

**STATE AFFAIRS COMMITTEE**  
**ADMINISTRATIVE RULES REVIEW**  
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*2013 Legislative Session*

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## IDAPA 03 - STATE ATHLETIC COMMISSION

### 03.01.01 - RULES OF THE STATE ATHLETIC COMMISSION

#### DOCKET NO. 03-0101-1201 (FEE RULE)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-416, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 64 through 70](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-416, Idaho Code:

Fees are being clarified to establish that an applicant pays a combined application/license fee each year. The sanctioning event permit fee is being increased from two hundred dollars (\$200) per event to one thousand dollars (\$1,000) per event.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:  
N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at 208 334-3233.

DATED this 29th day of October, 2012.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State  
Boise, ID 83702  
(208) 334-3233 Ph. (208) 334-3945 fax

**THE FOLLOWING NOTICE WAS PUBLISHED  
WITH THE PROPOSED FEE RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-416, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Athletic Commission is changing its rules to clarify requirements for male and female combatants age twelve and under. The Commission is adding a rule requiring promoters to report event results and injuries to a relevant reporting organization. Glove requirements for combatants are also being clarified. The term of a license and fees are being clarified to establish there is no penalty for non-renewal. The sanctioning event permit fee is being increased from \$200 per event to \$1,000 per event to offset the Commission's expenses incurred in approving and overseeing an event.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Fees are being clarified to establish that an applicant pays a combined application license fee each year. The sanctioning event permit fee is being increased from two hundred dollars (\$200) per event to one thousand dollars (\$1,000) per event.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no impact on the general fund. The sanction permit fee is being increased from \$200 per event to \$1000 per event to offset the Commission's expenses incurred in approving and overseeing an event.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Athletic Commission discussed the proposed changes

in scheduled noticed Commission meetings.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 30th day of August, 2012.

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 03-0101-1201**

**103. PHYSICAL EXAMINATION OF COMBATANT (RULE 103).**

**01. Examination by Physician.** Any combatant who has applied for a license ~~or a renewal of his license~~ must be examined by a physician. The physician will establish the combatant's physical and mental fitness for competition. (5-8-09)( )

**02. Additional Examination.** Any combatant licensed by the Commission who participates in a contest outside of the state of Idaho may be required to take this examination again before being allowed to compete in Idaho. (3-26-08)

**03. Drug Abuse.** The Commission will not issue a license to an athlete who has a recent history of drug abuse, without proof of participation in a recognized drug rehabilitation program and/or submission to urinalysis. (3-3-94)

**04. Blood Testing.** The Commission will not issue a license to an athlete, or allow an athlete to compete in an event, if the athlete, within the six (6) months immediately preceding the application for licensure or the event at which the licensee wishes to compete, has tested positive for the HIV virus, Hepatitis B Surface Antigen and Hepatitis C Antibody, or illegal drugs or other substances. Accordingly, when an athlete applies for a license, the athlete must submit with the application a blood test report from a blood test conducted within the six (6) months preceding the application date. The blood test must have tested the athlete for HIV virus, Hepatitis B Surface Antigen, Hepatitis C Antibody, and illegal drugs and substances. Additionally, each combatant who is to compete in an event shall, at the start of the event, provide the Commission with a blood test report from a blood test conducted within the six (6) months immediately preceding the event. Additional blood tests may be requested by the Commission in its discretion. (3-29-10)

**05. Male Combatant Age Twelve and Under.** A male combatant age twelve (12) or under shall not be subject to a drug test for a license. ( )

**104. FEES (RULE 104).**

**01. Application/License or Permit Fee.** The combined Application/License or Permit fee: ~~(3-26-08)~~( )

- a. Combatant - one hundred fifty dollars (\$150). (3-21-12)
- b. Non-combatant - one hundred fifty dollars (\$150). (3-21-12)
- c. Matchmaker - two hundred fifty dollars (\$250). (3-21-12)
- d. Promoter - one thousand dollars (\$1000). (3-21-12)
- e. Sanction permit - ~~two hundred~~ **one thousand** dollars (~~\$200~~**1,000**). ~~(3-21-12)~~( )
- f. Ring official - one hundred fifty dollars (\$150). (3-21-12)

**02. ~~Renewal of License/Permit~~ Refund of Fees.** ~~Annual renewal fee:~~ All application and license or permit fees submitted shall be non-refundable regardless of issuance of a license or permit. ~~(3-26-08)~~( )

- ~~a. Combatant one hundred fifty dollars (\$150). (3-21-12)~~
- ~~b. Non-combatant one hundred fifty dollars (\$150). (3-21-12)~~
- ~~c. Matchmaker two hundred fifty dollars (\$250). (3-21-12)~~
- ~~d. Promoter seven hundred fifty dollars (\$750). (3-21-12)~~
- ~~e. Ring official one hundred fifty dollars (\$150). (3-21-12)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**107. FEMALE COMBATANTS (RULE 107).**

**01. Qualifications.** A female combatant must be qualified to perform as a combatant before she enters a contest. (3-26-08)

**02. Limitation.** A female combatant will not engage in a contest with a male combatant. (5-8-09)

**03. General Requirements.** In addition to meeting such requirements of this chapter as are applicable to combatants generally, a female must: (5-8-09)

- a.** Submit to pregnancy test within fourteen (14) days of the contest. (5-8-09)
- b.** Use a mouthpiece specially designed for her mouth; (3-3-94)
- c.** Wear ten (10) ounce gloves in a boxing contest; (3-26-08)
- d.** Wear a breast protector as a binder; (3-3-94)
- e.** Have her hair secured in a manner that does not interfere with the vision or safety of either combatant; and (3-26-08)
- f.** For each contest in which she competes, have two (2) uniforms in contrasting colors, each uniform consisting of a body shirt, blouse, and shorts. (3-3-94)

**04. Addendum Requirement.** A female combatant must, in addition to signing the contract, sign an addendum certifying that the combatant is not pregnant and that the contest will not take place during a menstrual period. (5-8-09)

**05. Limitation on Contest.** A contest between female combatants must be limited to ten (10) rounds of two (2) minutes duration. (3-26-08)

**06. Separate Dressing Rooms.** The promoters of a contest between female combatants must provide them with adequate separate dressing rooms. (5-8-09)

**07. Annual Physical Examination.** The annual physical examination of a female combatant must include an examination of the pelvis. Before each contest, the examining physician must make an abdominal examination and must examine the breasts and note any masses. (5-8-09)

**08. Female Combatants Twelve and Under.** A female combatant age twelve (12) and under shall not be subject to a drug test for a license but the submission of a pregnancy test prior to a contest shall be at the discretion of the physician. The physical examination of a female combatant age twelve (12) and under shall not include a breast or pelvic examination. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**111. REQUIREMENTS FOR LICENSE AS RING OFFICIAL (RULE 111).**

**01. Qualifications.** To qualify for a license as a ring official of contests, an applicant must: (5-8-09)

- a.** Be at least twenty-one (21) years of age. The Commission may, for good cause

shown, lower the minimum age limit for a particular applicant to eighteen (18) years of age; (3-29-10)

**b.** Have no record of conviction of a felony or other crime involving moral turpitude unless approved by the commission; (3-26-08)

**c.** Have had at least one (1) year experience in either amateur or professional contest as a ring official; (5-8-09)

**d.** Submit verifications from three (3) persons of his proficiency as a ring official; and (5-8-09)

**e.** Provide proof that the applicant meets the other requirements of the commission law and rules. (3-26-08)

**02. Equivalent Qualifications.** In lieu of the above qualifications, the Commission may accept satisfactory evidence of equivalent qualifications possessed by an applicant who: (5-8-09)

**a.** Is currently licensed in another state or country; or (3-3-94)

**b.** Formerly held an Idaho license which lapsed in good standing. (3-26-08)

**03. Other Functions.** A person holding a current Idaho license or who formerly held an Idaho license which lapsed in good standing may be licensed by the Commission without examination or internship to perform an officiating function other than that for which he is or was licensed if the Commission determines that he is qualified to perform that function. (3-3-94)

**04. Ring Officials Determination.** The Commission will determine when additional ring officials are needed and when licensing examinations for ring officials will be conducted. (3-3-94)

~~**05. Validity of Licenses.** Each license issued by the commission is annually renewable in accordance with Section 67-2614, Idaho Code. The renewal of a license is not automatic. The applicant's past performance and abilities may be considered in evaluating an application for renewal. (5-8-09)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. RENEWAL ~~OR REINSTATEMENT~~ OF LICENSE (RULE 150).**

~~**01. Expiration Date.** All issued licenses expire and must be renewed annually in accordance with Section 67-2614, Idaho Code. Licenses not renewed prior to expiration shall be cancelled. A license may be re-issued upon submission of a new application and subject to the terms of these rules. (3-26-08)( )~~

~~**02. Reinstatement.** Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (3-26-08)~~

~~**03. Cancelled License.** A license that has been canceled for a period of more than five (5) years may be re-issued in accordance with section 67-2614, Idaho Code. (3-26-08)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**210. -- 298~~7~~. (RESERVED)**

**298. EVENT RESULTS AND MEDICAL REPORTING (RULE 298).**

An event promoter shall accurately report the results of all combatant contests, including combatant injuries, within thirty (30) days after the event, to those relevant national reporting organizations as designated by the Commission. The event promoter shall further pay any costs or expenses associated with such event reporting. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**731. MARTIAL ARTS AND MIXED MARTIAL ARTS (MMA) (RULE 731).**

**01. Regulation of Marital Arts and MMA.** Except to the extent set forth under Rules 731-799, all requirements and the limitations relating to combatants and licenses (as set forth within Title 54, Chapter 4, Idaho Code, and in the remaining rules of the Commission) will apply to all martial arts and MMA contests and exhibitions. Notwithstanding the foregoing, at its sole discretion, the Commission may (by specific reference in the sanctioning permit) allow the use of other requirements and limitations during a particular martial arts contest or exhibition. (5-8-09)

**02. Practices, Belt Promotions, and Non-Contact Demonstrations.** Martial arts practices, belt promotion testing and demonstrations (as used herein the term demonstrations means displays that do not involve combative contact between combatants or between participants) conducted by martial arts schools are not considered to be boxing. Such practices, testing, and demonstrations are exempt from the licensing requirements of Title 54, Chapter 4, Idaho Code, and persons do not need a license to participate in such practices, testing, and demonstrations. (3-29-10)

**03. Licensing Exemption.** Martial arts schools that meet the conditions set forth within Section 54-406(3)(b), Idaho Code, may apply to the Commission for exemption from licensing and sanctioning permit requirements relating to exhibitions and contests. (3-29-10)

**04. Use of Official Rules for Art.** Martial arts contests and exhibitions must be conducted pursuant to the official rules of the particular art. The sponsoring organization or



promoter must file a copy of the official rules with the Commission before the Commission will issue a sanctioning permit for the contest or exhibition. (4-6-05)

**05. Boxing Gloves.** The requirement set forth in Section 54-414, Idaho Code, of wearing boxing gloves applies to kickboxing but will not apply to any other form of martial art unless the use of boxing gloves is required by the official rules of that particular art. Any gloves utilized must be in good condition as approved by the commission. For the main and semi main events, gloves must be in new condition, ~~and~~ of the same brand for combatants, and furnished by the promoter. (5-8-09)( )

**732. MMA EQUIPMENT (RULE 732).**

The Commission is the final authority in all equipment matters. The following is a list of required equipment for MMA contests: (5-8-09)

**01. Commission Approved Mouthpiece.** All combatants are required to wear a mouthpiece during the contest. It is strongly recommended that all combatants have two (2) form fitted mouthpieces available for use in each contest. (5-8-09)

**a.** To Begin the Round. The round cannot begin if the mouthpiece is not inside the combatant's mouth and set in place. (5-8-09)

**b.** During the Contest. The mouthpiece must be inside the combatant's mouth and properly set at all times during the contest. (5-8-09)

**c.** Dislodged Mouthpiece. If the mouthpiece is dislodged during the contest, the referee will wait until the first opportune moment, without interfering with the action, call time out, and have the mouthpiece replaced. (5-8-09)

**d.** Violations. At the discretion of the referee, points may be deducted or a disqualification rendered in the following situations: (5-8-09)

i. When the mouthpiece is not being properly kept inside of the combatant's mouth; (5-8-09)

ii. When the mouthpiece is purposely spit out; or (5-8-09)

iii. When the corner fails to have the combatant resume competition with the mouthpiece in place or delays in replacing the mouthpiece after it becomes dislodged. (5-8-09)

**02. Commission Approved MMA Gloves.** (5-8-09)

**a.** General. The gloves must be examined by the Commission and the referee. If padding in the gloves is found to be misplaced or lumpy, or if any gloves are found to be imperfect, they must be changed before the contest starts. No breaking, roughing or twisting of gloves is permitted. (5-8-09)

**b.** Weight. Each combatant must wear gloves that are not less than four (4) ounces in weight; (5-8-09)

**c.** Specifications. Each combatant must wear open finger gloves that have no padding in the palm or fingertip area and that are appropriate in weight for the combatant's hand size. Under no circumstances will a combatant be allowed to wear bag gloves or any other gloves with metal or plastic inserts. (5-8-09)

**d.** Sanitary. If gloves to be used have been used before, they must be whole, clean, and in sanitary condition. The gloves are subject to inspection by the referee of the Commission. Gloves found to be unfit must be immediately discarded and replaced with gloves meeting the requirements of this section. ( )

**e.** Extra set. Each promoter must have an extra set of gloves of the appropriate weight available at the glove table to be used in case gloves are broken or otherwise damaged. ( )

**03. Commission Approved Attire.** (5-8-09)

**a.** Each combatant must wear a foul-proof groin protector. (5-8-09)

**b.** Each female combatant must wear Commission-approved form fitting breast support protection. Supports may not have brace, metal or hard material of any kind. (5-8-09)

**c.** For male combatants, no body shirts or pants are allowed. Female combatants must wear fighting shorts and rash guard. (5-8-09)

**d.** Combatant may only use soft materials to tie hair. (5-8-09)

**04. Prohibited Equipment and Attire.** (5-8-09)

**a.** The following equipment and attire are prohibited: (5-8-09)

**i.** Shoes; (5-8-09)

**ii.** Facial hair, if determined by the Commission to pose a health, safety or sanitary issue; (5-8-09)

**iii.** Tar material on any part of the body; (5-8-09)

**iv.** Henna-type tattoos; (5-8-09)

**v.** Piercing accessories; and (5-8-09)

**vi.** Makeup of any kind. (5-8-09)

**b.** Masks, costumes, and props must be approved by the Commission prior to usage. (5-8-09)

**c.** Fingernails and toenails must be cut and trimmed prior to a contest. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**803. WRESTLERS -- PHYSICAL EXAMINATION (RULE 803).**

Any person applying for ~~or renewing~~ a license as a wrestler must first be examined by a physician approved by the Commission to establish physical and mental fitness. A wrestler will be furnished a list of approved examining physicians by the Commission. The Commission may order the examination of any wrestler for the purpose of determining whether the wrestler is fit and qualified to engage in further exhibitions. ~~(3-3-94)~~( )

**IDAPA 15 - OFFICE OF THE GOVERNOR**  
**MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**  
**15.06.03 - PUBLIC SAFETY COMMUNICATIONS RULES**  
**DOCKET NO. 15-0603-1201 (FEE RULE - NEW CHAPTER)**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 31-4816 (9), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Public Safety Communications has not increased its fees for services to its customers for many years, the costs of doing business, goods and services have increased significantly. Public Safety Communication in order to continue to provide high technology services and products to its customers must increase the fees it charges.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 280 through 286](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

**Fleet Communication Services**

<b>1. Fleet Vehicle Equipment Installation:</b>	<b>Minimum Charges</b>
1. Standard Enforcement Package	\$1,500.00
2. Special, Unmarked, or Disguise Package	\$1,300.00
3. Standard Vehicles – High Tier Radio	\$ 500.00
4. Standard Vehicles – Low / Mid Tier Radio	\$ 325.00
5. Standard Vehicles- Multi-Band	\$ 750.00
6. Non-Standard Fleet Packages	<i>(Will bid on individual fleets as needs arise)</i>
<b>2. Time and Materials Rate</b>	\$ 45.00/hr.
(Minimum 2-hour charge for any labor or travel costs)	
1. Travel Time & Mileage	Per Board of Examiners

2. Parts Cost + Shipping + Processing

**Emergency Communication Services**

**1. Microwave Communication Services**

**A. Leased Lines and Analog Circuit Rates**

- |                                  |           |
|----------------------------------|-----------|
| 1. Radio Control Circuit         | \$ 200.00 |
| 2. DS1 Circuit (T-1)             | \$ 300.00 |
| 3. Ethernet Access Fee (Per Meg) | \$ 200.00 |

**B. Build Space Rental**

(Equipment operating from mountaintop communications site)

1. One customer provided equipment rack, occupying no more than 6 cubic feet of space - \$125.00/mo.

**2. Radio Communication Services**

**A. Maintenance Fees for Agency-Owned Equipment**

- |  |  |
|--|--|
| 1. Portables – Tier I – (16 channel or less)                         | \$ 17.50   |
| 2. Portables – Tier II – (greater than 16 channels or groups)        | \$ 36.50   |
| 3. Mobile – Tier I – (16 channel –non split mount)                   | \$ 25.50   |
| 4. Mobile – Tier II – (greater than 16 channel and/or remote mount)  | \$ 37.50   |
| 5. Mobile – Trunking – (trunking radio with multiple groups / zones) | \$ 45.00   |
| 6. Base Control – Local  | \$ 60.00   |
| 7. Base Control – Mountain Top (per transmitter)                     | \$ 95.00   |
| 8. Repeater – Mountain Top (per transmitter)                         | \$ 95.00   |
| 9. Console Desktop – Local   | \$ 60.00   |
| 10. Console – Multi-Channel – Small System – Single Position         | \$ 165.00  |
| 11. Console – Multi-Channel – Large System – Per operator position   | \$ 250.00  |
| 12. Miscellaneous Equipment Maintenance                              | <i>(Negotiated as determined)</i>                                |
| 13. User Site Management Fees  | <i>(Based on site fees, license, &amp; administrative costs)</i> |
| 14. Other related systems or items will be quoted as needed          |  |

**B. Radio Communication Equipment Space Rental**

(Equipment operating from mountaintop communication site)

1. One customer provided 72 x 19 inch equipment rack, (typically 1 radio transmitter per rack)

\$ 125/month

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

By increasing the fees currently being charged by Public Safety Communications there would be a positive cash flow to PSC. This would have a negative effect on those agencies who are currently customers of Public Safety Communications by a like amount. It is important to note the PSC has not increased its price for services for several years and the costs of doing business have increase significantly.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending fee rule, contact Robert A. Wells, Special Assistant to the Director of the Idaho Bureau of Homeland Security, at 208-422-3041 or [bwells@bhs.idaho.gov](mailto:bwells@bhs.idaho.gov).

DATED this 30th Day of November, 2012.

Robert A. Wells  
Special Assistant to the Director  
Idaho Bureau of Homeland Security  
4040 West Guard St., Building 600  
Boise, Idaho 83705-5004  
208-422-3041 / 208-422-3040 FAX

**THE FOLLOWING NOTICE WAS PUBLISHED  
WITH THE PROPOSED FEE RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) Title 31-4816 (9), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Public Safety Communications has not increased its fees for services to its customers for many years, the costs of doing business, goods and services have increased significantly. Public Safety Communication in order to continue to provide high technology services and products to its customers must increase the fees it charges.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Fleet Communication Services

1. Fleet Vehicle Equipment Installation: Minimum Charges

1.	Standard Enforcement Package	\$1,500.00
2.	Special, Unmarked, or Disguise Package	\$1,300.00
3.	Standard Vehicles – High Tier Radio	\$ 500.00
4.	Standard Vehicles – Low / Mid Tier Radio	\$ 325.00
5.	Standard Vehicles- Multi-Band	\$ 750.00
6.	Non-Standard Fleet Packages (Will bid on individual fleets as needs arise)	
2.	Time and Materials Rate	\$ 45.00/hr.
	(Minimum 2-hour charge for any labor or travel costs)	
1.	Travel Time & Mileage	Per Board of Examiners
2.	Parts	Cost + Shipping + Processing

**Emergency Communication Services**

1.	Microwave Communication Services	
A.	Leased Lines and Analog Circuit Rates	
1.	Radio Control Circuit	\$ 200.00
2.	DS1 Circuit (T-1)	\$ 300.00
3.	Ethernet Access Fee (Per Meg)	\$ 200.00
B.	Build Space Rental (Equipment operating from mountaintop communications site)	
1.	One customer provided equipment rack, occupying no more than 6 cubic feet of space - \$125.00/mo.	
2.	Radio Communication Services	
A.	Maintenance Fees for Agency-Owned Equipment	
1.	Portables – Tier I – (16 channel or less)	\$ 17.50
2.	Portables – Tier II – (greater than 16 channels or groups)	\$ 36.50
3.	Mobile – Tier I – (16 channel –non split mount)	\$ 25.50
4.	Mobile – Tier II – (greater than 16 channel and/or remote mount)	\$ 37.50
5.	Mobile – Trunking – (trunking radio with multiple groups / zones)	\$ 45.00
6.	Base Control – Local	\$ 60.00
7.	Base Control – Mountain Top (per transmitter)	\$ 95.00
8.	Repeater – Mountain Top (per transmitter)	\$ 95.00
9.	Console Desktop – Local	\$ 60.00
10.	Console – Multi-Channel – Small System – Single Position	\$ 165.00
11.	Console – Multi-Channel – Large System – Per operator position	\$ 250.00
12.	Miscellaneous Equipment Maintenance (Negotiated as determined)	
13.	User Site Management Fees (Based on site fees, license, & administrative costs)	
14.	Other related systems or items will be quoted as needed	
B.	Radio Communication Equipment Space Rental (Equipment operating from mountaintop communication site)	
1.	One customer provided 72 x 19 inch equipment rack, (typically 1 radio transmitter per rack)	\$ 125/month

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal

impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

By increasing the fees currently being charged by Public Safety Communications there would be a positive cash flow to PSC. This would have a negative effect on those agencies who are currently customers of Public Safety Communications by a like amount. It is important to note the PSC has not increased its price for services for several years and the costs of doing business have increase significantly.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the agency determined negotiation was not feasible.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Robert A. Wells, Special Assistant to the Director of the Idaho Bureau of Homeland Security, at 208-422-3041 or [bwells@bhs.idaho.gov](mailto:bwells@bhs.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 30th Day of August, 2012.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0603-1201**

**MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

**IDAPA 15  
TITLE 06  
CHAPTER 03**

**15.06.03 - PUBLIC SAFETY COMMUNICATIONS RULES**

**000. LEGAL AUTHORITY (RULE 0).**

This chapter is adopted under the authority of Section 39-7101, Idaho Code. ( )

**001. TITLE AND SCOPE (RULE 1).**



**01. Title.** The title of this chapter is the IDAPA 15.13.01, “Public Safety Communications Rules.” ( )

**02. Scope.** The scope of this chapter is creation of Public Safety Communications authorities and rules pertaining to public safety communications services, fee structure for services, providing wireless interoperable communications, technical assistance and standards, microwave systems and high speed wireless bandwidth for state agencies’ use in interoperable and public safety communications amongst local, state, federal, and tribal entities. ( )

**002. WRITTEN INTERPRETATIONS (RULE 2).**

In accordance with Section 67-5747(a)(i)(ii)(iii)(iv), Idaho Code, the agency Public Safety Communications has been transferred from the Department of Administration to the Idaho Military Division; which now pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter. Included in these written statements is the charge of providing communications services to all state agencies except the executive office, state courts, and higher education. Pursuant to Section 67-5747(a) (i)(iii)(iv), Idaho Code. ( )

**003. ADOPTION OF ATTORNEY GENERAL'S IDAHO RULES OF PROCEDURE (RULE 3).**

IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” are adopted for all contested cases before the Military Division and all rulemaking by the Military Division. ( )

**004. (RESERVED)**

**005. OFFICE, OFFICE HOURS, MAILING ADDRESS, TELEPHONE NUMBERS (RULE 5).**

**01. Address.** The main office of the Idaho Public Safety Communications-Bureau of Homeland Security is located at 700 South Stratford Drive, Building 600, Meridian, Idaho 83642. ( )

**02. Office Hours.** Office hours are weekdays, 8:00- a.m. to 4:30 p.m., excluding holidays. ( )

**03. Telephone.** The telephone number is (208) 288-4000. The twenty four (24) hour emergency notification number is 800-632-8000 or 208-846-7610. ( )

**006. (RESERVED)**

**007. COMMUNICATION WITH MILITARY DIVISION, BUREAU OF HOMELAND SECURITY (RULE 7).**

**01. Records Custodian.** The Military Division, Bureau of Homeland Security, is the custodian of all records and files in all formal proceedings under these rules and is responsible for service of all orders and notices. Unless otherwise directed by order, the Director, Bureau of Homeland Security issues all official notices. ( )

**02. Filing.** All written communications and documents that are intended to be part of an official Military Division record for a decision in a contested case or a rulemaking must be filed with the Director. Unless otherwise provided by statute, these rules, order or notice, documents are considered filed when received by the Director, not when mailed. ( )

**03. Information.** Information concerning proceedings before the Military Division, or the status of any matter of public record is available from the Director, Bureau of Homeland Security. ( )

**008. -- 009. (RESERVED)**

**010. DEFINITIONS (RULE 10).**

**01. Public Safety Communications.** The Agency. Public Safety Communications (PSC) is a unit within Idaho Military transferred from the Department of Administration to the Idaho Military Division under House Bill 305. PSC is charged with “the acquisition and installation of all State public safety radio and microwave systems in support of state emergency communications and will be under the control of the Military Division”. This transfer was accomplished to enhance services and coordination for emergency operations and logistics through federal channels already in place within the Idaho Military Division. ( )

**02. Public Safety Communications.** The ability to transmit voice, video and data sent electronically by means of radio, wireless, data, fiber, leased lines circuits, and digital transmission for emergency and first responders. Public safety communications systems is equipment or systems used in providing interoperable means of communications amongst local, state, federal and tribal agencies. These systems and equipment give emergency and first responders the ability to respond to normal and emergency situations in carrying out each respective agencies duties and responsibilities. These public safety communications systems are used to carry out the normal operations and emergency operations in the protection of life, property and civil authority. ( )

**03. Interoperable Communications.** The condition achieved among communications-electronics systems or items of communications-electronic equipment when information or services can be exchanged directly and satisfactorily between them and/or their users. Interoperability specifically refers to the ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed and as authorized. ( )

**04. Wireless Communications.** Is the ability to transfer information over distant utilizing electromagnetic waves through space as the medium to send voice, video, data, and information. Wireless communications for interoperability specifically refers to the ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as authorized. ( )

**a. Radio Systems.** These wireless systems are typically known as Land Mobile Radio or LMR. Land Mobile Radio Systems are the main wireless communications systems deployed by public safety communications for emergency and first responders. ( )

**b.** Data Systems. These wireless systems are used to transmit data at rates typically from 1.2 kilobit up to approximately 1 megabit. These systems are used to send data and text messaging utilized by emergency and first responders. ( )

**c.** Video Systems. These wireless systems are used to transmit video and closed circuit television (cctv) for use by emergency and first responders. These systems also carry full motion video for broadcast use such as Idaho Public Television. ( )

**d.** Broadband Systems. These wireless systems are used to transmit voice, video, and data information in multiple applications. These systems can either be point-to-point links or point to multi-point systems deployed today by emergency and first responders. ( )

**05. Microwave Systems.** Equipment or apparatus that utilize electromagnetic wavelengths between 1 meter down to 1 millimeter with the equivalent operating frequency between 0.3 GHz and 300 GHz to transmit and receive information. These transmissions are sent on micro-wave links which is a communications system operating between 0.3 GHz – 300 GHz that use electromagnetic waves to send voice, video and data information over distances ranging from a few feet to several hundred miles. ( )

**011. ABBREVIATIONS (RULE 11).**

**01. PSC.** Public Safety Communications. ( )

**02. BHS.** Idaho Bureau of Homeland Security. ( )

**03. LMR.** Land Mobile Radio. ( )

**04. I.P.** Internet Protocol – (Ethernet based systems). ( )

**05. GHz.** Gigahertz (measured in cycles per second). ( )

**012. -- 099. (RESERVED)**

**100. FEES (RULE 100).**

**01. Fee Schedule for Services.** Public Safety Communications is a dedicated funded agency. It receives no direct funding from the state’s general fund. The agency must therefore charge for the services that it provides to local, state, federal and tribal agencies, emergency and first responders. Public Safety Communication fees listed are minimum rates and can be adjusted annually, based on the CPI index and or as contracts are negotiated or renewed. These fees are used to maintain and operate the various communications systems that Public Safety Communications (the agency) is charged to maintain and provide. ( )

**02. Fleet Communication Services.** ( )

**a.** Fleet Vehicle Equipment Installation:

<b>FLEET VEHICLE EQUIPMENT INSTALLATION</b>		<b>Minimum Charges</b>
1.	Standard Enforcement Package	\$1,500.00
2.	Special, Unmarked, or Disguise Package	\$1,300.00
3.	Standard Vehicles – High Tier Radio	\$ 500.00
4.	Standard Vehicles – Low / Mid Tier Radio	\$ 325.00
5.	Standard Vehicles- Multi-Band	\$ 750.00
6.	Non-Standard Fleet Packages	Will bid on individual fleets as needs arise

( )

**b. Time and Materials Rate:**

<b>TIME AND MATERIALS RATE</b> <b>(Minimum 2-hour charge for any labor or travel costs)</b>		<b>\$45.00 / Hr</b>
1.	Travel Time & Mileage	Per Board of Examiners
2.	Parts	Cost + Shipping + Processing

( )

**03. Emergency Communication Services.**

( )

**a. Microwave Communication Services:**

<b>MICROWAVE COMMUNICATION SERVICES</b> <b>Leased Lines &amp; Analog Circuit Rates</b>		<b>Month</b>
1.	Radio Control Circuit	\$ 200.00
2.	DS1 Circuit (T-1)	\$ 300.00
3.	Ethernet Access Fee (Per Meg)	\$ 200.00

( )

**b. Building Space Rental - (Equipment operating from mountaintop communications site):**

<b>BUILDING SPACE RENTAL</b> <b>Equipment Operating From Mountaintop Communications Site</b>		
1.	One customer provided equipment rack, occupying no more than 6 cubic feet of space	\$ 125.00 / month

( )

**c. Radio Communication Services:**

<b>RADIO COMMUNICATION SERVICES Maintenance Fees for Agency-Owned Equipment</b>		<b>Monthly Rate / Unit</b>
1.	Portables – Tier I (16 channel or less)	\$ 17.50
2.	Portables – Tier II (greater than 16 channels or groups)	\$ 36.50
3.	Mobile – Tier I (16 channel-non split mount)	\$ 25.50
4.	Mobile – Tier II (greater than 16 channel and/or remote mount)	\$ 37.50
5.	Mobile – Trunking (trunking radio with multiple groups / zones)	\$ 45.00
6.	Base Control – Local	\$ 60.00
7.	Base Control – Mountain Top (per transmitter)	\$ 95.00
8.	Repeater – Mountain Top (per transmitter)	\$ 95.00
9.	Console Desktop – Local	\$ 60.00
10.	Console – Multi-Channel – Small System – Single Position	\$ 165.00
11.	Console – Multi-Channel – Large System – Per operator position (The multi-channel large system console is computed by multiplying the number of operator positions by the monthly rate/unit.)	\$ 250.00
12.	Miscellaneous Equipment Maintenance	(Negotiated as determined)
13.	User Site Management Fees	(Based on site fees, license, and administrative costs)
14.	Other related systems or items	(Will be quoted as needed)

( )

**d. Radio Communication Equipment Space Rental - (Equipment operating from mountain-top communications site):**

<b>RADIO COMMUNICATION EQUIPMENT SPACE RENTAL Equipment Operating From Mountain-Top Communications Site</b>	
1.	One customer provided 72 x 19 inch equipment rack, (typically one radio transmitter per rack) <span style="float: right;">\$ 125.00 / month</span>

( )

**101. -- 999. (RESERVED)**

## IDAPA 52 - IDAHO STATE LOTTERY COMMISSION

### 52.01.03 - RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

#### DOCKET NO. 52-0103-1201 (FEE RULE)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 67-7408(1)(e), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change: The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 968 through 974](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-7408(1)(e), Idaho Code: The Lottery must charge a minimal cost recovery fee to those customers who purchase tickets using a PIN-protected debit card from Player Activated Terminals. This is a user fee for those customers who choose not to use cash. The Lottery anticipates a nominal fee (plus or minus fifty cents (\$.50)), and an audit of actual fees incurred at each fiscal year end will determine whether an adjustment to the convenience fee, either up or down, is necessary.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: The Lottery anticipates no fiscal impact, either positive or negative. The cost recovery (convenience) fee will offset the charge incurred by the Lottery from the electronic payment provider for processing the transaction. The Lottery anticipates a nominal fee (plus or minus fifty cents (\$.50)), and an audit of actual fees incurred at each fiscal year end will determine whether an adjustment to the convenience fee, either up or down, is necessary.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jeff Anderson, Executive Director, (208) 334-2600.

DATED this 29th day of October, 2012.

Jeff Anderson  
Executive Director  
Idaho State Lottery  
1199 Shoreline Lane

P. O. Box 6537  
Boise, ID 83707-6537  
Phone: (208) 334-2600  
Fax: (208) 344-2610

**THE FOLLOWING NOTICE WAS PUBLISHED  
WITH THE PROPOSED FEE RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-7408(1)(e), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Lottery offers the purchase of tickets in the marketplace via ticket vending machines (PATs – Player Activated Terminals). Players can purchase draw game tickets (like Powerball) and instant scratch game tickets from the Player Activated Terminals using cash. Electronic payments now account for 55% of all consumer purchases, up from 43% in 1999. The Player Activated Terminals could also provide the convenience and benefit to the customer to choose to purchase tickets using a PIN-protected debit card. However, in order to provide this electronic convenience, and remain fiscally responsible, the Lottery must charge a minimal cost recovery fee to those customers who choose to take advantage of this convenience to purchase Lottery tickets using this vending machine. This is a user fee for those customers who choose not to use cash.

In order to encourage responsible play, the Lottery will limit electronic transactions to fifty dollars (\$50) in these Player Activated Terminals.

Addition to IDAPA 52.01.03, Rules Governing Operations of the Idaho State Lottery, to provide for collection of a cost-recovery (convenience) fee from Lottery customers who choose to take advantage of the convenience of purchasing tickets via electronic transaction from Lottery ticket vending machines (Player Activated Terminals) using their PIN-protected debit card. Nonetheless, the player always has the option of using cash to purchase tickets from the PATs, and at most PAT locations, to purchase tickets from a clerk at the counter instead of using a debit card at the PAT.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The Lottery must charge a minimal cost recovery fee to those customers who purchase tickets using a PIN-protected debit card from Player Activated Terminals. This is a user fee for those customers who choose not to use cash.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The Lottery anticipates no fiscal impact, either positive or negative. The cost recovery (convenience) fee will offset the charge incurred by the Lottery from the electronic payment provider for processing the transaction. The Lottery anticipates a nominal fee (plus or minus fifty cents (\$.50)), and an audit of actual fees incurred at each fiscal year end will determine whether an adjustment to the convenience fee, either up or down, is necessary.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 1, 2012 Idaho Administrative Bulletin, [Vol. 12-8, page 75](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jeff Anderson, Executive Director, (208) 334-2600.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 3, 2012.

DATED this 23rd day of August, 2012.

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 52-0103-1201**

**100. GENERAL PROVISIONS (RULE 100).**

**01. Purpose.** These rules are established by the Commission to define and regulate the operation and administration of the Lottery and the Commission. (3-26-08)

**02. Lottery Commission.** The Commission is charged with the authority and duty to



regulate Lottery activities in the state of Idaho, consistent with the Idaho Constitution and the enabling legislation. The headquarters of the Commission and of the Lottery is in Boise.

(3-26-08)

**03. Powers and Duties of the Commission.** (3-26-08)

**a.** Rule Promulgation. The Commission promulgates rules and conditions under which the statewide Lottery will be conducted. Subjects covered in such rules include but need not be limited to: (3-26-08)

i. The types of Lottery games to be conducted; (3-26-08)

ii. The prices of tickets in the Lottery; (3-26-08)

iii. In general the numbers and sizes of prize disbursements, the manner and frequency of prize drawings, and the manner in which payment will be made to holders of winning tickets; (3-26-08)

iv. The locations at which Lottery tickets may be sold, the manner in which they are to be sold, and contracting with Lottery vendors, retailers and contractors; (3-26-08)

v. The manner in which Lottery sales revenues are to be collected; (3-26-08)

vi. The amount of compensation to be paid to retailers; (3-26-08)

vii. Other areas relating to the efficient and economical operation and administration of a statewide Lottery consonant with the public interest. (3-26-08)

**b.** Delegation to Director. In addition to those duties assigned to the Director in the Act, the Commission may, insofar as is consistent with the Idaho Constitution and the Act, delegate the performance of executive or administrative functions to the Director. (3-26-08)

**04. Time and Place of Meetings.** (3-26-08)

**a.** Regular meetings of the Commission must be held at least quarterly; the date, time, and place will be set by the Commission and, if possible, with at least two (2) weeks' advance notice. The Commission may meet with the Director to make recommendations and set policy, to approve or reject reports of the Director, to adopt rules, and to transact other business. (3-26-08)

**b.** Additional meetings necessary to discharge the business of the Commission may be called from time to time by the chairman or by a quorum of the Commission. (3-26-08)

**05. Open Meeting Law.** All meetings of the Commission shall be held in accordance with Idaho's Open Meeting Law, Sections 67-2340, et seq., Idaho Code, and in accordance with Section 67-7442, Idaho Code. All meetings of the Commission are open to the public, except when executive session is allowed for part of the meeting under the Open Meeting Law.(3-26-08)

**06. Director.** The Director is responsible for the operation of the Lottery and for managing the affairs of the Commission. A Deputy Director designated by the Director may act for the Director in the absence of the Director. If there is a vacancy in the office of Director, the Commission will designate the Deputy Director as Interim Director until the vacancy can be filled. (3-26-08)

**07. Powers and Duties of the Director.** (3-26-08)

**a.** The Director has the authority to implement and execute procedures that he may deem appropriate for the efficient administration of the Lottery. The Director may also recommend rules governing the establishment, administration, and operation of the Lottery to the Commission for its approval; (3-26-08)

**b.** The Director is authorized to employ sufficient staff as may be required to carry out the functions of the Commission and the Lottery; (3-26-08)

**c.** The Director may contract with retailers for the sale of Lottery games and must suspend or terminate any contract in accordance with the provisions of the Act and the rules of the Commission; (3-26-08)

**d.** The Director must continuously study and investigate all matters pertinent to the efficient operation of the Lottery; and (3-26-08)

**e.** The Director must maintain full and complete records of the operation of the Lottery. The Director must report on at least a monthly basis to the Commission and to the governor on the status of the Lottery. (3-26-08)

**f.** The duties and responsibilities of the Director that are not otherwise specified in Idaho law or the rules adopted by the Commission may be maintained as a policy of the Commission for the purpose of establishing a working relationship between the Director and the Commission. (3-26-08)

**08. Lottery Offices.** (3-26-08)

**a.** The principal office of the Lottery is located at 1199 Shoreline Lane, Suite 100, Boise, Idaho 83702. (3-26-08)

**b.** The Lottery may also operate other offices and facilities throughout the state as are appropriate to fulfill its responsibilities under law. (3-26-08)

**09. Lottery Budgets and Financial Statements.** The Director must: (3-26-08)

**a.** Submit quarterly financial statements to the Commission, the governor, the state treasurer, and the legislature. The quarterly financial statements must be prepared in accordance with generally accepted accounting principles and must include a balance sheet, a statement of operations, a statement of changes in financial position, and related footnotes. The quarterly financial statements must be provided within forty-five (45) days of the last day of each quarter. (3-26-08)

**b.** Submit annual financial statements to the Commission, the governor, the state treasurer, and each member of the legislature. The annual financial statements must be prepared in accordance with generally accepted accounting principles and must include a balance sheet, a statement of operations, a statement of changes in financial position, and related footnotes. The annual financial statements must be examined by the state controller or a firm of independent certified public accountants in accordance with generally accepted auditing standards and must be provided within ninety (90) days of the last day of the Lottery's fiscal year. (3-26-08)

**10. Contingency Reserve.** (3-26-08)

**a.** The Director may, with the approval of the Commission, allot from moneys available to pay administrative expenses an amount to be transferred to a contingency reserve established by the Commission. The money allotted can include amounts retained to fund specific future expenses or can be undesignated as to purpose. (3-26-08)

**b.** When the Commission approves a contingency reserve, it must determine the amount necessary for a reasonable contingency reserve. (3-26-08)

**c.** Upon approval of the Commission, money in the contingency reserve may be authorized to be used for specific purposes of the Lottery or to be used to fund general administrative expenses if there is a revenue shortfall. Expenses funded from the contingency reserve cannot be included with other administrative expenses for purposes of determining compliance with current administrative expenditure limitations. (3-26-08)

**11. Special Drawings.** (3-26-08)

**a.** The Director may authorize special drawings to award prizes, such as vacation trips, automobiles, or other tangible items in addition to, or in lieu of, cash awards. The Director will determine the nature and number of awards for each special drawing. Special drawings for promotional awards may be held independently of the Lottery's regular prize drawings or may be incorporated therein. The promotional drawings may be cosponsored and conducted in conjunction with Lottery retailers or other independent businesses. In view of the temporary nature and indeterminate frequency of the promotional awards drawings, a press announcement and normal advertising media will be used to inform the public of the rules and prizes for each special drawing. (3-26-08)

**b.** Notwithstanding the provisions of Paragraph 100.11.a. of this rule, the Director may, at his discretion, award in-lieu equivalent cash awards to the winners of tangible items, in those instances where the Director deems it appropriate. The value of noncash items must be estimated by using either the cost of the item or its fair-market value. (3-26-08)

**12. Retail Drawings.** The Director and his designee may authorize retailers to conduct drawings using non-winning Lottery tickets in conjunction with a particular Lottery game. Such authorization must be in writing, must specify the type of drawing to be conducted and must set forth the methodology to be used in conducting the drawing. (3-26-08)

**13. Retail Ticket Price Discounts.** (3-26-08)

**a.** Notwithstanding the price adopted for the retail sale of a ticket in the rules for a specific Lottery game, the Commission may offer discounts for the retail sale of Lottery tickets. (3-26-08)

**i.** Discounts for the retail sale of Lottery tickets may be offered to the public through the use of coupons approved by the Director or by any other method approved by the Director. (3-26-08)

**ii.** Coupons that offer a discount on the retail price of Lottery tickets must be distributed using methods designed to reach the public. These methods may include, but are not limited to, the use of direct mail, newspaper advertising, or by having coupons available at Lottery offices and retailer locations. (3-26-08)

**b.** Rules for a promotion conducted by the Lottery using retail ticket discounts must be announced by the Director and made available at the Lottery's offices and retailer locations. (3-26-08)

**14. Allocation of Revenues for Prizes. (3-26-08)**

**a.** Purpose: The primary objective of the Lottery is to produce the maximum amount of net revenues to benefit the public purpose of raising revenue consonant with the dignity of the state and the sensibilities of its citizens. In accomplishing this objective, at least forty-five percent (45%) of the total annual revenues shall be returned in the form of prizes. The Lottery may design and conduct games that return more than forty-five percent (45%) of the revenues received from the sale of tickets in the form of prizes as an incentive to increase the total amount of game sales over the level of sales that otherwise would have been reasonably expected using a lower prize percentage. Games may also be authorized that return less than forty-five percent (45%) of that game's revenues so long as forty-five percent (45%) of the total annual revenues is returned as prizes. (3-26-08)

**b.** Prize payments: In addition to cash prize payments, money set aside by the Lottery and restricted for the payment of prizes is considered in satisfying the requirement of returning at least forty-five percent (45%) of total revenues to the public in the form of prizes. (3-26-08)

**c.** Averaging game prize payments: Notwithstanding the prize structure adopted for a Lottery game, the amount of revenue returned for prizes among all the games offered by the Lottery may be reallocated so long as at least forty-five percent (45%) of the total revenue earned from all games is returned to the public in the form of prizes on an annual basis. The Director must report to the Commission on any reallocations made pursuant to Section 100 of these rules. (3-26-08)

**15. Ownership of Lottery Tickets. (3-26-08)**

**a.** Except for tickets claimed jointly in accordance with the provisions of Paragraph 100.15.d. of this rule, until a name is printed or placed upon a Lottery ticket in the area designated for "name," the ticket is owned by the bearer of the ticket. When a name is placed on the ticket in the place designated for a name, the person whose name appears in that area is the owner of the

ticket and is entitled to any prize attributable to the ticket. (3-26-08)

**b.** If more than one (1) name appears on a ticket, the ticket must be claimed in accordance with the joint ownership procedures listed in Paragraph 100.15.d. of this rule. (3-26-08)

**c.** Groups, family units, clubs, or other organizations may claim a winning ticket if the organization possesses a Federal Employer Identification Number (FEIN) issued by the Internal Revenue Service and that number is shown on the claim form. (3-26-08)

**d.** If a ticket is claimed to be owned by two (2) or more people, the following steps will be taken for payment of the prize: (3-26-08)

i. All people claiming ownership must complete and sign a request and release form. (3-26-08)

ii. At least one (1) of the people claiming ownership of the ticket must sign the ticket; that person's signature must also appear on the request and release form. (3-26-08)

iii. The Lottery reserves the right to issue a single prize check instead of multiple prize checks to the owners of a ticket if the value of each individual prize check would be less than fifty dollars (\$50). (3-26-08)

iv. Multiple winners of a Lottery prize will be paid only through the Boise Lottery office. Lottery retailers will not be required to pay more than one (1) winner of a single prize. (3-26-08)

**16. Claims.** (3-26-08)

**a.** Liability. By submitting a claim, the player agrees that the state, the Commission, the Lottery and all officials, officers, and employees of each are discharged from all further liability upon payment of the prize. (3-26-08)

**b.** Publicity. By submitting a claim, the player also agrees that the Lottery may use the prize winner's name and photograph for publicity purposes. (3-26-08)

**c.** Claim period. Prizes may be claimed for a period of one hundred eighty (180) days after the drawing in which the prize was won or from the last day tickets from the specific instant game were sold. Prizes won through an electronic terminal are payable in accordance with the Lottery's rules. If a claim is not made for the prize within the applicable period, the prize money will be added to future prize pools, to be used in addition to prize allotments already allocated, except as provided in Section 67-7433, Idaho Code. (3-26-08)

**d.** Invalid tickets. If a ticket presented to the Lottery is invalid pursuant to the terms of these rules or the specific game rules, the ticket is not entitled to prize payment. (3-26-08)

**e.** Ticket a bearer instrument. A ticket is a bearer instrument until signed in the space designated on the ticket for signature, if a signature space is provided. The person who signs the

ticket is considered the owner of the ticket after signing it. Payment of any prize may be made to a person in possession of an unsigned ticket or to the person whose signature appears on the ticket. All liability of the state, the Commission, the Lottery, the Director, and Lottery employees terminates upon payment. (3-26-08)

**f.** Time of prize payment. All prizes will be paid within a reasonable time after a claim is verified by the Lottery and a winner is determined. The date of the first installment payment of any prize to be paid in installment payments is the date the claim is validated and processed, unless a different date is specified for a particular game in these rules or in the specific game rules. Later installment payments will be made approximately weekly, monthly, or annually, from the date the claim is processed and validated in accordance with the type of prize won and the rules applicable to the prize. The Lottery may, at any time, delay any prize payment in order to review a change in circumstances concerning the prize awarded, the payee, or the claim. (3-26-08)

**g.** Prizes payable for winner's life. If any prize is for the life of the winner, only an individual may claim and receive the prize for life. If a group, corporation, or other organization is the winner, the life of the winner is deemed to be twenty (20) years. (3-26-08)

**17. Prizes Payable After Death of Winner.** All prizes, and portions of prizes, that remain unpaid at the time of the prize winner's death will be payable to the personal representative of the prize winner's estate once satisfactory evidence of the personal representative's appointment has been provided, and the Director is satisfied that payment to the personal representative is lawful and proper. The Director may rely on a certified copy of a court order appointing a personal representative (or similar person responsible for the prize winner's estate, whether denominated an administrator, executor, executrix, or other representative of the prize winner's estate) or may petition the court to determine the proper payee. Payment to the personal representative of the estate of the deceased owner of any prize winnings will absolve the Director and the Lottery's employees of any further liability for payment of prize winnings. (3-26-08)

**18. Disability of Prize Winner.** The Lottery may petition any court of competent jurisdiction for a determination of the rightful payee for the payment of any prize winnings that are or may become due to a person under a disability including, but not limited to, minority, mental deficiency, or physical or mental incapacity. (3-26-08)

**19. Stolen or Lost Tickets.** The Lottery has no responsibility for paying prizes attributable to stolen or lost tickets. (3-26-08)

**20. Effect of Game Rules.** In purchasing a ticket the player agrees to comply with Title 67, Chapter 74, Idaho Code, these rules, the specific game rules, Lottery instructions and procedures, and the final decisions of the Lottery. The Lottery's decisions and judgments in respect to the determination of winning tickets or any other dispute arising from the payment or awarding of prizes will be final and binding upon all participants in the Lottery. If a dispute between the Lottery and a player occurs as to whether a ticket is a winning ticket and the prize is not paid, the Lottery may, solely at the Director's option, replace the ticket with an unplayed ticket of an equivalent price from any game or refund the price of the ticket. This will be the sole and exclusive remedy of the player. (3-26-08)

**21. Disputed Prizes.** If there is a dispute, or it appears that there may a dispute concerning payment or ownership of any prize or any other legal issue involving the prize, the Lottery may refrain from making payment of the prize pending a final determination by the Lottery or by a court of competent jurisdiction as to the proper payment of the prize. (3-26-08)

**22. Sale of Lottery Tickets.** Lottery tickets may be sold for cash, check, money order, credit card, electronic funds transfer, or debit card. (5-8-09)

**23. Convenience Fee.** The Lottery may collect a cost recovery fee, set by the Commission, from Lottery customers choosing to purchase lottery tickets with the convenience of using debit card electronic transactions administered by the Lottery through the use of a third party payment processor. ( )