

CR 94-206

CERTIFICATE

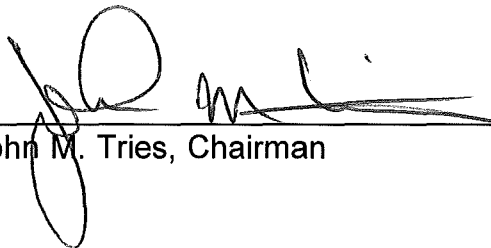
STATE OF WISCONSIN)
) SS
WISCONSIN GAMING COMMISSION)

CR 94-206

I, John M. Tries, Chairman of the Wisconsin Gaming Commission, and custodian of the official records, certify that the annexed rules, relating to the operation of pari-mutuel racing in Wisconsin, were duly approved and adopted by this commission on October 27, 1994.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand of the Wisconsin Gaming Commission at 150 East Gilman Street, Suite 1000, in the city of Madison this 27th day of March, 1995.



John M. Tries, Chairman

rules\cr\94-206\certif

Filed March 23, 1995
9:40 am

6-1-95

**PROPOSED ORDER OF THE WISCONSIN GAMING COMMISSION
ADOPTING RULES**

The Wisconsin Gaming Commission approves an order to renumber and amend RACE 13.05 (3) (b), (c), (d), (e), (f) and (g), amend RACE 10.09 (2) (e) 2., 13.05 (2) (title), (a), (b), (c), and (d), (4) and (5), 20.04 (5), and repeal and recreate RACE 13.05 (1), relating to pari-mutuel racing totalizator license fees, association occupational license fees, greyhound owner license fees, kennel license fees and food service concessionaire license fees.

ANALYSIS PREPARED BY THE WISCONSIN GAMING COMMISSION

Statutory authority: s. 561.02, Stats.

Statutes interpreted: ss. 562.02 (1) (a) and 562.05 (2), Stats.

Summary:

SECTION 1. RACE 10.09 (2) (e) 2. is amended to increase the program revenues generated from totalizator license fees. The current rule is dependent upon the pari-mutuel handle, whereas the new fee schedule will be dependent upon the number of performances. The new fee schedule increases the fee charged per performance from approximately \$6.00 to \$15.00.

The current rule for totalizator license fees assesses a fee of four-thousandths of one percent of the handle generated during the preceding calendar year at each racetrack at which the applicant has applied to operate a totalizator system. Presently, it would generate approximately \$8,400 in revenues. This equates to approximately \$6.00 per performance paid by the totalizator companies. The proposed flat rate fee of \$15.00 per performance (based on 1,417 performances requested in 1995) would generate \$21,255 in totalizator license fees. The noted fees are assessed directly to the totalizator companies, AmTote and United Tote, not to the associations.

SECTION 2. RACE 13.05 (1) is repealed and recreated to list the licenses in alphabetical order to facilitate the location of a particular association occupational license and to increase the association occupational license fees. The new schedule of association occupational license fees is more specific with respect to distinct categories for racetrack

employees that were previously licensed as "all other occupational licenses." By detailing specific license categories, seventeen new categories were formed and three previous categories were renamed. The term "replacement license" is for employees that have lost their license or had it stolen.

The list of new or renamed categories and the types of employment positions included for these categories are as follows:

- (a) Administrative [secretaries, accountants, receptionists, etc.];
- (am) Admissions [ticket takers, cashiers, ushers, parking attendants, valets];
- (b) Adoption Program [adoption director and any assistants];
- (c) Assistant Director of Racing [person assumes duties of director in their absence];
- (d) Assistant Mutuel Manager [person assumes duties of manager in their absence];
- (em) Brake Man [person responsible for stopping the lure];
- (gm) Delivery [vendors who regularly deliver goods to restricted areas during performance hours];
- (i) Emergency Medical [medical assistance personnel located at the racetrack];
- (im) Food and Beverage [food servers, bartenders, busboys, dishwashers, etc.];
- (l) Maintenance/Housekeeping [janitors, cleaners, landscapers, electricians, etc.];
- (lm) Money Room [money counters, bookkeepers];
- (nm) Patrol Judge [responsible for parading greyhounds];
- (p) Publicity/Marketing [public relations, marketing, group sales, etc.];
- (q) Racing Secretary's Office [data processors that enter racing statistics];
- (qm) Replacement License [for someone who loses a license];
- (rm) Starter [person responsible for loading greyhounds into starting box];
- (tm) Track Maintenance [track superintendent, graders, rakers, tractor drivers, etc.];
- (u) Vet. Assistant-Association [association's practicing vet's helper];
- (um) Video [film patrol, television camera operators, closed circuit TV technicians].

SECTION 3. RACE 13.05 (2) (a), (b), (c) and (d) are amended to increase the program revenues generated from greyhound owners license fees. The title replaces the word "dog" with "greyhound" owner licenses to remain consistent with the term "greyhound" used throughout the racing rules.

SECTION 4. The term "kennel owner" in RACE 13.05 (3) (a) is not being amended and does not appear in this section. The fee for kennel owner in (3) (a) has not been changed and remains the same at \$750.00.

The term "kennel operator" in RACE 13.05 (3) (b) has been deleted because it is redundant with the term "kennel owner." RACE 13.05 (3) (c), (d), (e), (f) and (g) are renumbered to (3) (b) to (f), respectively. The fee for the renumbered (3) (b) remains the same at \$50.00. The renumbered subsections of (3) (c), (d), (e) and (f) are amended to increase the program revenues generated from kennel license fees.

SECTION 5. RACE 13.05 (4) and (5) are amended to increase the program revenue generated from all other occupational license fees not specifically identified in RACE 13.05 (1).

SECTION 6. RACE 20.04 (5) is amended to increase the program revenues generated from food service concessionaire fees. The new fee schedule increases the fee charged per performance from \$5.00 to \$10.00.

The increase in food service concessionaire fees from the current \$5.00 to the proposed \$10.00 per performance fee will generate \$14,170 in revenues. The identified amount is an increase of \$7,085 and is an obligation of the following food service concessionaires: Dairyland Greyhound Park, Inc. (\$4,420); Ogden Food Service at St. Croix Meadows (\$3,470); Track Concessions, Inc. at Geneva Lakes Kennel Club (\$3,660); and Wisconsin Sportservice, Inc. at Wisconsin Dells Greyhound Park (\$2,620).

The existing fee structure for occupational license fees ranges from \$20.00 (parking, lead-outs, food and beverage) to \$750.00 (kennel owner) and proposes an average 16% increase. For the 1994 season, approximately 4,000 occupational licenses will be issued generating \$168,500 in licensing-related revenues. The licensing categories with the most individuals include 986 greyhound owner licenses (\$40.00); 540 food and beverage licenses (\$20.00); and 430 lead-out licenses (\$20.00).

With the proposed fee increases for occupational licenses, the Racing Division estimates a \$26,960 increase in revenues raising the total from \$168,500 to \$195,460 based upon an equivalent number of licenses issued in the respective categories. Overall, the proposed schedule increases the average license fee 16% from \$42.12 to \$48.86. The noted fee increases will be the first since the initial promulgation of administrative rules in 1990. Overall, the proposed fee structures are projected to increase license revenues by \$50,000 in FY 1994-95.

TEXT OF RULES

SECTION 1. RACE 10.09 (2) (e) 2. is amended to read:

RACE 10.09 (2) (e) 2. In the case of renewals of license, the applicant shall file a written acceptance with the ~~board~~ commission and make payment of the required license fee, ~~in the~~ The amount of four thousandths of one percent (.00004) of the handle generated during the preceding calendar year the license fee is based upon the number of

performances scheduled to be held at each racetrack at which the applicant has ~~applied~~ been approved to operate a totalizator system, ~~such license fee not to exceed \$10,000~~ annually at any one racetrack. The fee of \$15.00 will be applied to each performance that the racetrack is granted.

SECTION 2. RACE 13.05 (1) is repealed and recreated to read:

RACE 13.05 (1) ASSOCIATION OCCUPATIONAL LICENSES:

(a) Administrative	\$ 25.00
(am) Admissions	\$ 25.00
(b) Adoption Program	\$ 25.00
(bm) Announcer	\$ 60.00
(c) Assistant Director of Racing	\$ 50.00
(cm) Assistant General Manager	\$100.00
(d) Assistant Mutuel Manager	\$ 50.00
(dm) Assistant Racing Secretary	\$ 50.00
(e) Association Steward	\$ 75.00
(em) Brake Man	\$ 25.00
(f) Chartwriter	\$ 60.00
(fm) Clerk of Scales	\$ 60.00
(g) Concession Owner	\$150.00
(gm) Delivery	\$ 25.00
(h) Director of Racing	\$ 75.00

(sm) Totalizator Employe	\$ 50.00
(t) Totalizator Operator	\$ 60.00
(tm) Track Maintenance	\$ 25.00
(u) Vet. Assistant-Association	\$ 25.00
(um) Video	\$ 25.00

SECTION 3. RACE 13.05 (2) (title), (a), (b), (c) and (d) are amended to read:

RACE 13.05 (2) (title) GREYHOUND OWNER LICENSES:

(a) Owner	\$ 40.00 <u>\$ 50.00</u>
(b) Authorized Agent	\$ 25.00 <u>\$ 50.00</u>
(c) Partnership	\$ 25.00 <u>\$ 50.00</u>
(d) Corporation	\$ 25.00 <u>\$ 50.00</u>

SECTION 4. RACE 13.05 (3) (c), (d), (e), (f) and (g) are renumbered (3) (b), (c), (d), (e) and (f) and, as renumbered, are amended to read:

RACE 13. 05 (3) KENNEL LICENSES:

(b) Kennel Operator	\$ 80.00
(e) <u>(b)</u> Kennel Name	\$ 50.00
(d) <u>(c)</u> Trainer	\$ 50.00 <u>\$ 60.00</u>
(e) <u>(d)</u> Owner/Trainer	\$ 50.00 <u>\$ 75.00</u>
(f) <u>(e)</u> Assistant Trainer	\$ 20.00 <u>\$ 25.00</u>
(g) <u>(f)</u> Kennel Helper	\$ 20.00 <u>\$ 25.00</u>

SECTION 5. RACE 13.05 (4) and (5) are amended to read:

RACE 13.05 (4) DUPLICATE LICENSES: ~~\$ 20.00~~ \$ 25.00

(5) ALL OTHER OCCUPATIONAL LICENSES: ~~\$ 20.00~~ \$ 25.00

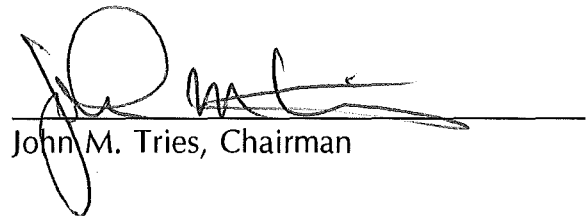
SECTION 6. RACE 20.04 (5) is amended to read:

RACE 20.04 (5) The ~~board~~ commission shall require a fee for licenses to cover background investigations and general operations. The fee for the license for the first year of the operation shall be \$1,500 for food service concessionaires. Subsequent license fees for food service concessionaires shall be ~~\$5.00~~ \$10.00 per performance granted to the ~~track~~ racetrack at which the licensee operates. All other concessionaires will be required to pay an annual ~~\$100~~ \$150 license fee.

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

Dated: Mar 22 1995

Agency:



John M. Tries, Chairman

WISCONSIN GAMING COMMISSION

Tommy G. Thompson, Governor

John M. Tries, Chairman

Maureen A. Hlavacek, Commissioner



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Kenneth J. Artis
Deputy General Counsel
(608) 264-9798

March 22, 1995

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

RE: CR 94-206

Dear Mr. Poulson:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth J. Artis", written in a cursive style.

Kenneth J. Artis
Deputy General Counsel

KJA:cma
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Enclosures