

**Order of the
Department of Administration**

The Department of Administration proposes an order to repeal Game 23.02(2), relating to purses paid to greyhound owners who are residents of the State of Wisconsin.

Analysis prepared by the Department of Administration:

Statutory Authority: ss. 16.004(1), 227.11(2)(a), 562.02(1)(a) and 562.065, Stats.

Statutes Interpreted: ss. 562.02 and 562.065, Stats.

Section Game 23.02(2) was created in the Department's rulemaking order (03-070). The Department proposes repealing this section due to the unforeseen hardship that it has created on the Wisconsin racetracks. This financial hardship presents itself in multiple ways. The racetracks rely on an outside vendor to compute the purses earned by all individuals. The vendor produces a similar system for most greyhound racetracks in the country. The purses are generated by the amount of money wagered on all races over a period of time. The current system does not provide for bonus purses to be paid out based upon the residency of certain owners. The current system would have to be reprogrammed at a significant cost to the racetracks. Although the bonus purses could be calculated and paid without a computer, it would create excessive clerical work that would also be costly to the racetracks.

Additionally, Geneva Lakes Greyhound Track committed to paying a minimum payout of purses to the greyhound and kennel owners that race in Delavan. Geneva Lakes Greyhound Track will supplement out of their own money any purse amount that does not exceed the minimum payout. As a result of paying the bonus purse to Wisconsin owned greyhounds, the variance between the actual purse and the minimum purse is increased and the financial liability to the racetrack is increased. Since this supplement is voluntary, the racetrack has indicated that it will probably have to cease the supplemental purses to the participants. This would result in reduced payments to the vast majority of the kennel owners and greyhound owners participating at the racetrack.

In creating this rule, the Department did not intend to create the disadvantages caused by this rule.

Final Regulatory Flexibility Analysis:

There will be no significant impact on small businesses.

TEXT OF RULE:

SECTION 1: Game 23.02(2) is repealed.

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.

Date: May 20, 2004

Marc J. Marotta, Secretary