

## CHAPTER 562

## REGULATION OF RACING AND ON-TRACK PARI-MUTUEL WAGERING

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**562.001 Humane treatment of animals.** It is the intent of the legislature that animals which participate in races in this state on which pari-mutuel wagering is conducted and animals which are bred and trained in this state for racing shall be treated humanely, both on and off racetracks, throughout the lives of the animals.

**History:** 1987 a. 354; 1989 a. 31.

**562.01 Definitions.** Except as provided in s. 562.124, in this chapter:

(1) “Administrator” means the administrator of the division of gaming.

(1m) “Animal” means a horse or dog.

(3) “Breakage” means the odd cents by which the amount payable on each dollar wagered on a race exceeds a multiple of 10 cents.

(3m) “Business day” means a business day, as defined in s. 421.301 (6), that is not a legal holiday under s. 995.20 or a federal legal holiday.

(4) “Department” means the department of administration.

(4m) “Division of gaming” means the division of gaming in the department.

(5) “Fair” means any fair conducted by a county or an agricultural society, association or board receiving aid under s. 93.23.

(5e) “Host track” means a racetrack that conducts a race on which intertrack wagering is conducted.

(5m) “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.

(5s) “Intertrack wagering licensee” means a person who is licensed under s. 562.05 (1) (e).

(6) “License” means a license issued under s. 562.05.

(7) “Licensee” means any person holding a license.

(8) “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.

(8g) “Out-of-state legal wagering entity” means a person who 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.

(8m) “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.

(9) “Pari-mutuel” means a wagering system in which all persons who wager on any animal which 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.

(10) “Race” means any animal race licensed under s. 562.05 (1).

(11) “Race day” means any day on which a race is conducted.

(11g) “Race meeting” means the period during a calendar year for which a person has been issued a license under s. 562.05 (1) (b).

(11r) “Race performance” means a schedule of races of either a matinee or night program that are conducted on a race day.

(12) “Racetrack” means any racetrack licensed under s. 562.05 (1).

(13) “Racing” means the conduct of a race.

(14) “Steward” means any person appointed, contracted for or approved by the department under s. 562.02 (1) (fm).

**History:** 1987 a. 354; 1989 a. 31, 314; 1991 a. 39, 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27; 2005 a. 155.

**562.017 Racing security.** The department may do any of the following:

(1) Provide all of the security services for the racing operations under this chapter.

(2) Monitor the regulatory compliance of racing operations under this chapter.

(3) Audit the racing operations under this chapter.

(4) Investigate suspected violations of this chapter.

(5) Report suspected gaming-related criminal activity to the division of criminal investigation in the department of justice for investigation by that division.

(6) If the division of criminal investigation in the department of justice chooses not to investigate a report under sub. (5), coordinate an investigation of the suspected criminal activity with local law enforcement officials and district attorneys.

**History:** 1997 a. 27.

**562.02 Racing operations.** (1) The department shall:

(a) Regulate racing and on-track pari-mutuel wagering in this state and shall promulgate all rules necessary to administer this chapter. The department shall do everything necessary to ensure that the public interest is protected in relation to racing.

(am) Administer the issuance of licenses. The department may not issue any license under s. 562.05 (1) (a) to (c) without a hearing. The department shall determine which occupations related to racing require licensing, except that the department shall require licensing for the following:

1. Occupations of participants in horse racing, including horse owners or lessees, horse trainers and their assistants, jockeys or drivers, exercise riders and grooms.

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2. Occupations of participants in dog racing, including dog owners or lessees, dog trainers and their assistants, kennel masters and kennel helpers.

3. Veterinarians.

4. Race officials and personnel.

5. Pari-mutuel personnel.

6. Security personnel.

7. Persons holding concession, management, consultant or other contracts to provide goods or services to a licensee under s. 562.05 (1) (a) to (c).

(b) Promulgate rules to ensure the humane treatment of animals which race in this state or which are bred and trained in this state for racing and shall establish a program to administer those rules.

(c) Determine what types of races may be conducted in this state.

(d) Require by rule that any contract in excess of \$10,000 for the provision of goods and services, including but not limited to concessions contracts, entered into by any licensee, be subject to the approval of the department and that all contracts for \$10,000 or less shall be filed with the department.

(e) By rule, prescribe any restriction on wagering by a licensee or the employees of a licensee which it deems necessary to protect the public interest.

(f) Establish, by rule, a schedule of license suspensions and revocations or forfeitures for violations of this chapter or department rules which may be imposed by the department under sub. (2) (f) or by the stewards under s. 562.04 (1) (b). A forfeiture under that schedule may not exceed \$10,000. The rule shall include factors to be considered by stewards in acting under s. 562.04 (1) (b).

(fm) Approve the appointment of any steward serving under s. 562.04 (1) and (2).

(g) At least once every 3 months, file a written report on the operation of racing in this state with the governor, the attorney general, the secretary of administration, the secretary of state, the legislative audit bureau, the president of the senate, and the speaker of the assembly. The report shall include information on racetrack operations, race attendance, and private, state, and local revenues derived from racing in this state.

(h) By rule, specify the types of records and books to be maintained by licensees, and, for submission to the department, the type of audit of those books and records to be conducted by licensees and the type of financial report to be prepared by licensees.

(j) Enforce this chapter and the rules under this chapter.

(k) Approve or reject the amount that a licensee is required to deduct from the total amount wagered under s. 562.065 (3) (a).

**(2)** The department may:

(a) Employ the staff it deems necessary to administer this chapter, including but not limited to any chemist and veterinarian. The department may not contract for the services of any veterinarian or chemist unless the veterinarian or chemist has not had a conflict of interest under s. 562.025 (2) at any time during the 12 months immediately preceding the date on which the contract for such services is entered into.

(b) Require a fidelity bond for the administrator and any other employee of the division of gaming or may purchase a bond which covers the administrator and all other employees of the division of gaming or designated employees of the division of gaming.

(c) Conduct investigations and inquiries and subpoena any information, document or record which it deems necessary to carry out its duties.

(d) Without a warrant, inspect any racetrack and examine any book or other record of a licensee subject to the rules promulgated under sub. (1) (h).

(e) Exclude from any racetrack any person who:

1. Has been convicted of a violation of a law of this or another state or of the United States related to racing or other forms of gambling or to the mistreatment of animals;

2. Has had a license which was issued under s. 562.05 or under the laws related to racing of any other state suspended, revoked or denied; or

3. Is determined by the department to be a threat to the integrity of racing in this state.

(f) Suspend or revoke any license or impose a forfeiture for any violation of this chapter or department rules relating to pari-mutuel racing. The department may suspend or revoke an occupational license issued under s. 562.05 (1) (d) or impose a forfeiture on that licensee under this paragraph if the stewards do not hold a meeting under s. 562.04 (1) (b) or hold a meeting but do not suspend the license or impose a forfeiture. Upon appeal, the department may change any action of the stewards under s. 562.04 (1) (b). Fifty percent of the moneys received under this paragraph shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

(fm) Contract with the department of agriculture, trade and consumer protection for any services related to the duties of the department in ensuring the security and humane treatment of animals.

(g) Create a 5-member advisory council, with members representing the racing industry and occupations licensed under s. 562.05 (1) (d), to advise the department on the administration of its powers and duties under this chapter. No member of that council may be reimbursed for any expense incurred in the performance of his or her duties or for any service as a member of that advisory council.

(h) Inspect and conduct investigations of facilities in this state used for breeding or training animals for racing, for the purpose of obtaining compliance with laws relating to the humane treatment of animals.

**(4)** Except as provided under s. 562.05 (2m), the department shall issue a license under s. 562.05 (1) (a) to any person who satisfies the requirements of this chapter for such a license.

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 269, 315; 1995 a. 27 ss. 6951, 6952, 9123 (6pp); 1997 a. 27; 2003 a. 33.

**Cross-reference:** See also *Game*, Wis. adm. code.

**562.025 Conflicts of interest. (1)** No employee in the division of gaming who performs any duty related to racing or the secretary, deputy secretary, or assistant deputy secretary of administration and no member of such a person's immediate family, as defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2 years following the termination of his or her employment with the department after having served in such a capacity, do any of the following:

(a) Hold a license or be employed by, or have any direct or indirect interest in, any corporation, partnership, limited liability company or association which holds such a license.

(b) Be employed by or have any direct or indirect interest in any corporation, association, limited liability company or partnership which holds any contract, including but not limited to a concession contract, to supply goods or services to any licensee or at the location of any race.

(c) Own, wholly or in part, or have any other interest in any animal which is entered in any race.

(d) Wager or cause a wager to be made on any race.

(e) Accept or agree to accept money or anything of value from

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anyone who holds a license or who is regulated by or holds any contract to supply goods or services to the department.

(2) No person under contract with the department and no employee of any person under contract with the department, other than a vendor or an employee of a vendor as defined in s. 565.01 (7), may do any of the following:

(a) Hold any license, except a license covering the professional services being provided to the department, or be employed by or have any direct or indirect interest in any corporation, partnership, limited liability company or association which holds a license.

(b) Have any direct or indirect interest in or be employed by any person who has any direct or indirect interest in any corporation, association, limited liability company or partnership which holds any contract, including but not limited to a concession contract, to supply goods or services to any licensee or at the location of any race.

(c) Own, wholly or in part, or have any other interest in any animal which is entered in any race.

(d) Wager or cause a wager to be made on any race.

(e) Accept or agree to accept money or anything of value from any person who holds a license or who is regulated by the department or holds any contract to supply goods or services to the department other than the contract under which the person provides professional services.

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 269; 1993 a. 112, 213, 271; 1995 a. 27 s. 9123 (6pp); 1997 a. 27; 2013 a. 20.

**562.03 Administrator.** (1) (a) The department shall appoint the administrator after a nationwide search for persons with experience in public gaming management and regulation and with knowledge of animal racing and pari-mutuel wagering.

(b) Before appointing an administrator, the department shall, with the assistance of the department of justice, conduct a background investigation of the proposed administrator. The department shall require the proposed administrator to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining any record of his or her criminal arrests and convictions.

(2) The administrator may employ or provide by contract for the services of stewards, subject to the approval of the department. Any steward under a contract under this subsection shall be under a contract with the department.

(3) (a) The department may employ the staff it considers necessary to administer this chapter.

(b) Before making an appointment under par. (a) and sub. (4), the department shall conduct a background investigation of the proposed employee and shall require that proposed employee to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining any record of his or her criminal arrests and convictions.

(4) The administrator shall appoint and supervise a chief steward.

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 27 ss. 6953, 9123 (6pp); 1997 a. 27.

**562.04 Racing officials.** (1) **STEWARDS.** (a) Three stewards shall preside over races conducted at a racetrack not at a fair. At least 2 of those stewards shall be employees of the department or providing services to the department under a professional ser-

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vices contract. The rate of compensation of stewards serving under contract to the department shall be commensurate with the rate of compensation established for stewards employed by the department, but less than the rate established for the chief steward. Stewards presiding over a racetrack shall do all of the following:

1. Ensure that races are conducted under the rules of the department.

2. Supervise racing and the racetrack to ensure the integrity of races.

3. Certify the official results of races.

4. Settle any dispute arising from racing.

5. Perform any other duty assigned by the department.

(b) If one or more stewards have reasonable cause to believe that a person holding a license under s. 562.05 (1) (d) has violated this chapter or rules of the department relating to pari-mutuel racing or engaged in any other conduct which in the opinion of the stewards adversely affects the integrity of racing, the following procedures apply:

1. The 3 stewards shall meet within 3 working days after any one of them has reasonable cause to believe that the alleged violation or conduct occurred.

2. The stewards shall notify the licensee of the time, date and location of the meeting, the specific conduct constituting the alleged offense and the right of the licensee to be present at the meeting, to address stewards at the meeting and to have counsel or an observer of the licensee's choosing present at the meeting.

3. A meeting of the stewards under this paragraph is not a contested case under s. 227.01 (3).

4. If at least 2 stewards determine that the violation or conduct has occurred, the stewards may, under the schedule established by the department under s. 562.02 (1) (f), suspend a license issued under s. 562.05 (1) (d) for a period not to exceed 90 days or impose a forfeiture not to exceed \$2,000 or both; or recommend that the department suspend a license for more than 90 days or impose a forfeiture exceeding \$2,000 or both. Fifty percent of the moneys received under this subdivision shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

5. After the meeting under subd. 1., the stewards shall submit, in writing, all findings and conclusions from that meeting to the licensee and the department, including the sanctions, if any, imposed by the stewards and shall provide the licensee who is the subject of the meeting with a notice of his or her right to appeal the decision under subd. 6. Within 7 days after receiving the decision, the licensee shall pay any forfeitures imposed by the stewards, regardless of whether the decision is appealed or stayed under subd. 6.

6. Any person adversely affected by a decision issued under subd. 4. may appeal that decision to the department. The appeal shall be filed with the department within 7 days after receipt of that written decision. An appeal does not automatically stay the decision of the stewards. Any person may request that the administrator stay that decision pending the decision of the department on the appeal. If the administrator receives such a request and determines that the stay will not adversely affect public safety or welfare or the safety or welfare of an animal, the administrator shall order the stay. The procedure for the appeal under this subdivision is under ch. 227. If part or all of any forfeiture imposed under subd. 5. is refunded to the licensee under this subdivision, the refund shall include interest calculated at the rate of 9 percent per year on that amount. The decision of the department on the appeal shall be the final administrative decision on any action of the stewards under subd. 4.

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**(2) OTHER RACING OFFICIALS.** The department shall, by rule, specify all of the following:

(a) Racing officials, in addition to stewards, required for races conducted at a racetrack not at a fair.

(b) All racing officials, including stewards, required for races conducted under a license issued under s. 562.05 (1) (c).

(c) Qualifications for stewards serving under sub. (1) and for other racing officials serving under pars. (a) and (b).

(d) A fee for the supervision of racing by stewards or other racing officials employed by or under contract with the department. Any moneys received under this paragraph shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 269; 1993 a. 84; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

**562.045 Qualifications of administrator, other employees and stewards.** Notwithstanding s. 111.321, no person may serve as an administrator or other employee of the division of gaming or as a steward employed by the department or under contract with the department if any of the following apply:

**(1)** The person has been convicted in a state or federal court of a felony, other than a felony conviction for an offense under subs. (3) to (6), for which he or she has not been pardoned under which his or her full civil rights are restored.

**(2)** The person has been charged with the violation of a state or federal law which is a felony if that charge has not been dismissed or settled in any other way.

**(3)** The person has been convicted of fraud or misrepresentation in connection with racing or animal breeding.

**(4)** The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari-mutuel wagering or any other form of gambling.

**(5)** The person has been convicted of a violation of any law of this or another state or of the United States related to the humane treatment of animals.

**(6)** The person has knowingly violated a rule or order of the department relating to pari-mutuel racing or any provision of this chapter, s. 182.020 or ch. 945.

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

**562.05 Licenses.** **(1)** No person may engage in any of the following activities without a valid annual license issued by the department:

(a) The ownership and operation of a racetrack at which pari-mutuel wagering is conducted.

(b) The sponsorship and management of any race on which pari-mutuel wagering is conducted and which is not located at a fair.

(c) The sponsorship and management of any horse race on which pari-mutuel wagering is conducted and which is located at a fair.

(d) Any occupation required to be licensed under s. 562.02 (1) (am) or determined by the department under s. 562.02 (1) (am) to require a license.

(e) The conduct of intertrack wagering.

**(1b)** The department shall approve and conduct an examination to be administered to all applicants for a license under sub. (1) (d) to be a horse trainer. No license may be issued under sub. (1) (d) to a horse trainer unless the department determines that the applicant for the license is qualified as evidenced by the applicant's performance on the examination conducted under this subsection.

**(1c)** If the applicant for a license under this section is an indi-

vidual, the department may not issue or renew a license if the individual has not provided his or her social security number, unless the individual does not have a social security number and the applicant submits a statement made or subscribed under oath or affirmation as required under sub. (1e). If the applicant for a license under this section is not an individual, the department may not issue or renew a license if the person has not provided the person's federal employer identification number.

**(1e)** If an applicant for a license under this section is an individual who does not have a social security number, the applicant shall submit to the department with his or her application a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A license issued in reliance upon a false statement submitted under this subsection is invalid.

**(1g)** A license issued under sub. (1) (a) may authorize the ownership and operation of a racetrack where horse racing is conducted, the ownership and operation of a racetrack not at a fair where dog racing is conducted or the ownership and operation of a racetrack not at a fair where both horse racing and dog racing are conducted. A license issued under sub. (1) (b) may authorize the sponsorship and management of horse races or dog races, or both horse races and dog races, at the same location.

**(1m)** The department may not issue a license under sub. (1) (a) to (c) except after a public hearing.

**(2)** The department shall establish, by rule, the qualifications for any license required under sub. (1) and fix the fee for that license and any background investigation under sub. (7) related to that license. Any moneys received under this subsection shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

**(2m)** In issuing a license to own and operate a racetrack not at a fair, the department shall consider the competitive effects on any other licensee under sub. (1) (a) or (b). These competitive effects shall include, but not be restricted to, the impact on the economic viability of existing licensed racetracks and the jobs that have been created by such licensed racetracks.

**(3)** No person may hold more than one license issued under sub. (1) (a) and one license issued under sub. (1) (b) or (c). If the applicant for any of those licenses is a corporation, association, limited liability company or partnership, the department shall determine whether the applicant is the same person as another licensee for the purpose of applying this subsection. Nothing in this subsection prohibits any person with a license under sub. (1) from contracting for services with any other person with a license under sub. (1), subject to any rules promulgated by the department.

**(3m)** The department may not accept an application for a license for a race under sub. (1) (c) unless the county board of the county in which that race will be conducted has approved the applicant's sponsorship and management of that race.

**(3r)** The application for the first license under sub. (1) (a) to be issued for any location shall be accompanied by a resolution, supporting the proposed location of the racetrack and its ownership and operation by the applicant, which has been adopted, after a public hearing, by the governing body of the city, village or town where the racetrack is proposed to be located. A common council may not adopt such a resolution if an ordinance prohibiting the location of a racetrack at the proposed location has been adopted under s. 9.20 before May 3, 1988, or a petition for such an ordinance has been filed, under s. 9.20, before May 3, 1988. Except as provided in this subsection, no ordinance adopted under s. 9.20 or 66.0101 may prohibit the location of a racetrack in any city or village.

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**(3w)** Except as provided under subs. (3) to (3r), the department may issue a license under sub. (1) (a) if the department determines that all of the following conditions are met:

(a) At least 51 percent of the ownership interest in the racetrack is held by residents of this state.

(b) The license will not adversely affect the public health, welfare and safety.

(c) The racetrack will be operated in accordance with applicable laws.

(d) The applicant is qualified and financially able to operate a racetrack.

**(3wmr)** If the condition under sub. (2m) is relevant to its decision, the department may consider secondary economic impacts of an applicant's proposal for a racetrack if the applicant proves by a preponderance of evidence that the alleged secondary impacts will enhance the success of the applicant's proposed racetrack and the location of the proposed racetrack would complement existing development with the overall effect of increasing tourism and generating state revenues from out-of-state residents.

**(3wr)** The first license issued to each applicant under sub. (1) (a) for each racetrack expires after 5 years. Any subsequent license issued to the same applicant for that racetrack expires after one year.

**(3wt)** In the first license issued to each applicant under sub. (1) (a) for each racetrack, the department shall specify a date by which each of the types of racing authorized under the license shall begin at that racetrack. Upon request of the licensee, the department may change a specified date to an earlier or later date pursuant to rules of the department.

**(4)** Any application for a license to sponsor and manage a race shall be accompanied by a bond, in an amount determined by the department, which shall be sufficient to guarantee the payment of fees, taxes and other money due, including animal owners' purses and payouts on winning wagers.

**(4m)** Except as provided in sub. (4), the department may issue a license under sub. (1) (b) if the department determines that all of the following conditions are met:

(a) The license will not adversely affect the public health, welfare and safety.

(b) The applicant will conduct races in accordance with applicable laws.

(c) The license will not create competition that will adversely affect any other licensee under sub. (1) (a) or (b).

**(5)** (a) No license may be issued under sub. (1) to any person to whom any of the following applies:

1. The person is in default on any payment required under this chapter or under any rule promulgated under this chapter or under any law of any other state related to pari-mutuel wagering or racing.

2. The person has been convicted of a felony within 20 years preceding the date of application in a state or federal court for which he or she has not been pardoned and restored to full civil rights or has been charged with the violation of a state or federal law which is a felony if that charge has not been dismissed or settled in any other way.

3. The person is or has been connected with or engaged in any business which is prohibited under the laws of this or another state or of the United States.

4. The person has been convicted of fraud or misrepresentation in connection with racing or animal breeding.

5. The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari-mutuel wagering or of any other form of gambling which is a serious violation, as defined by the department by rule.

6. The person has knowingly violated a rule or order of the department relating to pari-mutuel racing or any provision of this chapter or of ch. 27, 182 or 945.

7. The person has been convicted of a violation of any law of this or another state or of the United States related to the humane treatment of animals, including any rule promulgated under s. 562.02 (1) (b) or 562.105.

8. The person has accepted public money to construct or operate a racetrack in Wisconsin. This subdivision does not apply to any racetrack operated in conjunction with a county fair.

9. The person is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, or fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857.

10. The person is liable for delinquent taxes, as certified by the department of revenue under s. 73.0301. Any person for whom a license is not issued under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

11. The person is liable for delinquent unemployment insurance contributions, as certified by the department of workforce development under s. 108.227. Any person for whom a license is not issued under this paragraph for delinquent unemployment insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and a hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing under this section.

(b) 1. Except as provided in subd. 4., if the applicant is a partnership, par. (a) applies to the partnership and each partner of the partnership.

1L. Except as provided in subd. 4., if the applicant is a limited liability company, par. (a) applies to the limited liability company and to each of its members.

2. Except as provided in subd. 4., if the applicant is an association, par. (a) applies to the association and each officer and director of the association.

3. Except as provided in subd. 4., if the applicant is a corporation, par. (a) applies to the corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation.

3m. Except as provided in subd. 4., if the applicant for a license under sub. (1) (c) is a corporation, par. (a) applies to each officer and director of the corporation.

4. A restriction under par. (a) 2. to 8. does not apply to a partnership, limited liability company, association or corporation if the department determines that the partnership, association, limited liability company or corporation has terminated its relationship with each individual whose actions directly contributed to the application of that restriction to the partnership, association, limited liability company or corporation.

(c) 1. Every application for a license under sub. (1) shall be accompanied by an affidavit which states that the applicant and any partner, member, officer, director and owner subject to par. (a), as specified in par. (b), and any other 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 under par. (a).

2. Except as otherwise provided in this subdivision, if after the application for a license is made or a license is issued any new officer, director, partner, member or owner subject to par. (a), as

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specified in par. (b), or any other new person with a present or future direct or indirect financial or management interest in the application or license joins the applicant or licensee, the applicant or licensee shall, within 5 working days, notify the department of the change and provide the affidavit under subd. 1. After an application for a license under sub. (1) (a) or (b) is made or after a license under sub. (1) (a) or (b) is issued, no ownership interest or right of ownership in the applicant or licensee may be transferred unless the applicant or licensee provides the affidavit under subd. 1. for the proposed new owner and the proposed new owner is approved by the department. The department shall conduct the background investigations required under sub. (7) of any new officer, director, partner, member, shareholder or proposed owner of an applicant or licensee named in a notice to the department under this subdivision.

(6) Every application for a license to own and operate a racetrack or for a license to sponsor and manage a race shall include a statement setting forth the assets and liabilities of the applicant.

(6m) (a) 1. An application for an intertrack wagering license shall identify each licensee under sub. (1) (b) on whose races the applicant proposes to conduct intertrack wagering and, except as provided in subd. 2., shall be accompanied by a statement, signed by each licensee that is identified in the application, giving consent to the applicant to conduct intertrack wagering on all races that are simulcast by the licensee during the licensee's race meeting.

2. A licensee under sub. (1) (b) who signs a statement specified in subd. 1. is considered to have given consent to all applicants for intertrack wagering licenses to conducting intertrack wagering on all races that are simulcast by the licensee during the licensee's race meeting, and no similar statements signed by that licensee need be filed by other applicants for intertrack wagering licenses who propose to conduct intertrack wagering on those races.

(b) The department may not issue an intertrack wagering license unless the department determines that all of the following conditions are met:

1. The applicant is licensed under sub. (1) (a) or (b).
2. At least 250 race performances were conducted at the racetrack for which the applicant is licensed under sub. (1) (a) or (b) during the calendar year immediately preceding the year in which the applicant proposes to conduct intertrack wagering. The department may waive the requirement in this subdivision if the department determines that the waiver is in the public interest.
4. The granting of the intertrack wagering license will not adversely affect the public health, welfare or safety.

(c) In considering whether to grant an intertrack wagering license, the department shall give due consideration to the best interests of the public and to maximizing revenue to the state.

(d) On each intertrack wagering license that the department issues, the department shall identify the racetrack at which intertrack wagering may be conducted, the times and number of days or specific dates, as determined by the department, during which intertrack wagering may be conducted, and the host track from which the simulcast of each race performance on which intertrack wagering may be conducted shall originate.

(7) (a) Except as provided under par. (ag), before the department issues a license under this section, the department, with the assistance of the department of justice, shall conduct a background investigation of the applicant for the license and of any of the following related to the applicant:

1. A partnership and each partner of the partnership.
- 1L. A limited liability company and each of its members.

2. An association and each officer and director of the association.

3. A corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation.

(ag) Paragraph (a) applies to any person required under s. 562.02 (1) (am) to have a license except for any person determined by the department under s. 562.02 (1) (am) to require a license. Before the department issues a license to any person determined by the department under s. 562.02 (1) (am) to require a license, the department may, with the assistance of the department of justice, conduct a background investigation of the applicant for that license and of any of the following related to the applicant:

1. A partnership and each partner of the partnership.
- 1L. A limited liability company and each of its members.
2. An association and each officer and director of the association.
3. A corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation.

(am) 1. The department shall require each person who is subject to an investigation under par. (a) and who is an individual to provide his or her social security number, unless the person is an individual who does not have a social security number and the person submits a statement made or subscribed under oath or affirmation as required under sub. (1e).

2. The department shall require each person who is subject to an investigation under par. (a) and who is not an individual to provide the person's federal employer identification number.

(b) The department shall require any person subject to an investigation under par. (a) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of that person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of that person and obtaining any record of that person's criminal arrests and convictions.

(bg) The department may require any person subject to an investigation under par. (ag) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of that person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of that person and obtaining any record of that person's criminal arrests and convictions.

(8) (a) The department may revoke or suspend a license for good cause after notice and hearing under s. 227.44.

(b) The department shall permanently revoke the license of any licensee whom the department determines under par. (a) has administered a medication or foreign substance to an animal in violation of s. 562.09 (1).

(c) The department shall permanently revoke the license of any licensee who violates s. 562.105.

(d) If required in a memorandum of understanding entered into under s. 49.857, the department shall suspend or restrict or not renew the license of any person who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or who has failed to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings.

(e) The department shall revoke or not renew the license of

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any person who has been certified by the department of revenue under s. 73.0301 to be liable for delinquent taxes. Any person for whom a license is revoked or not renewed under this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this section.

(f) The department shall revoke or not renew the license of any person who has been certified by the department of workforce development under s. 108.227 to be liable for delinquent unemployment insurance contributions. Any person for whom a license is revoked or not renewed under this paragraph for delinquent unemployment insurance contributions is entitled to a notice under s. 108.227 (2) (b) 1. b. and a hearing under s. 108.227 (5) (a) but is not entitled to any other notice or hearing under this section.

**(8m)** (a) If the applicant for any license is an individual, the department shall disclose his or her social security number to the department of children and families for the purpose of administering s. 49.22, to the department of revenue for the purpose of requesting certifications under s. 73.0301, and to the department of workforce development for the purpose of requesting certifications under s. 108.227.

(b) If the applicant for any license is not an individual, the department shall disclose the person's federal employer identification number to the department of revenue for the purpose of requesting certifications under s. 73.0301 and to the department of workforce development for the purpose of requesting certifications under s. 108.227.

**(9)** (a) Every license issued under sub. (1) (b) or (c) shall set forth the time and number of days, or the specific dates, during which racing may be conducted under that license, as determined by the department.

(b) A license under sub. (1) (c) may authorize horse races on days on which the fair is conducted and for 2 additional periods not to exceed 5 days each. Either or both of the additional periods may be consecutive with the days on which the fair is conducted. In assigning race days and race times under this paragraph, the department shall consider the competitive effects on licensees under sub. (1) (a) and (b).

**(10)** The department shall revoke the license issued under sub. (1) (a) of any person who accepts any public money to construct or operate a racetrack in Wisconsin. This subsection does not apply to any racetrack operated in conjunction with a county fair.

**(11)** In this section, "public money" means any direct or indirect gift, grant, financial assistance or guarantee by or from the federal government, state, any political subdivision of the state, or any authority or corporation authorized by the state to borrow funds for a public purpose.

**History:** 1987 a. 354; 1989 a. 31, 56; 1991 a. 39, 269; 1993 a. 84, 112, 490; 1995 a. 27 s. 9123 (6pp); 1997 a. 27, 191, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 38; 2005 a. 245; 2007 a. 20; 2013 a. 36.

**Cross-reference:** See also *Game*, Wis. adm. code.

Residency under sub. (3w) (a) is discussed. 80 Atty. Gen. 124.

**562.052 Employees at racetrack.** At least 85 percent of the individuals employed by a licensee under s. 562.05 (1) (a) to (c), or by a person providing services under a contract with such a licensee, who work at the racetrack where races are held pursuant to the license shall have been residents of this state for at least one year immediately before their employment at the racetrack.

**History:** 1987 a. 354.

**562.056 Registration of greyhounds.** No dog which is of the greyhound breed may be entered in a race on which pari-

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mutuel wagering is conducted unless the dog is registered with the National Greyhound Association of Abilene, Kansas.

**History:** 1987 a. 354; 1989 a. 31.

**562.057 Simulcasting races; intertrack wagering. (1)**

An intertrack wagering licensee may accept wagers on races that are conducted at 2 or more host tracks during the same race day with the approval of the department.

**(3)** An intertrack wagering licensee is solely responsible for maintaining the pari-mutuel pools on the races on which the intertrack wagering licensee conducts intertrack wagering and for making all payouts on intertrack wagers. Each race performance on which intertrack wagering is conducted is considered a separate race day for purposes of ss. 562.065 and 562.08.

**(4)** Subject to sub. (4m), the department may permit a licensee under s. 562.05 (1) (b) to receive simulcast races from out-of-state racetracks, to conduct pari-mutuel wagering on those races and to commingle the licensee's wagering pools on those races with those of any out-of-state racetrack from which the licensee is permitted to receive simulcast races. The department may permit a licensee under s. 562.05 (1) (b) to simulcast races to any out-of-state legal wagering entity, and to commingle the licensee's wagering pools on those races with those of any out-of-state legal wagering entity to which the licensee is permitted to simulcast those races.

**(4m)** The department may not permit a licensee under s. 562.05 (1) (b) to receive simulcast races under sub. (4) unless the department determines that all of the following conditions are met:

(a) 1. For a racetrack at which \$25,000,000 or more was wagered during the calendar year immediately preceding the year in which the applicant proposes to conduct wagering on simulcast races, at least 250 race performances were conducted at the racetrack during that period.

2. For a racetrack at which less than \$25,000,000 was wagered during the calendar year immediately preceding the year in which the applicant proposes to conduct wagering on simulcast races, at least 200 race performances were conducted at the racetrack during that period.

(c) The conduct of wagering on simulcast races will not adversely affect the public health, welfare or safety.

**(5)** The department shall promulgate rules administering sub. (4).

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 39, 269, 315; 1995 a. 27 ss. 6954 to 6959, 9123 (6pp); 1997 a. 27; 2003 a. 33; 2005 a. 245.

This section, which permits licensed racetracks to simulcast races conducted at other racetracks, does not violate the article IV, section 24 (5), requirement of "on-track" betting. 77 Atty. Gen. 299.

**562.06 Minors on racetracks; wagering prohibited.**

**(1) ADMISSION.** Except as provided under subs. (2) and (3), no person under the age of 18 years may be admitted to a racetrack, or a track located at a fair where there is racing, unless accompanied by a parent, grandparent, greatgrandparent, guardian or spouse who is at least 18 years of age, or unless accompanied by another person at least 18 years of age with the written permission of the minor's parent or guardian.

**(2) EMPLOYMENT.** No person under the age of 16 years may be employed at a racetrack not at a fair. No person under the age of 16 years may be employed in any employment at a fair in any pari-mutuel wagering activity.

**(3) CHILD CARE.** Nothing in this section prohibits a licensee from operating a child care area at a track if the child care area is licensed by the department of children and families under s. 48.65.

**(4) PLACING A WAGER.** No person under the age of 18 years may make a wager in any race or receive any payout on a wager.

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(5) **ACCEPTING A WAGER; MAKING A PAYOUT.** No licensee may knowingly accept a wager from any person under the age of 18 years or make any payout on a wager to any person under the age of 18 years.

**History:** 1987 a. 354; 1989 a. 31; 1995 a. 27 s. 9126 (19); 2007 a. 20; 2009 a. 185.

**562.065 Types of pools, payouts and allocations of amounts wagered.**

(1) **TYPES OF POOLS; PURSES.** The department shall promulgate rules governing types of pari-mutuel pools that are permitted on races and the payment and allocation of purses for races.

(2) **MINIMUM WAGERS AND PAYOUTS.** The minimum wager which may be accepted by a licensee is \$2. The minimum payout that a licensee may make on a wager is \$2.20 on a \$2 wager. A licensee may accept a \$1 minimum wager on the outcome of a race having 3 or more wagering interests if the total amount wagered is at least \$2.

(3) **ALLOCATIONS.** (a) *Deduction.* From the total amount wagered on all animals selected to win, place or show in a race, a licensee under s. 562.05 (1) (b) and (c) shall deduct 17 percent or an amount approved by the department under s. 562.02 (1) (k) up to 20 percent and pay the balance, minus breakage, to winning ticket holders, except that for a multiple pool, the licensee shall deduct 23 percent or an amount approved by the department under s. 562.02 (1) (k) up to 25 percent and pay the balance, minus breakage, to winning ticket holders. Nothing in this paragraph prohibits the licensee from retaining amounts wagered in multiple pools which are required to be paid to winning ticket holders if there are no winning ticket holders, for the sole purpose of paying these amounts to winning ticket holders of subsequent races.

(b) *Purses.* 1. For horse races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) shall use at least an amount equal to 8 percent of the total amount wagered on each race day for purses for races held on that race day, except as provided in s. 562.057 (4). The licensee shall pay purses directly to the owner of a horse or, if a horse is leased, the licensee shall pay the purse directly to the lessor and lessee of the horse as agreed in a written lease agreement on file with the licensee.

2. For dog races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) shall use at least an amount equal to 4.5 percent of the total amount wagered on each race day for purses, except as provided in s. 562.057 (4). Purses shall be paid on or before Thursday of the calendar week immediately following the race day on which the purses are won. The licensee shall pay purses directly to the owner of a dog or, if a dog is leased, the licensee shall pay the purse directly to the lessor and lessee of the dog as agreed in a written lease agreement on file with the licensee.

3. In addition to the amounts required under subds. 1. and 2., if a licensee deducts under par. (a) more than 17 percent from the total amount wagered on all animals selected to win, place or show in a race or more than 23 percent from the total amount wagered on all animals for a multiple pool in a race, the licensee shall use for purses at least an amount that equals 4.5 percent of any amount that the licensee deducts as a result of increasing the deduction under par. (a) beyond the 17 percent and 23 percent levels.

(c) *Pari-mutuel tax.* 1. For horse races, from the total amount deducted under par. (a) on each race day, a licensee under s. 562.05 (1) (b) shall deposit with the department the following amounts:

a. One percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$50,000,000 but not more than \$100,000,000.

b. Two percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$100,000,000 but not more than \$150,000,000.

c. Three percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$150,000,000.

2g. For dog races, from the total amount deducted under par. (a) on each race day that is on or after January 1, 1993, a licensee under s. 562.05 (1) (b) shall deposit with the department the following amounts:

a. Two percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is not more than \$25,000,000.

b. Two and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$25,000,000 but not more than \$100,000,000.

c. Four and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$100,000,000 but not more than \$150,000,000.

d. Six and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$150,000,000 but not more than \$200,000,000.

e. Seven and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$200,000,000 but not more than \$250,000,000.

f. Eight and two-thirds percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than \$250,000,000.

4. Annually, not later than February 15, a licensee under s. 562.05 (1) (b) shall file with the department a statement computing the total amount paid to the department under subd. 1. during the immediately preceding year and the total amount wagered at races sponsored and managed by the licensee during that year. If the total amount paid to the department under subd. 1. exceeds the amount due under subd. 1. the department shall refund the difference to the licensee. If the total amount paid is less than the amount due the licensee shall remit the difference to the department.

(cm) *Crediting of moneys.* All moneys received under par. (c) shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

(d) *General program operations.* 1. From the total amount deducted under par. (a) on each race day, a licensee under s. 562.05 (1) (b) shall deposit with the department an amount equal to 0.75 percent of the total amount wagered on that race day.

2. The department shall credit the money received under subd. 1. to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

(e) *Breakage.* A licensee under s. 562.05 (1) (b) may retain 100 percent of the breakage for each race day.

(3m) **ALLOCATIONS OF AMOUNTS WAGERED AT FAIRS.** (a) *Deduction.* From the total amount wagered, a licensee under s. 562.05 (1) (c) shall deduct 20 percent and pay the balance, minus breakage, to winning ticketholders. Nothing in this paragraph prohibits the licensee from retaining amounts wagered in multiple pools which are required to be paid to winning ticketholders if there are no winning ticketholders, for the sole purpose of paying those amounts to winning ticketholders of subsequent races.

(b) *Purses.* From the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (c) shall use at least



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an amount equal to 8 percent of the total amount wagered on each race day for purses for races held on that race day.

(c) *Payment by licensee to the department.* 1. From the total amount of the deduction under par. (a) remaining after the payment of purses under par. (b), the licensee under s. 562.05 (1) (c) shall retain an amount equal to the licensee's costs related to pari-mutuel racing and wagering conducted under the license. The department shall, by rule, determine the costs which may be included under this subdivision and require auditing of these costs.

2. The licensee may retain 50 percent of the amount of the deduction under par. (a) remaining after the payment of purses under par. (b), and the payment of the licensee's cost under subd. 1. The licensee shall deposit the remaining 50 percent of that amount with the department. The department shall credit moneys received under this subdivision to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

(d) *Breakage.* A licensee under s. 562.05 (1) (c) shall retain total breakage for each race day.

**(3r) PERIOD FOR DEPOSIT BY LICENSEE.** The licensee shall make the deposits required under subs. (3) (c) 1. and 2g. and (d) 1. and (3m) (c) 2. no later than 48 hours after the close of the race day or, if the 48-hour period does not include a business day, on the first business day immediately following the close of the race day.

**(4) UNCLAIMED PRIZES.** A licensee under s. 562.05 (1) (b) shall pay to the department 50 percent of any winnings on a race that are not claimed within 90 days after the end of the period authorized for racing in that year under s. 562.05 (9). The department shall credit moneys received under this subsection to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g). The licensee may retain the remaining 50 percent of the winnings.

**History:** 1987 a. 354; 1989 a. 31, 314; 1991 a. 39, 269, 315; 1995 a. 27 ss. 6960 to 6967, 9123 (6pp); 1997 a. 27; 1999 a. 5; 2001 a. 16.

**562.075 Horses foaled in this state; three-year-old horses.** **(1) HORSES FOALED IN THIS STATE.** Every licensee to sponsor and manage horse races under s. 562.05 (1) (b) or (c) shall hold at least one race on every race day which is limited to horses foaled in this state, except that another race may be substituted if the licensee is unable, with reasonable effort, to attract sufficient competition for such a race. The department shall define, by rule, the term "foaled in this state".

**(2) THREE-YEAR-OLD HORSES.** (a) *Definition.* In this subsection, "3-year-old horse" means a horse which was foaled during the 3rd year immediately before the year in which the horse participates in a race.

(b) *Races.* Every person licensed to sponsor and manage horse races under s. 562.05 (1) (b) or (c) shall hold at least one race, on every race day, which is limited to 3-year-old horses, which did not race during the prior 2 years. If the licensee is unable, with reasonable effort, to attract sufficient competition for such a race, another race may be substituted.

**History:** 1987 a. 354; 1991 a. 269; 1995 a. 27 ss. 6968 to 6972, 9123 (6pp); 1997 a. 27.

**562.08 Admissions tax.** **(1)** Every licensee under s. 562.05 (1) (a) or (e) shall collect 50 cents per person entering a racetrack as a spectator on each race day on which an admission fee is charged, including any person entering the racetrack as a spectator on a free pass or complimentary ticket.

**(2)** Quarterly, of the amount collected during the quarter under sub. (1), a licensee under s. 562.05 (1) (a) shall pay 50 percent to the county where the amount was collected and 50 percent to the city, village or town where the amount was collected.

**(3)** Each county, city, village and town receiving moneys un-

der sub. (2) shall use at least part of the moneys to defray the costs of law enforcement, traffic control and other municipal expenditures incidental to the conduct of racing in that county, city, village or town and shall submit annually a report to the department showing how it has expended those moneys.

**History:** 1987 a. 354; 1991 a. 39, 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

**562.09 Medication of or tampering with race animals.**

**(1) DEPARTMENT RULES.** (a) The department shall promulgate and enforce rules governing the administration of medication and foreign substances to animals at racetracks where there is racing and medical testing of those animals. The rules shall provide that no medication or foreign substance, as defined by the department, may be administered to an animal within 48 hours prior to its entry in a race and that no animal participating in a race may carry any medication or foreign substance in its body, except as provided in this paragraph. The rules may permit specified levels of the following medications or foreign substances to be present in the body of an animal participating in a race if it is determined by the department that the medication or foreign substance entered the body of the animal through the food chain: procaine and its metabolites; sulfa drugs and their metabolites; polyethylene glycol; and any other medication or foreign substance that may enter the body of an animal through the food chain and that the department determines will not affect the integrity of the race or will not be relevant to the wagering public if the medication or foreign substance is present in an animal participating in a race. The rules shall specify the permissible levels of those medications or foreign substances consistent with levels resulting from food ingestion and in a manner that enables the levels to be detected in a urine sample of the animal.

(b) The department shall establish, by rule, the qualifications for any laboratory which the department uses for testing under this section.

**(2) TESTING AND DETENTION.** (a) The owner or the agent or employee of the owner of any animal on a racetrack shall permit any member, steward, employee or other agent of the department to make any test which the department determines to be proper to determine if a medication or foreign substance has been administered to that animal in violation of sub. (1).

(b) 1. The department shall require, by rule, that every horse entered in a race be tested before the race to determine if a medication or foreign substance has been administered to the horse in violation of sub. (1). The rule shall require that every horse entered in a race shall be detained from the time the prerace test is administered until the horse leaves the detention area to proceed to the start of the race. The rules shall limit the persons who may be present when samples are taken for the tests and who may be present in the detention area and shall identify who those persons may be.

2. The department shall require, by rule, that immediately after every race at least one animal, as identified by the department rule, be tested to determine if a medication or foreign substance has been administered to the animal in violation of sub. (1). A steward or veterinarian employed by, under contract with or approved by the department may designate additional animals to be tested to determine whether a violation of sub. (1) has occurred.

(bm) The rules which the department applies at racetracks at fairs under pars. (a) and (b) and sub. (1) may differ from the rules which the department applies under pars. (a) and (b) and sub. (1) at other racetracks.

(c) Any finding by the department that a medication or foreign substance has been administered to an animal in violation of sub. (1) is prima facie evidence of a violation of sub. (1).

(d) The results of any test under this subsection shall be kept on file by the department for at least one year following the test.

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(e) The department shall establish, by rule, and charge fees for testing under this subsection. Fees received under this paragraph shall be credited to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

**(3) PROHIBITED ACTS.** No person may do any of the following:

(a) Enter an animal in a race if the person knows or should know that a medication or foreign substance has been administered to that animal in violation of sub. (1).

(b) Administer a medication or foreign substance to an animal in violation of sub. (1).

(c) Willfully fail to disqualify an animal from competing in a race if the person has notice of any of the following:

1. That a medication or foreign substance has been administered to the animal in violation of sub. (1).

2. That the animal was not properly made available for any test or inspection required by the department.

3. That the animal has been suspended from a race under this chapter or under any rule promulgated under this chapter or under the laws of any other state.

(d) Use, attempt to use or conspire to use a battery, buzzer, electrical, mechanical or other appliance for the purpose of stimulating or depressing an animal or affecting its performance in a race or workout.

(e) Sponge the nostrils or windpipe of an animal.

(em) Unless the person is a veterinarian, have in his or her possession on a racetrack or track located at a fair where there is racing any equipment for the hypodermic injection of an animal or any substance for hypodermic injection of an animal. The department may, by rule, permit the possession of an injectable substance or hypodermic equipment for the person's personal use.

(f) Have in his or her possession on a racetrack any appliance which can be used to stimulate or affect the speed of an animal except a whip authorized by the department by rule or a spur authorized by the department by rule.

(g) Use any method to affect the condition of an animal on a racetrack or to affect the performance of an animal in a race or workout in violation of this chapter or any rule promulgated under this chapter.

**History:** 1987 a. 354; 1989 a. 31, 56; 1991 a. 269; 1995 a. 27 ss. 6975, 9123 (6pp); 1997 a. 27.

**562.10 Prohibition on race dogs trained by live lures or bait.** No person may:

(1) Knowingly use any live lure or bait in a dog race or in training a dog for entry in any race.

(2) Enter or permit a dog to be entered in a race if that person knows or can reasonably be expected to know that the dog was trained with any live lure or bait.

(3) Enter or permit a dog to be entered in a race if that person knows or can reasonably be expected to know that the dog was trained in a state that does not prohibit the knowing use of live lures or bait in a dog race or in training a dog for entry in any race.

**History:** 1987 a. 354.

**562.105 Humane killing of dogs.** No person may kill or cause to be killed any dog which races in this state or was bred, whelped or trained in this state for racing, except by a humane chemical method, specified by the department by rule, which normally causes dogs to be rendered insensible to pain, is rapid and effective and is administered by a veterinarian.

**History:** 1987 a. 354; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

**562.11 Prohibited wagering activities.** No person may:

(1) Place any wager on a race at any location except at a racetrack.

(2) Facilitate off-track wagers or conduct an operation through which off-track wagers are transmitted to a racetrack. The acceptance of an intertrack wager at a racetrack that does not meet the criteria specified under s. 562.05 (6m) (b) 2. is considered to be the acceptance of an off-track wager and the facilitation of an off-track wager.

(3) Possess a counterfeit, altered or fraudulent wagering ticket on a race with intent to defraud.

(4) Counterfeit, alter or forge a wagering ticket on any race or pass such a ticket with intent to defraud.

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 39; 2005 a. 245.

**562.12 Prohibited race activities.** No person may:

(1) Race an animal under a name other than its registered name or out of the animal's proper class, as determined by the department by rule.

(2) Accept anything of value to alter or attempt to alter the outcome of a race.

(3) Bribe or extort, or attempt to bribe or extort, any member, employee or agent of the department or any other person having charge of or access to an animal on a racetrack.

**History:** 1987 a. 354; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

**562.124 Snowmobile racing. (1g)** In this section, "pari-mutuel" means a wagering system in which all persons who wager on any snowmobile 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 rules promulgated under sub. (2).

(1m) The department may authorize on-track pari-mutuel wagering on snowmobile racing at times and places, as determined by the department, that do not conflict with animal racing authorized by this chapter.

(2) If the department authorizes on-track pari-mutuel wagering on snowmobile racing under sub. (1m), the department shall regulate the pari-mutuel wagering and shall promulgate all rules necessary to administer this section. The department may promulgate rules that require persons who conduct snowmobile racing to be licensed by the department and the department may charge a fee to any person licensed under this subsection to cover the costs of the department in regulating on-track pari-mutuel wagering on snowmobile racing. Through its rules, the department shall do everything necessary to ensure the public interest and protect the integrity of the sport of snowmobile racing. If the department charges a fee to a person licensed under this subsection, the department shall deposit the moneys received into the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).

(3) The department shall confer with representatives of the United States snowmobile association in developing rules to protect the integrity of the sport of snowmobile racing.

(4) If the department authorizes on-track pari-mutuel wagering on snowmobile racing, the department shall prepare and submit to the chief clerk of each house of the legislature under s. 13.172 (2) a report on whether any additional civil or criminal penalties are necessary to enforce its rules.

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 27, 252; 1999 a. 5.

**562.125 Department of justice enforcement authority.**

(1) INVESTIGATIONS. The department of justice may investigate any activities by the department and the department's employees and contractors, or by the licensees and their employees and contractors, which affect the operation or administration of racing

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and on-track pari-mutuel wagering, and shall report suspected violations of state or federal law to the appropriate prosecuting authority.

**(1m) SUBPOENA POWER.** For the purpose of an investigation under sub. (1), the attorney general may issue a subpoena to compel the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the attorney general deems relevant or material to the investigation. Section 885.12 shall apply to any failure to obey a subpoena under this subsection.

**(2) PROSECUTIONS.** The attorney general and district attorneys have concurrent jurisdiction to commence prosecutions for alleged violations of this chapter.

**History:** 1987 a. 354; 1989 a. 31; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 252.

**562.13 Penalties. (1)** Except as provided in subs. (2) to (4), whoever violates this chapter or any rules promulgated under this chapter shall forfeit not more than \$10,000.

**(2)** Whoever does any of the following may be fined not more than \$10,000 or imprisoned for not more than 9 months or both:

(a) Makes a false statement in any application for a license.

(b) Intentionally makes a false statement or material omission in an application for employment with the department.

(c) Violates any provision under s. 562.025, 562.05 (1), 562.06 (5) or 562.11 (1).

**(3)** Whoever violates s. 562.11 (2) or (3) is guilty of a Class I felony.

**(4)** Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 is guilty of a Class H felony.

**History:** 1987 a. 354; 1991 a. 269; 1995 a. 27 s. 9123 (6pp); 1997 a. 252, 283; 2001 a. 109.