: "Authorized Personnel Only".

(b) ~~Detect unauthorized entry and notify the commission or the director or both prior to the next program; and~~ Security camera connected to a 24 hour monitoring system shall be installed to view all entry and exit doors to the computer room.

(c) ~~Contain procedures for entry to the facilities housing the totalizator computers outside normal operating hours.~~

WGC 10.06 (9) ACCESS TO TOTALIZATOR ROOM. (a) Each association totalizator system licensee shall authorize specific individuals, and may authorize visitors, to have access to the totalizator room. A list of such authorized individuals shall be maintained by the association totalizator system licensee and shall be made available to the commission auditor provided to the division. Such individuals, and those persons authorized pursuant to s. WGC 10.03 (2) possessing an occupational license with the division shall be made the only individuals permitted to enter the totalizator room on a daily basis.

(b) Work schedules for totalizator system employees with access to the totalizator room shall be posted.

(c) A paper log shall be maintained and all visitors to the totalizator room shall sign the log and indicate the time the visitor arrived and exited the totalizator room.

SECTION 88. WGC 10.07 (7) (a) is amended to read:

WGC 10.07 (7) (a) In conjunctions with the totalizator system, the association shall provide one or more odds board boards. Approximate odds on each wagering interest in the win pool shall be updated on the odds board at intervals of not more than 60 seconds approved by the division.

SECTION 89. WGC 10.07 (13) is amended to read:

WGC 10.07 (13) All totalizator systems shall retain within the computer system ticket numbers of all outstanding tickets. These ticket numbers shall be retained in a computer data file protected by a security system. All access to these files outside of normal operating routines shall be password protected and a log of all such access shall be recorded and reported to the division.

SECTION 90. WGC 10.07 (15) (title) and (intro) is amended to read:

WGC 10.07 (15) ~~MAGNETIC LOG~~ TOTALIZATOR FILES. All totalizator systems shall use the ~~magnetic log~~ totalizator files as input for the accounting reports produced.

SECTION 91. WGC 10.07 (18) is amended to read:

WGC 10.07 (18) Each totalizator system licensee shall provide an emergency or alternate system of electrical supply capable of providing enough power to operate the central processing units where data which has been accepted is stored for a minimum of ~~30~~ 60 minutes.

SECTION 92. WGC 10.07 (22) and (23) are created to read:

WGC 10.07 (22) REMOTE ACCESS. (a) All dial up modems and other equipment allowing remote access to the totalizator system shall be turned off or disconnected when not in use. All dial up modems and remote access equipment shall be in a location visible to all totalizator system employees in the totalizator room.

(b) All individuals accessing the totalizator system from a remote location shall document their access including dates and times of access, physical location of the individual when accessing the system, and reason for requiring access. Documentation shall be filed in the totalizator room.

(c) All individuals requiring remote access to the totalizator system shall utilize a user specific username and password when accessing the totalizator system remotely.

(23) PERIPHERAL EQUIPMENT WITH SYSTEM CONNECTIVITY. All peripheral equipment connected to a totalizator system shall be identified in writing and an updated list maintained in the totalizator room. The identification shall include a description of the location of the equipment.

SECTION 93. WGC 10.08 (2) is amended to read:

WGC 10.08 (2) All totalizator equipment to be used for a race ~~meeting~~ meet shall, before the beginning of said race ~~meeting~~ meet, be tested by the totalizator licensee in the presence and supervision of ~~the commission auditor~~ a division representative. ~~This test shall be completed no later than 3 days before the beginning of the race meeting. Notice of this test shall be made to the director no later than 7 days prior to the opening of the race meeting.~~ This test shall include those procedures set forth in sub. (3).

SECTION 94. WGC 10.08 (4) (a) and (b) are amended to read:

(a) All copies of programs at a pari-mutuel facility shall be on ~~magnetic tape or disk file~~ electronic media and be stored in a secured cabinet under the control of a totalizator licensee.

(b) After the program has been loaded into the computer, the ~~magnetic tape or disk file~~ electronic media shall be re-secured.

SECTION 95. WGC 10.08 (5) is amended to read:

WGC 10.08 (5) All totalizator system licensees shall maintain a duplicate copy of all totalizator programs to be used during the race ~~meeting~~ meet. The duplicate copy shall be in absolute program files and be placed on ~~magnetic tape~~ electronic media for storage. ~~These tapes~~ The electronic media shall be placed under seal by the totalizator system licensee for the commission and retained for future comparison with totalizator programs actually in use during the meet. ~~These duplicate tapes~~ The electronic media shall be kept under the ~~dual~~ control of the totalizator system licensee ~~and the~~

~~commission auditor~~ and shall be retained on the premises of the association.

SECTION 96. WGC 10.08 (9) is amended to read:

WGC 10.08 (9) ~~Ten days prior to the opening of each race meeting t~~ The totalizator system licensee shall provide the ~~director~~ division with a list of representatives authorized to have access to the tote room, paper stock, or equipment for each ~~meeting~~ meet.

SECTION 97. WGC 10.09 (2) (b) is amended to read:

WGC 10.09 (2) (b) One original and ~~40~~ 7 copies of the application shall be filed at the ~~commission's~~ division's central office.

SECTION 98. WGC 11 is repealed and recreated as Game 11 to read:

GAME 11 POWERS AND DUTIES OF THE WISCONSIN DIVISION OF GAMING

Game 11.01 Purpose. The purpose of this chapter is to govern the exercise of the division's powers and duties.

Game 11.02 Administration and operation. Any person desiring approval and opinion or other division action with respect to any matter within the jurisdiction of the division shall initially notify the administrator or designee of the nature of the request.

Game 11.03 Enforcement authority. (1) The division shall have unrestricted access to all areas of the racetrack including but not limited to: all buildings, structures, equipment and property located on the premises whether owned by, leased by, or leased to an association.

(2) The division shall have unrestricted access to all records and files, both paper and electronic, maintained by any licensee and related to activities occurring on association grounds, activities related to greyhound racing, breeding and training, or pari-mutuel wagering.

(3) The division may restrict the movement of greyhounds into and out of any racetrack in the state of Wisconsin upon a showing of cause.

(4) The division and its representatives may eject or exclude any licensee or unlicensed person from any facility or property under its jurisdiction whose conduct while present at the facility interferes with the orderly and proper conduct of greyhound racing or pari-mutuel wagering.

(a) Interfering conduct includes, but is not limited to, using profane language, making noises with the intent to stop a greyhound race, unauthorized presence in a restricted area, entering or attempting to enter a pari-mutuel facility without paying a posted admission fee, possession of a narcotic or drug which violates state or federal law, restricting or blocking the entrance or exit of a building or driveway, attempting to violate a statute, rule or order of the division or board of stewards related to greyhound

racing and pari-mutuel wagering, striking or threatening another person or racing animal, discharging a firearm or illegal possession of a firearm, impeding division representatives or racing officials exercising authority or duty, or disrupting a stewards inquiry.

(b) The division and its representatives shall not exclude or eject a person for a period to exceed 48 hours unless the exclusion or ejection is based on a suspension or revocation of the person's occupational license.

(c) The division may call upon local law enforcement to assist in enforcement of this section.

Game 11.04 Board of stewards. (1) The board of stewards shall consist of 2 division stewards, one of which shall be a chief steward or presiding division steward, and one association steward employed by the association where the inquiry will be heard. In cases where the inquiry will be heard at a location other than a racetrack, the association steward shall be employed by the association in closest proximity to where the alleged violation occurred. The chief steward or presiding division steward shall be the presiding officer.

(2) Upon a finding of reasonable cause, a steward shall issue a notice to the alleged violator(s) summoning the violator(s) to an inquiry. All notices of inquiries shall be in writing and include the following:

(a) Date, time and location of the inquiry.

(b) Alleged conduct constituting a violation.

(c) Administrative code section or statutory citation allegedly violated.

(3) The notice of an inquiry shall be served upon the alleged violator by a division representative or designee, or sent via certified United State Postal Service Mail or a manner of service approved by the division. One copy of the notice shall be filed with the association steward holding a seat on the board of stewards that will hear the matter.

(4) An inquiry shall be conducted within 3 working days after a steward has reasonable cause to believe that the alleged violation or conduct has occurred and no sooner than 24 hours after the notice has been served in person by a Division representative or 48 hours after the notice has been sent via certified U.S. mail or other division approved method for service.

(5) Any licensee who fails to appear at a board of stewards inquiry as summoned shall be deemed to have waived any right to appear and present testimony and evidence. A licensee may request a continuance in writing for cause not less than 12 hours prior to an inquiry except in cases of emergency. In cases of emergency, the licensee may request a continuance in writing for cause until the designated date and time for the inquiry. The presiding officer shall grant one continuance based on good cause except that the board of stewards may convene at the date, time and location of the inquiry and impose

intermediate sanctions on the individual's license until such time as the inquiry is conducted and a decision rendered. Further requests for continuance may be granted at the presiding officer's discretion. The granting or denial of the continuance shall be communicated in writing to the requestor by the presiding officer.

(6) The presiding officer has complete authority to decide any process of the inquiry not delineated in this section.

(7) The presiding officer shall conduct the inquiry in the following manner:

(a) The presiding officer shall give an opening statement briefly describing the following:

1. How the inquiry will be conducted.
2. Alleged violation and conduct.
3. Names and titles of all members of the board of stewards.
4. Names and titles of all persons representing the division.
5. Name, address, date of birth and license number of alleged violator.
6. Names and titles of any persons representing the alleged violator.
7. Any evidence presently before the board of stewards.

(b) A representative of the division and each alleged violator shall be given the opportunity to present an opening statement.

(c) The board of stewards may call any witness including the alleged violator and question any person present at an inquiry.

(d) A representative of the division and each alleged violator shall be given the opportunity to call witnesses, cross examine witnesses, present evidence and make a closing statement.

(e) The board of stewards shall review all testimony and evidence presented and make its final decision in closed session. Decisions regarding culpability and penalties shall be made by a majority vote of the members of the board of stewards. Upon conclusion of the closed session, the board of stewards shall reconvene in open session. The presiding steward shall make a statement outlining the board of stewards' determination of guilt, any penalties imposed and right of appeal.

(f) All decisions rendered by the board of stewards are effective immediately and subject to appeal pursuant to ch. Game 3.

(8) The presiding officer shall preside at the inquiry and may issue orders and rulings to ensure the orderly conduct of the proceedings, including ruling on the admissibility of evidence, witnesses' participation and areas of examination.

(9) An alleged violator has the right to be represented by an attorney licensed to practice in the state of Wisconsin.

(10) No member of the board of stewards shall be examined by any party during an inquiry.

(11) A member of the board of stewards shall withdraw from participation in an inquiry and may be removed by the administrator if that member has a personal interest in the matter, a prejudice concerning a party or a representative of a party, or has personally investigated, prosecuted or advocated in connection with the matter before the board of stewards. This provision does not apply to an individual who during the course of their duties witnessed an alleged violation but did not conduct an investigation.

(12) Any party may appear as part of a stewards inquiry via telephone at the approval of the presiding officer.

(13) The board of stewards shall enter a written decision after each hearing. The decision shall state whether the violation occurred and, if so, shall briefly set forth the legal and factual basis for the finding. The decision shall also establish a penalty for any violation found. Any member of the board of stewards who dissents from the decision of the board of stewards shall submit a dissenting opinion in writing to the administrator.

(14) The presiding officer may eject or exclude any disruptive person from an inquiry.

(15) The following actions by a steward are not subject to the requirements of this section:

(a) Scratching a greyhound from competing.

(b) Ordering the refund of mutuel tickets.

(c) Determining orders of finish.

(d) Canceling race performances or races.

(e) Taking other actions not including the imposition of a forfeiture or suspension of an occupational license.

(16) Any member of the board of stewards who is unable to participate in part or all of the inquiry for any reason shall be excused. A replacement division steward shall be designated by the presiding officer. A replacement association steward shall be designated by the association.

SECTION 99. WGC 13.02 (4) and (5) are created to read:

WGC 13.02 (4) In considering an application for a license, the board of stewards or division may require the applicant, as well as the applicant's endorsers, to appear before the board of stewards or division and demonstrate that the applicant is qualified in every respect to receive the license requested.

(5) Within 5 days after receipt of a complete application package, the board of stewards shall determine whether the applicant or licensee meets all substantive requirements and issue a written notice granting the license or a notice for inquiry related to the proposed denial of the license application.

SECTION 100. WGC 13.04 (3) is created to read:

WGC 13.04 (3) All issued licenses shall be temporary for a period of 90 days. A temporary license shall become a license after 90 days unless the division denies it for any reason.

SECTION 101. WGC 13.05 is repealed and recreated to read:

GAME 13.05 License Fees. (1) ASSOCIATION LICENSES. (a) Racing Official-Administration

1. General Manager	\$100.00	
2. Director of Security	\$75.00	
3. Director of Racing	\$75.00	
4. Mutuel Manager	\$75.00	
5. Racing Secretary	\$75.00	
6. Association Steward	\$75.00	
7. All Assistant Positions of Those Listed Above	\$35.00	
(b) Racing Official-Races	\$35.00	
(c) Adoption Program	\$25.00	
(d) General	\$20.00	
(e) Mutuels	\$25.00	
(f) Security & Safety	\$25.00	
(g) Lead-Out	\$10.00	
(h) Other		
1. Practicing Veterinarian	\$25.00	
2. Totalizator Employee	\$25.00	
3. Vendor Representative	\$25.00	
4. Video Employee	\$25.00	
(i) Kennel		
1. Greyhound Owner	\$25.00	
2. Kennel/Greyhound Owner	\$75.00	
3. Trainer	\$50.00	
4. Greyhound Owner/Trainer	\$60.00	
5. Assistant Trainer	\$25.00	
6. Kennel Helper	\$15.00	
(j) Duplicate Identification Badge	\$5.00	
(k) Registrations		
1. Racing Kennel	\$75.00	
2. Greyhound Ownership – Partnerships, Corporations, Kennels, Sole Proprietors		\$25.00

3. Registered Agent	\$0
4. Vendor	\$75.00

(2) Persons applying for more than one license shall fill out the forms for each license to be obtained and pay the prescribed fee.

(3) The division may charge a convenience fee, in addition to any fee or forfeiture being paid, to all persons paying a license fee or other division obligation with any form of an electronic funds transfer.

(4) Persons applying for a license under s. Game 13.05 (1) (b), shall be training or nominated by the association to perform one of the following occupations:

- (a) Announcer.
- (b) Brake Operator.
- (c) Chartwriter.
- (d) Clerk of Scales.
- (e) Lure Operator.
- (f) Paddock Judge.
- (g) Photo Finish/Timer.
- (h) Starter

(5) Persons applying for a license under s. Game 13.05 (1) (b), shall complete a training program provided by the association specific to the occupation to be performed. The individual completing the training program shall demonstrate proficiency to meet the duties of the occupation and license type, as determined by the division stewards, prior to being issued a license for that position.

(6) All applicants applying for an occupational licenses with a paper application shall submit 2 sets of classifiable fingerprint cards or appear at a division office to allow the division to capture the applicant's fingerprint electronically and pay a fee to be determined by the division to process the fingerprints at the time that the applicant submits the paper application.

(7) All applicants applying for occupational licenses utilizing the division's online licensing system shall submit 2 sets of classifiable fingerprint cards or appear at a division office to allow the division to capture the applicant's fingerprint electronically within 20 days of submitting the application electronically and shall pay a fee determined by the division to process the fingerprints at the time that the applicant submits the electronic application.

(8) All application, fingerprint and convenience fees are non-refundable.

(9) Any person appearing at a division office for the purpose of being fingerprinted or issued a photo identification badge shall present a government issued photo identification.

(10) Any person accepting a license issued pursuant to s. Game 13.05 (1) shall consent to a reasonable search of the individual and property located on association grounds by the division or its representatives. Property located on association grounds includes but is not limited to kennels, motor vehicles, trailers, trunks, boxes, bags and containers of any sort. The person shall consent to seizure of any object which may be evidence indicating a rule violation. In the event the person is found to have violated a rule violation based in part on any seized object, the object shall be retained by the division until the time for appeal has expired or the appeal has been settled.

SECTION 102. WGC 13.08 (10) is created to read:

WGC 13.08 (10) A foreign corporation that has not obtained a certificate of authority to transact business in this state as required under s. 180.1501, Wis. Stats.

SECTION 103. WGC 13.09 (1) is amended to read:

WGC 13.09 (1) An applicant, other than a business entity, for an occupational license shall be at least 16 years of age; and shall be at least 18 years of age for any racing official license.

SECTION 104. WGC 13.11 (1) (intro) is amended to read:

WGC 13.11(1) The ~~commission~~ division may impose a forfeiture, deny a license application, or suspend or revoke a license already granted if the applicant:

SECTION 105. WGC 13.11 (1) (d) is created to read:

WGC 13.11 (1) (d) provides false or misleading information to the division or division's representatives.

SECTION 106. WGC 13.13 (title) is amended to read:

WGC 13.13 ~~OWNERSHIP~~ Animal Ownership by business entities.

SECTION 107. WGC 13.13 (2) through (4) are renumbered to WGC 13.13 (2) (a), (b), and (c) and as renumbered amended to read:

WGC 13.13 (2) CORPORATIONS. (a) All corporations having an interest in an animal shall file with the racing secretary and stewards at the time of filing an application for an owner's license, a statement setting forth the names and addresses of all officers, directors and stockholders of said corporation, together with the amount of the respective holdings of each stockholder. The ~~said~~ statement shall be signed by the president of the corporation, attested to by its secretary, and the corporate seal, if

any, attached. All officers, directors and owners, directly or indirectly, of any equity or other ownership interest, or beneficial owners of 5% or more of the publicly held securities of a publicly traded corporation, shall be licensed as owners. These licensure requirements shall apply to all corporations owning any interest in an animal. Failure to meet these requirements shall render the animal ineligible for entry.

(3) (b) The applications under this section shall be accompanied by an affidavit which states that the applicant, any partner, officer, director or beneficial owner of 5% or more of any class of stock of a corporation, and any 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 of s. WGC ~~13.07~~ 13.09.

(4) (c) Any changes in the partners, officers, directors, or owners of 5% or more of any class of stock, or persons with a present or future, direct or indirect financial or management interest in a person licensed pursuant to this section shall promptly be filed with the stewards. All parties requiring licensure because of such change shall obtain a license. Failure to obtain a license shall render the animal ineligible for entry.

SECTION 108. WGC 13.13 (5) is renumbered WGC 13.13 (3).

SECTION 109. WGC 13.14 (title) and (3) are amended to read:

WGC 13.14 ~~Owners~~ Animal ownership by individuals.

(3) An applicant for an owner's license shall be capable of meeting the financial obligations incurred in the ownership, ~~stabling~~ kenneling, racing, training, and care of a racing animal.

SECTION 110. WGC 13.15 (3) is amended to read:

WGC 13.15 (3) An applicant for an assistant trainer's license shall be employed by a ~~licensed trainer~~ kennel owner.

SECTION 111. WGC 13.15 (4) (d) is created to read:

WGC 13.15 (4) (d) If 2 or more individuals are a party to the ownership of a kennel, a partnership license shall be obtained along with the submission of an authorized agent's application which appoints one person to act as the agent for the kennel.

SECTION 112. WGC 13.15 (6) through (12) are created to read:

WGC 13.15 (6) A kennel owner shall designate one trainer of record. The designation shall be made in writing and provided to the association and stewards. A trainer of record shall:

(a) Be responsible for the eligibility, conditioning, care, weight and weighing-in requirements of the greyhounds in their control and possession.

(b) Ensure the health, welfare and safety of all greyhounds in their care and custody.

(c) Be identified in the official race program.

(7) A trainer may relinquish the kennel owner's designation as trainer of record upon consent of the kennel owner or 7 days written notice to the kennel owner, association and division. Upon consent of the kennel owner or written notification by the trainer, the kennel owner shall designate in writing to the association and division a new trainer of record.

(8) Any trainer or kennel owner who brings a greyhound to weigh-in to compete in an official race warrants that the greyhound is qualified for the race, is ready to race, is in a physical condition to exert its best effort and is entered with the intent to win.

(9) The trainer of record shall register with the stewards or their designee all persons designated to assist the trainer on association grounds. The trainer of record shall promptly notify the stewards of the termination of these responsibilities.

(10) A trainer of record shall be present on association grounds and carrying out the trainer's duties no less than 24 hours over a period of 7 consecutive days. Except in emergency situations, a trainer of record who will be absent from association grounds for the purpose of carrying out the trainer's duties for more than 24 hours in a period of 7 consecutive days shall designate to the stewards a licensed assistant trainer or licensed trainer, who shall assume all duties and responsibilities of the trainer under Chapter 562, Stats., and the rules of the division.

(11) A trainer may only be employed by one kennel owner in the state of Wisconsin at any given time.

(12) No licensed kennel owner, trainer or assistant trainer shall have any ownership interest in a greyhound of which the licensee is not the kennel owner, trainer or assistant trainer located at the same race meet.

SECTION 113. WGC 13.19 is renumbered to WGC 13.19(1).

SECTION 114. WGC 13.19(2) is created to read:

WGC 13.19 (2) The immediate family member of a racing official shall not be permitted to obtain an occupational license unless prior approval is obtained by the stewards. When considering the issuance of a license to an immediate family member of a racing official, the stewards shall consider if such licensing creates a conflict of interest or the appearance of a conflict of interest, and whether it is in the best interest of racing.

SECTION 115. WGC 13.20 (5) is created to read:

WGC 13.20 (5) A person licensed as a mutuel employe shall not be permitted to be simultaneously licensed in any other occupation as identified in s. WGC 13.05 (1) (i).

SECTION 116. WGC 13.23 (8) is amended to read:

WGC 13.23 (8) ~~The following shall govern live lure requirements:~~

~~(a) Before January 1, 1992, no person shall enter or permit a dog to be entered in a race if that person knows that the dog was trained in a state that does not prohibit the use of live lures or bait in a race or training for entry in a race.~~

(b) ~~On and after January 1, 1992, no~~ No person shall enter or permit a dog to be entered in a race if that person knows that the dog was trained in a state that does not specifically prohibit the use of live lures or bait in a race or training for entry in a race.

SECTION 117. WGC 13.23 (13) is amended to read:

WGC 13.23 (13) No person shall engage in; the illegal sale, possession, ~~or~~ receipt or use of a controlled substance, paraphernalia used in conjunction with a controlled substance, or intoxicant; use of profanity; fighting; or any conduct of a disorderly nature on association grounds.

SECTION 118. WGC 13.23 (16) through (26) are created to read:

WGC 13.23 (16) No person shall alter or forge a prescription for medication for a greyhound.

(17) No person shall mar or alter any identification mark on a greyhound.

(18) (a) No person shall knowingly allow an unlicensed person to participate in a race meet if the licensee knows or should know that the person is required to be licensed.

(b) A person shall immediately report to the division the unlicensed participation in a race meet of any unlicensed person who the licensee knows or should know is required to be licensed.

(19) No person shall smoke in any designated "No Smoking" area on the grounds of the association.

(20) No person shall kill any animal or use any animal that has been killed for the purpose of training of a greyhound.

(21) No person shall submit or knowingly allow to be submitted to the division, association or the national greyhound association any report or document which contains false or misleading information.

(22) No person shall cash or offer to cash for another individual, a pari-mutuel ticket requiring the submission of a withholding statement or accept any form of compensation for cashing a pari-mutuel ticket for another individual.

(23) No person shall possess or bring into the paddock any food, candy, gum, tobacco products or drink.

(24) No person shall write, issue, make or present any check in payment to the division when that person knows or should reasonably know that the check will be refused by the bank upon which it is written, or that the account upon which the check is written has insufficient funds.

(25) No person shall fail to disclose the true ownership or interest in any greyhound.

(26) No person shall enter for official racing or schooling, or cause to allow to be entered, a greyhound that the licensee knows or should know does not meet all entry requirements.

SECTION 119. WGC 13.24 is created to read:

WGC 13.24 Financial responsibility. (1) A creditor who alleges an unpaid obligation or default in obligation directly relating to greyhound racing shall submit to the division a court judgment describing the same. The stewards shall notify the licensee that a judgment has been filed with the division and the individual shall have 30 days to satisfy said judgment.

(2) In the event the licensee appeals the court judgment within 30 days, the stewards shall not take any action against the licensee until the appeal is denied. If after the 30 days the judgment remains unsatisfied and no further court action has been initiated by the licensee, the stewards may suspend the individual's occupational license or deny the pending license application.

SECTION 120. WGC 14.02 (3) is created to read:

WGC 14.02 (3) "Test sample" means any substance obtained from a racing animal for the purpose of submission to the testing laboratory for determining compliance with ch. WGC 14. These substances include but are not limited to: urine, blood, feces, saliva, and hair.

SECTION 121. WGC 14.03 is amended to read:

WGC 14.03 No animal participating in a race shall carry in its body any foreign substance or medication, irrespective of when administered or injected. No person shall administer, conspire to administer, or attempt to administer a foreign substance or medication in violation of this ~~rule~~ section. Notwithstanding any of the foregoing, if the testing laboratory selected pursuant to s. WGC 14.23 detects the following substances at or below the levels indicated, the laboratory shall not report the results as a positive finding which indicates the presence of a foreign substance:

- (1) Procaine and its metabolites in an amount less than or equal to 5.0 micrograms per milliliter.
- (2) Sulfa drugs and their metabolites in an amount less than or equal to 100 micrograms per milliliter.
- (3) Polyethylene glycol and fenbendazole, if the laboratory determines, in its sole discretion, that the amount detected is insufficient to interfere with the laboratory's ability to detect the presence of other medications or foreign substances.

SECTION 122. WGC 14.07 is amended to read:

WGC 14.07 No person except a veterinarian shall have in ~~his or her~~ the person's possession within a ~~race track enclosure~~ the kennel compound any prescription drug as defined in s. 450.01 (20), Stats., unless prior written authorization is obtained ~~by the commission veterinarian or that person has complied with s. WGC 14.09 (2)~~ and the prescription drug is in its original pharmacy container with a prescription label affixed to it.

SECTION 123. WGC 14.09 (3) is created to read:

WGC 14.09 (3) Dosage syringes manufactured for the exclusive purpose of providing oral administration of medications shall be permitted to be possessed by persons other than a veterinarian if prior approval is obtained from the division's veterinarian. This provision does not permit hypodermic syringes that have been modified to prevent the attachment of a needle to qualify. All dosage syringes shall be identified on the medication list provided to the division's veterinarian.

SECTION 124. WGC 14.11 (5) is amended to read:

WGC 14.11 (5) An area located adjacent to the paddock shall be set aside and be under the supervision of the division veterinarian for the purpose of collecting ~~body fluid~~ test samples for any tests required by the division. The building, location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, ~~must~~ shall be approved by the division.

SECTION 125. WGC 14.12 (1) and (3) are amended to read:

WGC 14.12 (1) ~~For each animal tested, one portion of the test sample, referred to as the referee sample, shall be taken at the same time as the test sample, when sufficient quantities of fluid are present, and preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be~~

~~tested by the division laboratory with the consent of the owner of the animal from whom the sample was taken. If the division requests permission from the owner to test the referee sample, and the owner refuses to grant the permission, the division shall deem such refusal by the owner as grounds for revoking the owner's occupation license. A referee sample shall be provided when sufficient volume is available for additional confirmation testing and retention of a portion of the sample as required by sub. (3) at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may not be tested by the division laboratory.~~

WGC 14.12 (3) Whenever a referee sample is ~~opened~~ provided, a portion of that test sample shall be preserved by the division laboratory in case further testing is requested. If the division laboratory determines there is insufficient sample to conduct the requested confirmation testing and retain a portion by the division laboratory for additional testing, a referee sample shall not be provided.

SECTION 126. WGC 14.12 (4) and (5) are created to read:

(4) The laboratory conducting the testing of the referee sample shall provide the results of the testing to the division.

(5) For a laboratory to be eligible to conduct testing of a referee sample, one member of the laboratory personnel shall be a registered member of the Association of Official Racing Chemists.

SECTION 127. WGC 14.15 (1) is amended to read:

WGC 14.15 (1) Upon receipt of a laboratory report for a positive finding from the laboratory, the stewards shall immediately direct that no purse money shall be awarded to the animal in question pending a final determination by the stewards or the ~~commission~~ division ~~of the accuracy of the laboratory's report.~~ The stewards shall notify the owner, trainer, and any other person having care, custody or control of the animal. If the purse money has been distributed, the stewards shall order it returned pending final ~~determination of the accuracy of the laboratory's report.~~ The stewards shall proceed to conduct an inquiry or the ~~commission~~ division shall conduct an inquiry or hearing.

SECTION 128. WGC 14.15 (4) is created to read:

WGC 14.15 (4) Failure by the kennel owner or owner of an animal to return previously distributed purse monies as ordered by the stewards or division shall result in a suspension of the kennel or greyhound owner's license until such monies are returned.

SECTION 129. WGC 14.20 (4) is amended to read:

WGC 14.20(4) A veterinarian practicing medicine at a track licensed by the ~~commission~~ division shall use disposable needles and syringes and keep the needles and syringes in their possession until the needles and syringes can be properly disposed of off the grounds of the racetrack.

SECTION 130. WGC 14.21 (1) and (2) are amended to read:

WGC 14.21 (1) The kennel owner or trainer shall immediately inform the division veterinarian of any animal in the kennel owner or trainer's care that expires or is euthanatized. Every animal which suffers a breakdown on the race track in training or in competition and is destroyed and every other animal which expires while on the grounds of a race track under the jurisdiction of the ~~commission~~ division shall undergo, unless otherwise determined by the division veterinarian, a post-mortem examination at a time and place acceptable to the ~~state~~ division veterinarian to determine the injury or sickness which resulted in euthanasia or natural death. ~~Post-mortems shall not be required when death is due to fire.~~

(2) The post-mortem examination required under this rule shall be conducted by the ~~commission's veterinarian~~ Wisconsin animal health laboratory, University of Wisconsin – Madison school of veterinary medicine, or another entity designated by the division.

SECTION 131. WGC 14.21 (3) and (4) are created to read:

(3) The trainer of a greyhound required under sub. (1) to have a post-mortem examination conducted shall be required to deliver the greyhound to the division's veterinarian.

(4) The division shall be responsible for any transportation costs associated with the delivery of the deceased greyhound from the division veterinarian's office to the laboratory for post-mortem examination.

SECTION 132. WGC 14.22 (5) is amended to read:

WGC 14.22 (5) The ~~commission~~ division veterinarian shall observe each greyhound as it enters the lock-out kennel, ~~examine it~~ inspect the greyhound if deemed necessary when it enters entering the paddock prior to the race, and recommend to the ~~commission~~ of stewards that any greyhound deemed unsafe to race or physically unfit to produce a satisfactory effort in a race be scratched.

SECTION 133. WGC 14.22 (8) is repealed.

SECTION 134. WGC 14.23 (1) (h) and (2) are amended to read:

WGC 14.23 (1) (h) No laboratory staff, officer, director, or holder of ~~25% or more of the~~ any ownership interest in the laboratory shall have a financial interest, either directly or indirectly, in racing greyhounds, any entity licensed by the ~~commission~~ division, the racing industry, or any other conflict of interest, including those contained in s. 562.025, Stats.

(2) The ~~commission~~ division shall select a laboratory pursuant to a request for proposal or request for bid issued pursuant to the procedures set forth in the department of administration's procurement manual as required by subch. IV of ch. 16, Stats. ~~No laboratory shall be selected which does not meet all requirements of the request for proposal or request for bid.~~

SECTION 135. WGC 14.24 is created to read:

WGC 14.24 Medication list. (1) All kennels shall maintain a listing of all chemical substances, medications, vitamins, and nutritional supplements present in the kennel for the purpose of ingestion or absorption by racing greyhounds.

(2) Medication lists shall be prominently displayed in the kennel building.

(3) Medication lists shall be subject to review and approval by the division. The division may deny approval of any item on the medication list if the item poses a risk to the health, safety or welfare of a greyhound or human; possession or administration of the item is prohibited by state or federal law; or the item has not been approved for use in dogs by the Food and Drug Administration or United States Department of Agriculture unless a prescription for the secondary use of the item is issued by a licensed veterinarian. Items denied by the division for placement on the medication list shall be prohibited in the kennel compound.

SECTION 136. WGC 15.02 (1) (d) is created to read:

WGC 15.02 (1) (d) No person shall remove or alter, either directly or indirectly, any tattoo, other marking, device, coloration or special characteristic that is used for the purpose of identifying a greyhound.

SECTION 137. WGC 15.02 (2) (a) is amended to read:

WGC 15.02 (2) (a) The affidavit shall disclose the locations and dates of training, ~~dates of training~~ and names, addresses, and telephone numbers of all trainers. This affidavit is to be filed by the trainer or owner prior to ~~being~~ entry;

SECTION 138. WGC 15.04 (2) is amended to read:

WGC 15.04 (2) ~~The following shall govern live lure requirements:~~

~~(a) Before January 1, 1992, no person shall enter or permit a dog to be entered in a race if that person knows that the dog was trained in a state that does not prohibit the use of live lures or bait in a race or training for entry in a race.~~

~~(b) On and after January 1, 1992, no~~ No person shall enter or permit a dog to be entered in a race if that person knows that the dog was trained in a state that does not specifically prohibit the use of live lures or bait in a race or training for entry in a race.

SECTION 139. WGC 15.05 (2) is repealed.

SECTION 140. WGC 15.05 (3) is renumbered WGC 15.05 (2) and as renumbered is amended to read:

WGC 15.05 (2) No greyhounds shall be removed from the grounds of the racetrack unless prior approval from a ~~commission~~ division steward or designee has been obtained, unless ~~in case of emergency~~ the greyhound is being removed for the purpose of receiving veterinary care and the greyhound is returning to the kennel compound or the greyhound is housed in the association's adoption kennel. ~~In cases of emergency, within 24 hours the trainer shall submit to the stewards an explanation of the emergency and any substantiating documents required by the stewards:~~

(a) Approval ~~will~~ may include inspection and identification of the greyhound.

(b) ~~Destination~~ The destination of the greyhound shall be submitted to the ~~commission~~ division stewards or ~~commission~~ division veterinarian on a form supplied by the ~~commission~~ division. The form shall be completed and submitted by the trainer, kennel owner, or greyhound owner prior to the greyhound's removal from the grounds of the racetrack.

Note: Related forms are available free of charge at Division of Gaming offices located at each racetrack or by calling (608) 270-2555.

~~(c) Upon return to the grounds, the steward, after examination by the division veterinarian shall verify that the animal has recovered, if it left for treatment.~~

SECTION 141. WGC 15.05 (4) is amended to read:

WGC15.05 (4) All greyhounds transported to or from any racetrack within the state shall be hauled ~~in crates designed and used for the sole purpose of transporting greyhounds. These crates shall be 2 feet wide, 3 feet long and 34 inches high.~~ under the following conditions:

(a) All crates shall be designed and used for the sole purpose of transporting greyhounds. These crates shall be 2 feet wide, 3 feet long and 34 inches high.

(b) All crates shall be of sound construction, maintained in good repair and clean.

(c) All vehicles shall be in good repair.

SECTION 142. WGC 15.05 (6) is amended to read:

WGC 15.05 (6) Only one greyhound shall be housed per crate in a kennel at any time.

SECTION 143. WGC 15.05 (8) is amended:

WGC 15.05 (8) All greyhounds kenneled at a racetrack licensed under s.562.05(1)(a) and (b), Wis. Stats., shall be vaccinated ~~annually for~~ against rabies. If a greyhound ~~has not been vaccinated within one year~~ does not possess a current valid rabies vaccination prior to kenneling at the racetrack, vaccination shall occur ~~within one week of arrival~~ prior to arriving at the racetrack. Copies of current rabies certifications evidencing a vaccination ~~within one year and its expiration date~~, which are signed by a licensed veterinarian, shall be recorded with the ~~commission~~ division. When a greyhound's ~~vaccination date~~ rabies vaccination expires, a new vaccination shall occur, and certificate filed, ~~within one week~~ prior to expiration.

SECTION 144. WGC 15.05 (9) through (12) are created to read:

WGC 15.05 (9) All greyhounds kenneled at a racetrack licensed under s.562.05(1)(a) and (b), Stats., shall be vaccinated against canine distemper virus, infectious canine hepatitis (canine adenovirus type 2), leptospirosis, parainfluenza, and parvo virus annually. If a greyhound does not possess a current vaccination against these diseases prior to kenneling at the racetrack, vaccination shall occur prior to arriving at the racetrack. Copies of current certifications evidencing vaccination against these diseases, which are signed by a licensed veterinarian, shall be filed with the division. When a greyhound's vaccination expires, a new vaccination shall occur, and certification shall be filed prior to expiration.

(10) No greyhound may compete in a race if any vaccination required by the division has expired.

(11) No licensee shall possess any device capable of forced ingestion or absorption into a greyhound by human means unless the licensee possesses a written order from a veterinarian or the item is listed below:

(a) Oral syringe

(b) Eye dropper

(c) Inhalation device

(12) No greyhound shall be rectally, orally, vaginally, naso-gastrically or gastrically probed or intubated without a written order from a veterinarian or have any item placed in a body cavity of a greyhound for the purpose of causing the animal to lose or gain weight.

SECTION 145. WGC 15.06 through 15.08 are created to read:

WGC 15.06 Scientific research. (1) No licensee, except the greyhound's owner, may directly or indirectly transport or arrange transportation of a greyhound that has raced in the state of Wisconsin to a facility licensed by the United States Department of Agriculture for the purpose of the greyhound participating in animal research or blood donation.

(2) No licensee shall directly or indirectly remove a greyhound from the grounds of the racetrack without the owner's consent, except in removals of greyhounds for the purpose of obtaining veterinary care.

WGC 15.07 Kennel Standards. Kennels and the kennel compound shall be maintained by the association and kennel owners in the following manner to promote the health, safety, and welfare of racing greyhounds and humans:

(1) Kennel facilities shall be structurally sound, maintained in good repair, and protect animals housed in the facilities from injury.

(2) All kennel facilities and other buildings comprising the kennel compound shall have locks on all outside doors to protect against illegal entry. When kennel facilities and buildings used for the purposes of storage or maintenance are unattended by authorized personnel, all doors and gates must be secure and locked. One copy of the key for the lock shall be maintained by the kennel compound security officer for the purpose of accessing the building in the event of an emergency.

(3) All kennel facilities shall have a functional climate control system to regulate the air temperature in the kennel to a minimum of 60 degrees during the winter heating season and 78 degrees during the summer cooling season.

(4) Kennel personnel shall inspect the kennel and turn-out pens before leaving the kennel and immediately upon return to determine if unauthorized persons or unattended greyhounds are present. The presence of unattended greyhounds or unauthorized persons shall be immediately reported to the on-duty kennel compound security officer. The following shall constitute a violation of this section:

(a) The presence of 2 or more greyhounds in a turn-out pen when no person representing the kennel is present within 20 feet of the kennel.

(b) The presence of one or more greyhounds in a turn-out pen when no person representing the kennel is present on the grounds of the racetrack.

(5) Kennel personnel shall inspect the turn-out pens prior to placing greyhounds in the pens to ensure the absence of foreign matter, signs of unauthorized entry, open gates, or damaged fencing.

(6) All kennels and the kennel compound shall be sufficiently luminated both internally and externally.

(7) The following rules shall govern electrical use in a kennel:

(a) Electrical outlets shall have coverplates, and all electrical wiring and lights shall be maintained in a manner which protects against damage by or injury to a greyhound.

(b) Devices in use shall be connected directly or with an electrical cord not more than 50 feet long to an electrical outlet.

(8) All turn-out pens shall meet the following specifications:

(a) The turn-out pens surface shall have a minimum base consisting of 4 inches of sand that has been routinely aerated to provide an adequate drainage system to minimize areas of standing water.

(b) All turn-out pens shall have at least one gate a minimum of 36 inches wide.

(c) All turn-out pens shall be free of weeds and grass.

(d) All feces buckets located in a turn-out pen shall have secure lids.

(e) All feces located in turn-out pens or within 50 feet of a kennel building shall be picked up and discarded in the designated receptacle(s) no less than one time per day.

(9) Kennels and all areas and buildings within the kennel compound shall be free of sharp or protruding objects and maintained in a clean manner which promotes the health, safety and well being of greyhounds housed on association grounds. This shall include ensuring grass and weeds within 20 feet of any structure, motor vehicle, turn-out pen, or sprint path are not in excess of 5 inches in height.

(10) All kennel floors and walls shall be impervious to water and free from feces, blood, and urine.

(11) All food and bedding shall be stored in a manner that prevents contamination and deterioration.

(12) All kennels shall have interior running hot and cold water and an exterior cold water faucet.

(13) All kennels shall have at least one fire extinguisher in working order.

(14) All kennel buildings shall have at least one operational window with a screen and two operational exterior doors, one of which shall lead to a turn-out pen.

WGC 15.08 Rodent and insect control. (1) All racing associations and kennel owners shall provide systematic and effective insect and rodent control, including control of flies, mosquitoes, fleas, ticks, and mice, to all areas on association grounds under the association's or kennel owner's control.

(2) No kennel owner or trainer shall present a greyhound for weigh-in if that greyhound is infested with fleas or ticks. Greyhounds observed by the division veterinarian or steward during weigh-in or weigh-out to be infested with fleas or ticks shall be scratched.

SECTION 146. WGC 16.02 (4) is created to read:

WGC 16.02 (4) “Wagering” means the act of placing a wager or accepting a payout on a wager or both.

SECTION 147. WGC 16.03 (2) is renumbered WGC 16.05, and WGC 16.03 (3) is renumbered WGC 16.06.

SECTION 148. WGC 16.03 (1) is repealed and recreated to read:

WGC 16.03 Wagering. (1) No employee of any person licensed pursuant to s. 562.05 (1) (a), (b), (c), Stats., shall place any wagers, or cause any wager to be placed, directly or indirectly, on any race during the time he or she is working. Any employee shall be deemed to be working from the start of their shift until the end of the shift and may not wager during breaks, lunch, or any other time before they are discharged from their duties that day. No employee may wager while wearing any clothing or other identification that indicates they are an employee of a licensee.

(2) No person licensed pursuant to s. 562.05 (1) (a), (b), or (c), Stats., as a racing official may place any wager, directly or indirectly, at any track under the jurisdiction of the division.

(3) An occupational licensee having immediate care and custody of more than one animal entered in a particular race shall not wager on that race.

(4) An occupational licensee may wager on a race in which no animal in the licensee’s immediate care is entered in that race.

(5) An occupational licensee having immediate care and custody of one animal entered in a particular race may cash a winning pari-mutuel ticket for a race only if the animal in the licensee’s care and custody is one of the greyhounds comprising the official order of finish for the pool in which the licensee is cashing the pari-mutuel ticket.

SECTION 149. WGC 16.04 is repealed and recreated to read:

WGC 16.04 Substance abuse. No licensee shall perform duties on association grounds or display an identification badge while under the influence of alcohol or any controlled substance.

SECTION 150. WGC 16.07, 16.08, 16.09 and 16.10 are created to read:

WGC 16.07 Telephone and internet wagering. No licensee shall place or cause to be placed any wager through a telephone or internet service provider on association grounds.

WGC 16.08 False or misleading information. No licensee shall provide false or misleading information to the division or division staff.

WGC 16.09 Failure to cooperate. No licensee shall fail to cooperate with the division or division staff in the course of a division investigation or inquiry.

WGC 16.10 Misconduct. No licensee by action or failure to act shall create or contribute to a situation or circumstance which creates a threat to the public health, safety or welfare, or the integrity of racing and pari-mutuel wagering.

SECTION 151. WGC Chapter 17 is repealed.

SECTION 152. WGC Chapter 18 is repealed.

SECTION 153. WGC 19.04 (1) (i) and (j) are created to read:

WGC 19.04 (1) (i) Any violation by a licensee of ss. WGC 16.03 (1) or 16.04 shall be subject to a minimum forfeiture equal to the amount of money wagered and won when committing the violation.

(j) Any violation by a licensee of ss. WGC 14.03 or 14.04 shall be subject to a minimum penalty which includes a requirement to return all purse monies won by the greyhound owner and kennel owner to the association. Furthermore, the association shall be ordered to redistribute the purse monies received to the greyhound owners and kennel owners who would have been entitled to increased purse money if the greyhounds which raced in violation of ss. WGC 14.03 or 14.04 would have been disqualified.

SECTION 154. WGC 20.04 (5) is amended to read:

WGC 20.04 (5) The division shall require a fee for licenses to cover background investigations and general operations. The fee for the first year of operation shall be \$1,500 for food service concessionaires. Subsequent license fees for food service concessionaires shall be \$10.00 per performance granted to the track at which the licensee operates. All other concessionaires will be required to pay an annual ~~\$150.00~~ 75.00 license fee. Charitable organizations, community organizations, and promotional event organizers may be exempt from obtaining a concessionaire's license. Any request for exemption must be made by the participating racetrack three days prior to the event. An entity is eligible for such an exemption only if it will not operate as a concessionaire at more than 10 race days during a race meet.

SECTION 155. WGC 20.10 (2) is amended to read:

WGC 20.10 (2) Income and expense items shall be shown in such detail as required in accordance with generally accepted accounting principles. Such report shall be filed with the ~~commission~~

division within ~~90~~ 120 days after the end of each individual meet unless a written extension is received from the division.

SECTION 156. WGC 23 is amended to read:

Chapter WGC 23 WISCONSIN ~~WHELPEDOWNED~~ PROGRAM

WGC 23.01 Purpose. This chapter ensures that certain kennels and greyhounds are owned by residents of Wisconsin.

WGC 23.02 Wisconsin ~~whelped~~ owned program. (1) Each association shall make a good faith effort to ensure that at least 2 kennels, whether sole proprietorships, corporations, or any other form of business entity or association, with whom the association contracts are wholly owned by Wisconsin residents. ~~For purposes of this chapter, resident means an individual person who has been legally domiciled in this state for a period of 30 days. For purposes of this requirement, legal domicile is established by living in this state and obtaining a Wisconsin motor vehicle operator's license, registering to vote in Wisconsin or filing a Wisconsin income tax return.~~ All kennel operators that the association extends a contract to shall be properly qualified in the raising, racing, and training of greyhounds.

(2) ~~Each race day, each racing association shall hold at least one race restricted to Wisconsin whelped greyhounds. However, if sufficient competition cannot be had among that grade of greyhounds, another race shall be substituted giving Wisconsin whelped greyhounds preference in selecting entries. The association shall pay all Wisconsin owned greyhounds that finish in the top four places in a purse race, not including stakes or sweepstakes races, one point in addition to points normally won for finishing in the top four places.~~

(2) ~~Qualifications for Greyhounds participating in the Wisconsin whelped owned program are as follows:~~

(a) ~~The greyhound shall be whelped in the state of Wisconsin by a Wisconsin breeder and remain in the state for 6 months. The brood matron shall be owned or leased by a resident of this state.~~

(b) ~~The breeder shall be shall be owned by a resident of the state for at least one year, and shall own or lease the brood matron at the time of whelping.~~

(4) Wisconsin ~~whelped~~ owned greyhounds shall be designated in the program with a symbol approved by the ~~commission~~ division.

WGC 23.03 Annual report. The ~~commission~~ division shall require each association holding a license in Wisconsin to report annually on the participation of Wisconsin residents in the racing of greyhounds in the state. The report must be submitted each year ~~30 days prior to the deadline for the association's dates application~~ within 90 days after the last day of the race meet. The report shall include statistics on the number of Wisconsin residents who own contract kennels at the track and the number of

Wisconsin-whelped owned greyhounds which have raced at the track in the past year. Each association must report on how any kennel opening occurred in the past year ~~were filed~~ was filled. If a kennel opening has occurred, qualified Wisconsin residents must have been considered. The qualifications a Wisconsin resident must demonstrate in order to be considered include; but are not limited to: residency in Wisconsin; an established history in the greyhound industry; a breeding program – including ownership of a farm or brood stock and/or relationships with breeders; the percentage of greyhounds owned vs. leased by the applicant; and financial responsibility. The ~~commission~~ division shall review each association’s report and may make recommendations or may impose requirements relative to promoting participation of Wisconsin residents in greyhound racing at its track.

SECTION 157. WGC 24.16 (14) is amended to read:

WGC 24.16 (14) If live on-track racing is being conducted during the same period simulcast wagering is provided, all purse payment monies generated from the simulcast wagering pools shall be paid in accordance within the identified time frame for payment as identified in s.562.065(3)(b)2., Stats. If simulcast wagering is conducted during periods when no live on-track racing is occurring, a plan for the distribution of purse monies generated from simulcast wagering pools shall be submitted to the ~~commission~~ division for approval prior to the start of the live on-track racing. The division shall establish the percentage of simulcast handle wagered on both horse and greyhound races from out-of-state host tracks to Wisconsin guest tracks that shall be allocated toward the payment of purses for greyhound racing in Wisconsin.

SECTION 158. WGC 24.18 (3) is repealed.

SECTION 159. WGC 4 through 10 , 13 through 16, 19, and 24 are amended by replacing references to: “commission” with “division”, “director” with “administrator” and the acronym “WGC” with “Game”.

INITIAL APPLICABILITY. Unless identified below, all rules first apply on the effective date of this order.

SECTION 29. This rule first applies to all lease affidavits filed with the racing secretary on or after January 1, 2004.

SECTION 101. This rule first applies to all applicants for a 2004 occupational license.

EFFECTIVE DATE. This order 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.

Date: _____

Marc J. Marotta, Secretary

CONTACT PERSON:

Christopher Patton

Department of Administration – Division of Gaming

(608) 270-2532