

# STATE AFFAIRS COMMITTEE

## ADMINISTRATIVE RULES REVIEW

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## **IDAPA 03 - STATE ATHLETIC COMMISSION**

### **03.01.01 - RULES OF THE STATE ATHLETIC COMMISSION**

**DOCKET NO. 03-0101-0902**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 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 Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 92 through 104.**

**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:

There is no fiscal impact to the general fund as a result of this rulemaking.

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

DATED this 28th day of October, 2009.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St. Ste. 220  
Boise, ID 83702  
(208) 334-3233 Ph.  
(208) 334-3945, fax

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **August 20, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. 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 21, 2009.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2009 Legislature passed House Bill 32 which made changes to the Athletic Commission Act. The proposed rules are being changed to be consistent with the new law and to further protect the combatants. The rules define the types of events. In order to protect the combatants and the public, the rules clarify the blood testing requirements, the criteria for approval of amateur sanctioning authorities, and the annual review of such approval. The rules provide other security in lieu of a bond to be consistent with the new law. The rules require a physical and eye exam within thirty-six (36) hours of an event. The rules clarify fair techniques and fouls in Mixed Martial Arts (MMA) events to protect the combatants. The rules limit MMA contests to three rounds for amateur events and five rounds for professional events.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is necessary to be in compliance with amendments to Title 54, Chapter 4, Idaho Code and to protect the health and safety of the combatants and the public.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None.

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of amendments to the governing law and for the protection of combatants and the public.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 17th day August, 2009.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**010. DEFINITIONS.**

**01. Bureau.** The Bureau of Occupational Licenses, as prescribed in Section 67- 2602, Idaho Code. (3-26-08)

**02. Champion.** A person who has been formally acknowledged supreme in a branch of athletics or game of skill and who is ready to contend with any qualified challenger. (3-3-94)

**03. Combatant.** Any boxer, kickboxer, martial artist or wrestler who takes part as a competitor in an event under the jurisdiction of the commission. A “combatant” sometimes is referred to as a “contestant” in these rules. (~~3-26-08~~)( )

**04. Commission.** The Idaho Athletic Commission created under Title 54, Chapter 4, Idaho Code, or designated agent. (3-26-08)

**05. Commissioner.** The state athletic commissioner, as prescribed in Section 54-401, Idaho Code. (3-26-08)

**06. Event.** Any program of one (1) or more unarmed combat contests; ~~match,~~ or exhibitions of unarmed combat under the jurisdiction of the commission. (~~3-26-08~~)( )

**a.** An “amateur event” is an event in which the only combatants are amateur combatants. ( )

**b.** A “professional event” is an event in which the only combatants are professional combatants. ( )

c. A “pro-am” is an event in which combatants include professional combatants and amateur combatants. Professional combatants may not compete against amateur combatants in “pro-am” events. ( )

**07.** **Main Event.** The headline or marquee contest or exhibition scheduled to occur at an event. ( )

~~08.~~ **Mixed Martial Arts (MMA).** A full contact sport that allows a wide variety of unarmed combat techniques from a mixture of martial arts traditions to be used in competitions. (5-8-09)

~~079.~~ **Physician.** A physician licensed by the Idaho Board of Medicine. (5-8-09)

~~0810.~~ **Ring Official.** Ring officials include referees, judges, timekeepers and gloves. (5-8-09)

~~0911.~~ **Stub.** That part of the ticket retained by a person entering the arena in which an event is held after the ticket has been collected. (3-26-08)

~~102.~~ **Ticket.** That document issued by the promoter allowing a person’s entrance and attendance at an event and may include that part of the ticket retained by the promoter documenting a person’s entrance to an event. (3-26-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**103. PHYSICAL EXAMINATION OF COMBATANT.**

**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, ~~who~~ 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. A current test report must accompany all license applications including renewals. 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 *at their* in its discretion.

(5-8-09)( )

**~~109. CRITERIA FOR APPROVAL OF SANCTIONING PERMITS.~~**

~~**01. Final Authority.** The Commission is the final authority on all sanctioning organizations for amateur events. Any organization representing itself as a sanctioning body must meet the following requirements:~~

(5-8-09)

~~**a.** All events must be conducted in accordance with the sanctioning bodies' rules as approved by the Commission;~~

(5-8-09)

~~**b.** All officials must meet the training and certification requirements set by the Commission;~~

(5-8-09)

~~**c.** The sanctioning body must provide evidence of sufficient liability insurance for the officials;~~

(5-8-09)

~~**d.** The sanctioning body must not let the event proceed unless proof of medical insurance for combatants is provided, an ambulance and EMT's are present and on site at all times, and a Commission approved physician or physicians, as determined by Commission regulations, is onsite and ringside;~~

(5-8-09)

~~**e.** The sanctioning body cannot have any direct or indirect financial interest in the fighters or the promotion;~~

(5-8-09)

~~**f.** The sanctioning body must agree that the combatants are not to receive any type of purse payment, or compensation except as approved by the Commission;~~

(5-8-09)

~~**g.** The sanctioning body must oversee the weigh-ins, the hand wrapping, and glove placement after inspecting the gloves as required by the sanctioning bodies' rules as approved by the Commission; and~~

(5-8-09)

~~**h.** The sanctioning body must inspect and approve the contest area prior to the start of the contests.~~

(5-8-09)

~~**02. Violations.** Any violation of these requirements may result in actions by the Commission to remove the organization as a recognized sanctioning body with respect to amateur events.~~

(5-8-09)

**109. AMATEUR ATHLETIC SANCTIONING AUTHORITIES.**

The Commission may approve an entity as an officially recognized amateur sanctioning authority that may sanction amateur events. The Commission is the final authority on whether an entity

may be an amateur sanctioning authority. ( )

**01. Application for Approval.** In order to be considered for approval as an officially recognized, amateur athletic sanctioning authority under Section 54-406(3)(b)(iii), Idaho Code, an entity must: ( )

**a.** Meet the Criteria for Eligibility set forth in Subsection 109.02 of these rules; ( )

**b.** Submit to the Bureau a completed application form, supplied by the Commission, on which the person signing the application verifies under oath that he is an officer or other person authorized to sign on behalf of the entity, that the information on the application and submitted with the application is true and correct, and that the entity meets the Criteria for Eligibility set forth in Subsection 109.02 of these rules; ( )

**c.** Provide the Bureau with such documentation as the Bureau may request in the course of reviewing the application, and including, without limitation, a list of the entity's officers and persons claiming an ownership interest in the entity, any requested bylaws, constitution, medical forms, contracts, rules, policies, and procedures used by the entity; and ( )

**d.** If requested, appear before the Commission to answer, to the Commission's satisfaction, any questions the Commission may have about the entity or the application, including, without limitation, any questions regarding whether the entity meets the Criteria for Eligibility set forth in Subsection 109.02 of these rules; ( )

**02. Criteria for Eligibility.** An entity is eligible for approval as an amateur athletic sanctioning authority if it demonstrates, to the Commission's satisfaction, that it meets the Commission's eligibility criteria. An approved entity's failure to consistently meet this criteria may result in Commission action to suspend or revoke the entity's approved status. The criteria that must be met is: ( )

**a.** The entity is incorporated or otherwise legally recognized under the law of its domicile; ( )

**b.** The entity, if not incorporated or otherwise domiciled in Idaho, is authorized to transact business in Idaho; ( )

**c.** The entity and its predecessor entity, if any, have never had an application for approval as an amateur sanctioning authority, organization, or similar body denied or disapproved, or an approval as an amateur sanctioning authority, organization, or similar body suspended, revoked, or restricted in any way, by any state, territory, country, or subdivision thereof. ( )

**d.** No officer or person having an ownership interest in the entity has had a license, of the types issued by the Commission, suspended, revoked, or disciplined in any way by any state, territory, country, or subdivision thereof. ( )

**e.** All sanctioned events must be conducted in accordance with the sanctioning



bodies' rules as approved by the Commission. The entity must adopt and consistently enforce rules that: ( )

i. Ensure that contests and exhibitions do not unreasonably endanger the health of combatants or other participants; ( )

ii. Provide for the medical safety and care of participants its events; ( )

iii. Exclude the medically unfit from the contests and exhibitions; ( )

iv. Require the presence of an ambulance and EMT's on site at all times, and the attendance of an Idaho-licensed medical doctor or osteopathic physician at ringside. ( )

v. Require the event promoter to obtain health insurance sufficient to cover all event participants, other than the promoter, for injuries sustained while participating in the event.( )

vi. Require drug testing and blood testing consistent with the Commission's rules for events regulated by the Commission. The entity must submit the results of such testing to the Commission within forty-eight (48) hours after the event sanctioned by the entity ends. ( )

vii. Restrict the types of blows that can be delivered; ( )

viii. Exclude professional combatants from its contests and exhibitions, and require that combatants are not to receive any type of purse payment or compensation except as approved by the Commission; ( )

ix. Limit the time and frequency of contests and exhibitions, including, without limitation, the times specified in Section 54-407, Idaho Code; ( )

x. Require that the entity oversee weigh-ins, the hand wrapping, the glove placement after inspecting the gloves as required by the entity's rules as approved by the Commission; ( )

xi. Require that the entity inspect and approve the contest area before the contest starts; ( )

xii. Require prompt investigation and resolution of complaints for participants, interested persons, and the Commission; ( )

xiii. Have a system of review to ensure the entity fairly applies its rules, policies, and procedures; ( )

xiv. Require the identification of the entity on all advertisements, programs, or handbills issued, used, or distributed in Idaho; ( )

xv. Require cooperation with the Commission, including without limitation, at least thirty (30) days advance notification to the Commission of sanctioned events to occur in Idaho, and admission of Commission representatives and agents without charge to any sanctioned event,

and to any portion of the event. ( )

xvi. Require that event participants, and the entity, report to the Commission any violations of the entity's rules arising out of a sanctioned event; ( )

xvii. Require all participants, officials, and the entity to appear at reasonable times before the Commission and truthfully answer any lawful inquiry of the Commission; ( )

xviii. Ensure that all ring officials, including, without limitation, all timekeepers, judges, referees, and glovers, and all promoters who ask an entity to sanction an event, are licensed by the Commission; ( )

xix. Set an appropriate fee schedule for ring officials. ( )

xx. Require the event promoter to obtain a bond or other form of financial security, payable to the entity, and otherwise consistent with Section 300 of these rules. ( )

xxi. Require the event promoter to obtain liability insurance for the event, which insurance must adequately cover the promoter, venue, entity, and the Commission. ( )

xxii. Otherwise require sufficient health and safety standards before, during and after contests and exhibitions to ensure the health, safety, and well-being of any participating amateur combatants. The entity's health and safety standards must be no less stringent than the Commission's health and safety standards for contests and exhibitions for which the Commission may issue a sanctioning permit under Title 54, Chapter 4, Idaho Code. Sections 731 through 799 of these rules establish the minimum safety requirements for MMA events in Idaho. The entity's health and safety standards for sanctioned MMA events must, at a minimum, comport with the Section 731 through 799 requirements. ( )

**f.** For each event to be sanctioned by the entity, the entity must ensure that true and correct copies of the following documents are presented to the Bureau at least thirty (30) days before the event: ( )

i. The event promoter's bond or other form of financial security as referenced in Subparagraph 109.02.e.xx. of these rules. ( )

ii. The health insurance certificate for health insurance obtained by the promoter as referenced in Subparagraph 109.02.e.v. The deductible amount, claims submission instructions, and insurer contact information must also be provided. ( )

iii. The liability insurance certificate for liability insurance obtained by the promoter as referenced in Subparagraph 109.02.e.xxii. of these rules. ( )

**g.** The entity does not sanction events where: ( )

i. Financial ties exist between the promoter and the entity, including, without limitation, when anyone serves as an officer, principal, or manager in both the entity and promotion company, or have an ownership interest in both the entity and the promotion company:

( )

ii. Any ring official, employee, or agent that works for both the promoter and the entity. ( )

iii. The entity or any of its officers, principals, managers, owners, or employees manages or trains any of the combatants. ( )

**03. Violations.** The Commission may suspend or revoke its approval of an amateur athletic sanctioning authority if the approved entity or its officers, owners, or agents engage in any conduct that violates or is inconsistent with any of the requirements of this Section or reflects serious discredit on the sport of boxing, or uses dishonest methods to affect the outcome of any contest. ( )

**04. Annual Review of Approval.** An entity's approval to be an amateur sanctioning authority automatically expires one (1) year after issuance. If the entity wishes to remain as an approved amateur sanctioning authority, the entity must submit a timely and complete review application on forms approved by the Commission. To be timely, a review application and any supporting documentation must be received by the at least thirty (30) days before the automatic expiration date. After receiving a timely review application, the Commission will evaluate the application using the process and criteria set forth in Subsections 109.01 and 109.02. If the Commission is satisfied that the applicant has satisfied all requirements, then the Commission will renew the applicant's approval for another year term. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. SURETY BOND OR OTHER SECURITY.**

**01. Requirement.** Every promoter who applies for a ~~license to present a program or event under the jurisdiction of the commission~~ sanctioning permit shall furnish a surety bond or other form of financial security to the Commission in an amount deemed by the Commission to be adequate to ensure reimbursement to the purchasers of tickets for the ~~program event~~. (3-26-08)( )

**02. Various Locations.** The promoter may apply one (1) bond or other form of financial security to ~~more than one (1)~~ multiple locations if ~~no more than only one (1) of the location covered by the same bond~~ locations is scheduled for an ~~program event~~ on any given calendar date. (3-3-94)( )

**03. Total Sum.** Each bond or other form of financial security must be conditioned for the payment to the Commission of a sum equivalent to the total sale of tickets: (3-3-94)( )

a. If the main event is not held on the date advertised, unless the event is subsequently held on a date fixed by the Commission; and (3-3-94)

b. If the main event is neither held on the original date advertised nor on a subsequent

date fixed by the Commission. (3-3-94)

**04. Sum Due.** The sum is due within fifteen (15) days after default, to ensure reimbursement to the purchasers of tickets for the event, if the reimbursement of ticket holders is ordered by the Commission. (3-3-94)

**(BREAK IN CONTINUITY OF SECTIONS)**

**606. PHYSICAL AND EYE EXAMINATION OF COMBATANTS.**

A physician designated by the Commission must give each combatant a thorough physical and eye examination at the time of his weigh-in or within thirty-six (36) hours, but not less than two (2) hours, before the contest or exhibition in which the combatant will participate. ~~(5-8-09)~~(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**733. FAIR TECHNIQUES AND FOULS IN MMA EVENTS.**

**01. Fair Techniques.** Fair MMA techniques include the use of striking and grappling techniques, either while standing or on the ground, subject to techniques designated by the rules as fouls. (5-8-09)

**02. Fouls.** The following actions will constitute fouls during any *professional* MMA competition event: ~~(5-8-09)~~(\_\_\_\_)

**a. ~~Head-Butting.~~** Head-butting or striking with the head in any manner. Any use of the head as a striking instrument whether head to head, head to body or otherwise is illegal. ~~(5-8-09)~~(\_\_\_\_)

**b. ~~Eye-gouging.~~** Eye-gouging by means of fingers, chin, or elbow ~~is illegal~~. Legal strikes or punches that contact the combatant's eye socket are not eye gouging and will be considered legal attacks. ~~(5-8-09)~~(\_\_\_\_)

**c. ~~Biting. Biting in any form is illegal.~~** A combatant must recognize that a referee may not be able to physically observe some actions and must make the referee aware if they are being bitten during an exhibition of unarmed combat. ~~(5-8-09)~~(\_\_\_\_)

**d. Hair Pulling.** ~~Pulling the hair in any manner is an illegal action.~~ A combatant may not grab hold of an opponent's hair in order to control the opponent in any way. ~~(5-8-09)~~(\_\_\_\_)

**e. Fishhooking.** ~~Any attempt by a combatant to use his meaning using the fingers in a manner that to attacks an opponent's mouth, nose, or ears, or stretching the skin to that area, will be considered "Fishhooking."~~ Fishhooking generally is the placing of fingers into the mouth of an opponent and pulling the hands in opposite directions while holding onto the skin of the opponent. ~~(5-8-09)~~(\_\_\_\_)

**f.** Groin Attacks. ~~Any attack to the groin area,~~ including striking, grabbing, pinching or twisting, ~~is illegal~~ the groin area. (5-8-09)()

**g.** Smothering. ~~an opponent by~~ Cupping a hand over an opponent's mouth and nose ~~is illegal.~~ (5-8-09)()

**h.** ~~Vertical Elbows.~~ Elbows thrown from a vertical angle ~~are illegal.~~ Elbows thrown from any other angle are legal, except that strikes with the elbow point from any angle are illegal during a contest or exhibition in which an amateur combatant participates. (5-8-09)()

**i.** Knee strikes ~~to the Head (standing or grounded fighter). No knee strikes~~ of any kind ~~are allowed~~ to an amateur combatant's head ~~during the contest. During the standing portion of the contest combatants are allowed to knee to the body and the legs.~~ Further, When any combatant goes to the ground, only knees to the body are allowed. (5-8-09)()

**j.** ~~Back of Head Strikes.~~ Strikes to the back of the head ~~are illegal.~~ The back of the head is considered from the crown of the head down the centerline of the skull into the spine, with a one (1) inch variance to each side, similar to a mohawk haircut. Strikes that are thrown to areas behind the ears but not within the mohawk limitation are legal strikes. (5-8-09)()

**k.** Hand Chokes. ~~Hand Chokes are illegal.~~ A combatant may not attack an opponent with a choke utilizing only his hand or hands in an attempt to submit an opponent. A common phrase for this type of choke is the "C clamp" choke wherein the thumb is placed on one side of an opponent's neck with the fingers on the opposite side. (5-8-09)()

**l.** ~~Fingers. A combatant may not place his~~ Placing one's fingers into an open laceration on an opponent in an attempt to enlarge the cut. A combatant may not place his fingers into an opponent's nose, ears, mouth, or any body cavity. (5-8-09)()

**m.** ~~Small Joint Manipulation.~~ Small Joint Manipulation ~~is illegal.~~ Fingers and toes are small joints. Wrists, ankles, knees, shoulders and elbows are all large joints. (5-8-09)()

**n.** Spine Attacks. ~~(strikes and locks). No striking attacks to the spine or~~ Illegal spine attacks include, without limitation, locks, such as the "Twister," are allowed and strikes to the spine. (5-8-09)()

**o.** ~~Throat Strikes.~~ Throat strikes of any kind including, without limitation, grabbing the trachea ~~are illegal.~~ (5-8-09)()

**i.** No directed throat strikes are allowed. A directed attack would include a combatant pulling an opponent's head in a way to open the neck area for a striking attack. Directed throat attacks are not punches that connect during an exchange from the standing position while combatants are engaged in combat. (5-8-09)

**ii.** A combatant may not gouge his fingers or thumb into an opponent's neck or trachea in an attempt to submit the opponent. (5-8-09)

- iii. All arm chokes such as the “rear naked,” “guillotine” and “bar arm” are legal. (5-8-09)
- p. Skin Clawing. Any attack that targets the combatant’s skin by clawing at the skin or attempting to pull or twist the skin to apply pain ~~is illegal~~. (5-8-09)( )
- q. ~~Head and Groin Kicking~~. Kicking the head or groin of a grounded opponent ~~is illegal~~. A grounded opponent is any combatant who has more than just the soles of the feet on the ground. If the referee determines that a combatant would be a grounded combatant, but not solely because the ring ropes or cage fence has held the combatant up from the ground, the referee can instruct the combatants that the combatant held up solely by the cage or ropes is being treated as a grounded combatant. A combatant can be kicked to the body when he is on the ground with any type of legal kick, but may not be kicked in the head or groin. (5-8-09)( )
- r. Stomping. ~~Stomping is illegal~~. meaning any type of striking action with the feet wherein the combatant lifts his leg, bending it at the knee, and initiates a striking action with the bottom of the foot or heel. This includes stomping the feet while both combatants are standing. Axe kicks are not stomps. (5-8-09)( )
- i. ~~Stomping is considered any type of striking action with the feet wherein the combatant lifts his leg, bending it at the knee, and initiates a striking action with the bottom of the foot or heel. This includes stomping the feet while both combatants are standing.~~ (5-8-09)
- ii. ~~Axe kicks are not stomps.~~ (5-8-09)
- s. ~~Pile-driving~~. Pile-driving an opponent into the mat ~~is illegal~~. (5-8-09)( )
- i. A pile driver is considered to be any throw wherein a combatant controls an opponent’s body by placing the opponent’s feet straight up in the air and the head straight down and then forcibly driving the opponent’s head into the canvas or flooring material. (5-8-09)
- ii. It should be noted that if a combatant is placed into a submission hold by his opponent and the combatant is capable of elevating his opponent, the combatant may bring his opponent down in any manner because he is not in control of his opponent’s body. The combatant who is attempting the submission can either adjust his position or let go of the hold before being slammed to the canvas. It is crucial that referees are properly advised and trained on this and that the combatants fully understand this at the rules meeting. (5-8-09)
- t. ~~Throwing Opponent~~. Purposely throwing an opponent out of the ring or caged area ~~is illegal~~. A combatant will not intentionally or purposely throw an opponent out of the ring or cage. (5-8-09)( )
- u. ~~Holding~~. Holding the shorts or gloves of an opponent ~~is not allowed~~. A combatant may not control an opponent’s movement by holding onto the opponent’s shorts or gloves. A combatant may hold onto or grab an opponent’s hand as long as the combatant is not controlling the opponent’s hand by using only the material of the glove but is actually gripping the hand. It is legal for a combatant to hold onto his own gloves or shorts. (5-8-09)( )

v. ~~Unsportsmanlike Conduct.~~ Engaging in any unsportsmanlike conduct is not allowed. Any type of behavior or conduct observed or heard by the referee that can be considered detrimental or disrespectful towards an opponent or the sport of MMA. This includes, but is not limited to, spitting at an opponent, using abusive language or abusive gestures, etc. ~~(5-8-09)~~( )

w. ~~Holding the Ropes or Fence.~~ Holding the ropes or the fence ~~is illegal.~~  
(5-8-09)( )

i. A combatant may put his hands on the fence and push off at any time. A combatant may place his feet onto the cage and have his toes go through the fencing material at any time. If a combatant's fingers go through the cage and he grabs hold of the fence and starts to control either his body position or his opponent's body position, it is an illegal action. A combatant may not grab the ropes or wrap his arms over the ring ropes at any time. (5-8-09)

ii. If a combatant is caught holding the fence, cage or ring rope material the referee will issue a one-point (1) deduction from the offending combatant's scorecard. (5-8-09)

iii. If a point deduction for holding the fence occurs, and the fouling combatant ends up in a superior position due to the foul, the combatants will be re-started, standing in a neutral position. (5-8-09)

x. ~~Attacking During Break.~~ Attacking an opponent on or during the break ~~is illegal.~~ A combatant ~~will~~ must not engage an opponent in any manner during a time-out or break of action in competition. (5-8-09)( )

y. ~~A combatant will not engage~~ Engaging an opponent in any manner while the opponent is under the referee's care or handling ~~of the referee.~~ (5-8-09)( )

z. ~~Following Referee's Instructions. A combatant must follow~~ Failing to follow the referee's instructions ~~of the referee at all times.~~ Any deviation or non-compliance may result in the combatant's disqualification. (5-8-09)( )

aa. ~~Timidity.~~ Timidity, ~~is defined as~~ meaning any action by a combatant that is used to avoid contact with his opponent or to run away from the action of the fight. Timidity, includes, without limitation, intentionally avoiding contact with an opponent or consistently dropping the mouthpiece or faking an injury. The referee may also call timidity on a combatant for attempting to receive time by falsely claiming a foul or injury, for purposely dropping or spitting out his mouthpiece, or for committing any other action designed to stall the contest. (5-8-09)( )

bb. ~~Interference by the Corner.~~ Interference by the corner, ~~is defined as~~ meaning any action or activity by a corner aimed at disrupting the contest or causing an unfair advantage to a combatant. Corners are not allowed to distract the referee or influence the actions of the referee in any manner. (5-8-09)( )

**03. Time Considerations for Fouls.** (5-8-09)

a. A combatant who has been struck with a low blow is allowed up to five (5) minutes to recover from the foul and can continue on in the contest if allowed to by the ringside

physician. (5-8-09)

i. If the combatant states that they can continue on before the five (5) minute time allotment has expired, then as soon as is practical the referee will restart the contest. (5-8-09)

ii. If the combatant goes over the five (5) minute time allotment, the contest cannot be restarted and must be stopped. The outcome is determined by the round and time in which the contest was stopped. (5-8-09)

b. If a combatant is fouled by a blow that the referee deems illegal, the referee must stop the action and call for time. The referee must take the injured combatant to the ringside physician and have the ringside physician examine the combatant to determine the combatant's ability to continue on in the contest. The ringside physician has up to five (5) minutes to make his determination. If the ringside physician determines that the combatant can continue on in the contest, then as soon as is practical the referee will restart the contest. Unlike the low blow foul, the combatant does not have the five (5) minute time allotment to use at his discretion. (5-8-09)

c. If the referee stops the contest and employs the use of the ringside physician, the ringside physician's examination must not exceed five (5) minutes. If five (5) minutes is exceeded, the contest cannot be re-started and must be stopped. (5-8-09)

d. If the ringside physician deems a combatant unfit to continue, the referee must immediately stop the contest. If the combatant is deemed unfit to continue by the ringside physician and part of the five (5) minute foul time is remaining, the combatant cannot use the remaining time. This will be enforced for all listed fouls, with the exception of a low blow foul. (5-8-09)

**04. Intentional Fouling.** (5-8-09)

a. ~~Intentional Fouling Causing Injury.~~ When a contest is interrupted due to an injury caused by an intentional foul, the referee, in consultation with the ringside physician, will determine whether the intentionally fouled combatant can continue or not. If it is determined that ~~a combatant has been accidentally fouled and~~ the intentionally fouled combatant's chance of winning has not been seriously jeopardized as a result of the foul, the referee may order the contest continued after a reasonable interval. A combatant who is fouled with a low blow has up to five (5) minutes to recover. ~~(5-8-09)( )~~

b. ~~Combatant Unable to Continue Contest. If the injured combatant is unable to continue, the offending combatant will be disqualified and may be subject to discipline. Disposition of the penalty to be imposed upon the combatant will be determined by action of the Commission or the Commission's representative.~~ If the referee, in consultation with the ringside physician, determines at any time during the contest that the intentionally fouled combatant's chance of winning has been seriously jeopardized or the combatant is unable to continue the contest as a result of the foul, or by any aggravation to an injury caused by the foul, the intentionally fouled combatant wins by "technical decision." ~~(5-8-09)( )~~

c. ~~Technical Decisions. If the referee or the ringside physician, or both, determine that the contest may continue after an injury resulting from an intentional foul and the injury~~



~~inflicted by the intentional foul later becomes aggravated by fair blows, a technical decision will be rendered. If the technical decision rule is applied and the contest goes to the scorecards:~~

~~(5-8-09)~~

~~i. If after the second or third round the fouled combatant is ahead on the scorecards, the fouled combatant wins by "Technical Decision."~~

~~(5-8-09)~~

~~ii. If after the second or third round the fouled combatant is even or behind on the scorecards, the result is a "Technical Draw."~~

~~(5-8-09)~~

**05. Accidental Fouling. (5-8-09)**

**a. ~~Accidental Fouling Causing Injury.~~** When a contest is interrupted due to an injury caused by an accidental foul, the referee, in consultation with the ringside physician, will determine whether the combatant who has been fouled can continue or not. If it is determined that a combatant has been accidentally fouled and the combatant's chance of winning has not been seriously jeopardized as a result of a foul, the referee may order the contest continued after a reasonable interval. A combatant who is fouled with a low blow has up to five (5) minutes to recover. ~~(5-8-09)( )~~

**b. ~~Combatant Unable to Continue Contest.~~** If the referee or the ringside physician, or both, determine that the contest may not continue because of an injury suffered as the result of an accidental foul or because of an injury inflicted by an accidental foul which later becomes aggravated by fair blows, and if less than two (2) rounds have been completed in the contest, then a "no contest" will be entered. If two (2) or more rounds have been completed in the contest, then the combatant who is ahead on the scorecards wins by "Technical Decision." ~~will be rendered.~~

~~(5-8-09)( )~~

**~~e. Technical Decision.~~** ~~If the Technical Decision rule is applied and the contest goes to the scorecards, then:~~

~~(5-8-09)~~

~~i. After the second or third round the combatant who is ahead on the scorecards wins by "Technical Decision"; or~~

~~(5-8-09)~~

~~ii. After the second or third round ends, it is a "No Decision."~~

~~(5-8-09)~~

**06. Fouls or Unsportsmanlike Conduct During the One Minute Rest Period in MMA Contest. (5-8-09)**

**a.** If a combatant fouls or acts in an unsportsmanlike manner during the one (1) minute rest period, the referee will deduct points from the offending combatant based on the severity of the offense. (5-8-09)

**b.** The Chief Second is responsible for all corner activities. Any illegal activity may cause the Chief Second to be immediately removed from the corner from the entire contest.

(5-8-09)

**07. Concussive Head Impact Fouls in MMA Contest.** Before allowing a contest to

continue, the referee should consult with the ringside physician in all cases involving concussive head fouls. The referee, in conjunction with the ringside physician, will determine the length of time needed to evaluate the affected combatant's suitability to continue. (5-8-09)

**a.** ~~*Intentional Fouls to the Head in MMA Contest.*~~ If the referee determines that a foul to the head was intentional, he must follow the Intentional Foul rule. The referee must consider that allowing the contest to continue may subject the combatant to a severe injury. ~~(5-8-09)~~(\_\_\_\_)

i. If the affected combatant is not badly injured and his chance of winning has not been seriously jeopardized because of the foul, the contest may be allowed to continue. If the contest is allowed to continue, the offending combatant will be issued an official warning and have one (1) point deducted from his score in the round. (5-8-09)

ii. If the referee determines that the affected combatant cannot continue, the offending combatant will lose by "Disqualification." (5-8-09)

**b.** ~~*Accidental Fouls to the Head in MMA Contest.*~~ If the referee determines that a foul to the head was accidental, he will follow the Accidental Foul rule. The referee must consider that allowing the contest to continue may subject a combatant to a severe injury. ~~(5-8-09)~~(\_\_\_\_)

i. If the affected combatant is not badly injured and his chance of winning has not been seriously jeopardized because of the foul, the contest may be allowed to continue. (5-8-09)

ii. If the contest cannot continue the Technical Decision rule will be applied. (5-8-09)

**08. Low Blow in MMA Contest.** (5-8-09)

**a.** ~~*Intentional.*~~ If the referee determines that the low blow foul was intentional, he will follow the Intentional Foul rule. ~~(5-8-09)~~(\_\_\_\_)

i. If the offended combatant is not badly injured and their chance of winning has not been seriously jeopardized because of the foul, the Five (5) Minute rule may be applied. (5-8-09)

ii. If the referee determines that the athlete cannot continue, the offending combatant will lose by "Disqualification." (5-8-09)

**b.** ~~*Accidental. In cases where*~~ When a combatant is hit with an accidental low blow and claims injury, the referee, at his discretion, may apply the Five (5) Minute rule. If the injured combatant cannot resume fighting before the recovery period ends, the injured combatant will lose the contest by "No Contest." ~~(5-8-09)~~(\_\_\_\_)

**c.** The Five (5) Minute Rule is only applicable to low blow fouls. (5-8-09)

**09. Disqualification.** A combatant will lose by "Disqualification" when he: (5-8-09)

**a.** Intentionally fouls and causes harm to his opponent; (5-8-09)

**b.** Continually refuses to follow the rules; or (5-8-09)

- c. Continually disobeys the referee. (5-8-09)
- 10. Referee Action on Fouls in MMA Contest.** (5-8-09)
  - a. The referee must inform the Commission Representative as soon as possible of the following: (5-8-09)
    - i. The type of foul; (5-8-09)
    - ii. If the foul was accidental or intentional; (5-8-09)
    - iii. If points will be deducted from the offending combatant; (5-8-09)
    - iv. If the offending combatant will be disqualified; (5-8-09)
    - v. If the Five (5) Minute rule will or will not be applied; (5-8-09)
    - vi. If the contest will be delayed to evaluate a combatant; or (5-8-09)
    - vii. If the contest will or will not continue. (5-8-09)
  - b. The referee must declare whether a blow is legal or a foul. If declared a foul, he must declare if it was Accidental or Intentional. Point deductions for fouls will be done at the time of the infraction. If an intentional foul causes injury and the injury is severe enough to immediately terminate the bout, the combatant causing the injury loses by “Disqualification.” (5-8-09)
  - c. Point deductions for an intentional foul is mandatory. If an intentional foul causes an injury and the fouled combatant can continue, the referee at his discretion will deduct points from the offending combatant. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**737. MMA EVENT ROUNDS.**

**01. Length of Rounds.** ~~All rounds are five (5) minutes in length.~~ Rounds for contests or exhibitions in which amateur combatants participate shall be three (3) minutes long. Rounds for contests or exhibitions in which professional combatants participate shall be five (5) minutes long. (5-8-09)( )

**02. Number of Rounds.** Non-title contests consists of three (3) rounds. Title contests consist of five (5) rounds. (5-8-09)

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.01 - RULES GOVERNING HORSE RACING**

**DOCKET NO. 11-0401-0901 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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.

**This existing rule Chapter is being repealed and replaced with several rule Chapters. The rule needs to be updated, reorganized, and written in a plain English format. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 69.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive, Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2009.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**MONDAY - JANUARY 12, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This existing rule chapter is being repealed and replaced with several rule chapters. The rule needs to be updated, reorganized, and written in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080. 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 January 28, 2009.

DATED this 12th day of November, 2008.

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.04 - RULES GOVERNING RULES GOVERNING DISCIPLINARY HEARINGS**

**DOCKET NO. 11-0404-0901 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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.

**This existing rule Chapter is being repealed and replaced with several rule Chapters. The rule needs to be updated, reorganized, and written in a plain English format. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 72.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2009.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**MONDAY - JANUARY 12, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This existing rule is being repealed and rewritten to provide a clear, concise Chapter on Hearings and Appeals. In addition, this rule conforms more closely with the Association of Racing Officials International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c) Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of this rulemaking action.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact The Idaho State Racing Commission, 208-884-7080. 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 January 28, 2009.

DATED this 18th day of November, 2008.

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.04 - RULES GOVERNING DISCIPLINARY HEARINGS AND APPEALS**

**DOCKET NO. 11-0404-0902 (CHAPTER REWRITE)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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.

**This existing rule is being repealed and rewritten to provide a clear, concise Chapter on Hearings and Appeals. In addition, this rule conforms more closely with the Association of Racing Officials International Model Rules in a plain English format.**

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 73 through 83.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098



***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**MONDAY - JANUARY 12, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER  
Home Federal Room  
311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**The rewrite of this rule provides a clear concise rule chapter on Disciplinary Hearings and Appeals. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **It confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 04**

**IDAHO STATE RACING COMMISSION**

**11.04.04 - RULES GOVERNING DISCIPLINARY HEARINGS AND APPEALS**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules of the Idaho State Racing Commission are cited as IDAPA 11.04.04, "Rules Governing Disciplinary Hearings and Appeals." ( )

**02. Scope.** These rules govern disciplinary hearings and appeals in the State of Idaho. ( )

**002. WRITTEN INTPRETATIONS.**

There are no written interpretations for these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal actions of the Racing Commission authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is: <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records and are available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Act.** The Idaho Racing Act, Section 54-2501, Idaho Code. ( )

**02. Appeal.** A request for the Racing Commission or its designee to investigate, consider and review any decisions or rulings of Stewards of a meeting. ( )

**03. Arguments.** A fact or statements offered as proof or evidence. ( )

**04. Burden of Proof.** The obligation to establish by the preponderance of the evidence that a violation of statute or rules occurred. ( )

**05. Calendar Day.** Twenty-four (24) hours ending at midnight. ( )

**06. Continuance.** Postponement of adjudicatory proceedings to a future date. ( )

**07. De Novo Hearing.** To have the matter heard a new. ( )

**08. Disciplinary Action.** A process for dealing with behavior that violates the provisions of these rules. ( )

**09. Evidence.** Data presented in proof of the facts in issue and which may include the

testimony of witnesses, records, documents, or objects. ( )

**10. Exclusion.** The act of preventing a person from entering or remaining on the grounds of any racing association or simulcast facility under the jurisdiction of the Racing Commission. ( )

**11. Executive Director.** The person responsible for the administration of the Idaho State Racing Commission. ( )

**12. Hearing Officer.** An official appointed by the Idaho State Racing Commission to conduct an investigation or administrative hearing so that the agency can exercise its statutory powers. ( )

**13. Horsemen's Bookkeeper.** A bonded racing association employee who manages the horsemen's accounts which covers all monies due horsemen in regards to purses, stakes, rewards, claims and deposits. ( )

**14. Licensee.** Any person or entity holding a license from the Racing Commission to engage in racing or a regulated activity. ( )

**15. Motions.** A request for a steward or racing commission to make a decision. ( )

**16. Notice.** A written or printed announcement from Stewards or the Racing Commission. ( )

**17. Racing Association.** Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. ( )

**18. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )

**19. Ruling.** An official decision by the stewards stating the charges against the licensee. ( )

**20. Stay.** To delay or stop the effect of a stewards ruling. ( )

**21. Steward.** A racing official who presides over a race meet, has jurisdiction over all racing officials, rules on protests and claims of foul, and imposes fines and suspensions. ( )

**22. Suspension.** A temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein. ( )

**011. ABBREVIATIONS.**  
There are no abbreviations used in these rules. ( )

**012. -- 019. (RESERVED).**

**020. APPLICABILITY.**

These rules apply to all proceedings for disciplinary action of licensees and associated proceedings including disqualification. ( )

**021. -- 029. (RESERVED).**

**030. EXEMPTION FROM THE IDAHO RULES OF ADMINISTRATIVE PROCEDURE OF THE ATTORNEY GENERAL.**

**01. Findings.** In accordance with Section 67-5206(5)(b), Idaho Code, the Racing Commission makes the following findings: ( )

**a.** Horse racing is a sport requiring racing officials to make immediate binding decisions affecting the races and participants in the races. ( )

**b.** A central element of horse racing is pari-mutuel betting, and public confidence in the outcome of races is critical to the racing industry and the general public. ( )

**c.** Racing seasons at certain locations are often very short and involve preliminary and final races requiring quick action in order for disciplinary action to be effective and in order to permit final races to be run without controversy as to the participants and winners. ( )

**d.** Nationwide, participants in racing have become accustomed to, and acknowledge the need for, immediate authoritative decisions and quick disciplinary action. ( )

**02. Idaho Rules of Administrative Procedure of the Attorney General.** Because of the factors described in Subsection 030.01 of these rules, the Racing Commission adopts IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ( )

**a.** Proceedings before the Racing Commission are governed by IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ( )

**b.** Proceedings by the Stewards are governed exclusively by this chapter (IDAPA 11.04.04), and supersede IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ( )

**031. PROCEEDINGS BY THE RACING COMMISSION.**

De novo hearings and other proceedings before the Racing Commission are governed by IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," insofar as such provisions are not inconsistent with these rules. ( )

**032. -- 039. (RESERVED).**

**040. DISCIPLINARY ACTION.**

**Only** the Stewards or the Racing Commission have the right to impose a fine or suspension. ( )

**041. WRITTEN REPORT.**

The Stewards must report fines or suspensions imposed in the daily written report submitted to the Racing Commission. ( )

**042. FINES.**

All fines imposed by the Stewards must be paid to the Horsemen's Bookkeeper immediately after imposition, except: ( )

- 01. Otherwise Ordered.** As otherwise ordered by the Stewards under these rules; ( )
- 02. Stayed by Commission.** Stayed by the Racing Commission; or ( )
- 03. Stayed by Courts.** As stayed by a court of competent jurisdiction. ( )

**043. SUSPENSIONS.**

All suspensions for a specified period of time are to be considered in calendar days. The ruling will show the first and the last day of suspension. ( )

**044. -- 049. (RESERVED).**

**050. SUMMARY SUSPENSION.**

If the Stewards determine that a licensee's actions constitute an immediate danger to the public health, safety or welfare, the Stewards may summarily suspend the license pending a hearing. ( )

**01. Entitlement to Hearing.** A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the third day after the license was summarily suspended. The licensee may waive his right to a hearing on the summary suspension within the three (3) day limit. ( )

**02. Issue at Hearing.** The Stewards must conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling. ( )

**051. -- 059. (RESERVED).**

**060. RIGHTS OF THE LICENSEE.**

A licensee who is the subject of a disciplinary hearing conducted by the Stewards is entitled to the following: ( )

- 01. Proper Notice.** Proper notice of all charges; ( )
- 02. Legal Counsel.** The right to legal counsel at the licensee's own expense; ( )
- 03. Examination of Evidence.** The right to examine all evidence to be presented

against the licensee; ( )

**04. Defense.** The right to present a defense; ( )

**05. Call Witnesses.** The right to call witnesses; and ( )

**06. Cross Examination.** The right to cross examine witnesses. ( )

**061. -- 069. (RESERVED).**

**070. PROPER NOTICE OF ALL CHARGES.**

The Stewards must provide written notice at least three (3) days before the hearing to a licensee who is the subject of a disciplinary hearing, except as provided for by these rules regarding summary suspensions. The licensee may waive his right to a three-day notice by executing a written waiver. ( )

**071. CONTENT OF NOTICE.**

Notice given under Section 070 must include: ( )

**01. Hearing Schedule.** A statement of the time, place and nature of the hearing; ( )

**02. Legal Authority.** A statement of the legal authority and jurisdiction under which the hearing is to be held; ( )

**03. Violation.** A reference to the particular sections of the statutes or rules involved; ( )

**04. Description of Conduct.** A short, in plain language of the alleged conduct that has given rise to the disciplinary hearing; ( )

**05. Possible Penalties.** The possible penalties that may be imposed; and ( )

**06. Rights.** A statement summarizing the rights of the licensee as outlined in Section 060 of these rules. ( )

**072. SERVICE OF NOTICE.**

**01. Hand Delivery.** If possible, the Stewards or their designee may hand deliver the written notice of the disciplinary hearing to the licensee who is the subject of the hearing. ( )

**02. Mail Delivery.** If hand delivery is not possible, the Stewards may mail the notice to the licensee's last known address, as found in the Racing Commission's licensing files, by regular mail and by certified mail, return receipt requested. ( )

**03. Disqualification.** If the disciplinary hearing involves an alleged medication violation that could result in the disqualification of a horse, the Stewards must provide notice of

the hearing to the owner, managing owner or lessee of the horse in the manner provided by Section 072. ( )

**073. NONAPPEARANCE.**

**01. Nonappearance After Adequate Notice.** Nonappearance of a summoned party after adequate notice is construed as a waiver of the right to a hearing before the Stewards. ( )

**02. Suspension of License.** In compliance with these rules the Stewards may suspend the license of a person who fails to appear at a disciplinary hearing after written notice of the hearing has been sent. ( )

**074. -- 079. (RESERVED).**

**080. CONTINUANCES.**

**01. Request for Continuance.** Upon receipt of a notice of disciplinary hearing, a licensee may request a continuance of the hearing. ( )

**02. Good Cause.** The Stewards may grant a continuance of any hearing for good cause shown. ( )

**03. Order of Continuance.** The Stewards may at any time order a continuance on their own motion. ( )

**081. -- 089. (RESERVED).**

**090. EVIDENCE.**

Each witness at a disciplinary hearing conducted by the Stewards must be sworn in by the presiding steward. ( )

**091. RULES OF EVIDENCE.**

The Stewards are to allow a full presentation of evidence and are not bound by the technical rules of evidence. However, the Stewards may disallow evidence that is irrelevant or unduly repetitive of other evidence. The Stewards have the authority to determine, in their sole discretion, the weight and credibility of any evidence or testimony. The Stewards may admit hearsay evidence if the Stewards determine the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by state law apply in hearings before the Stewards. ( )

**092. BURDEN OF PROOF.**

The burden of proof is on the person bringing the complaint to show, by a preponderance of the evidence, that the licensee has violated or is responsible for a violation of the Act or a Racing Commission rule. ( )

**093. RECORD OF HEARING.**

The Stewards must make a tape recording of all disciplinary hearings. A transcript of the



recording may be made available at the expense of the requesting person. ( )

**094. -- 099. (RESERVED).**

**100. RULING.**

The issues at a disciplinary hearing must be decided by a majority vote of the Stewards. If the vote is not unanimous, the dissenting steward must include a written statement of the reason(s) for the dissent with the record of the hearing. ( )

**101. FORM OF RULING.**

A ruling by the Stewards must be on a form prescribed by the Racing Commission and must include: ( )

**01. Personal Information.** The full name, date of birth, last record address, license type and license number of the person who is the subject of the hearing; ( )

**02. Charges.** A statement of the charges against the licensee, including a reference to the specific section of the Act or rules of the Racing Commission that the licensee is found to have violated; ( )

**03. Dates.** The date of the hearing and the date the ruling was issued; ( )

**04. Penalty.** The penalty imposed; ( )

**05. Order of Finish.** Any changes in the order of finish or purse distribution; and ( )

**06. Other Information.** Any other information required by the Racing Commission. ( )

**07. Signing of Ruling.** A ruling must be signed by a majority of the Stewards. ( )

**102. -- 109. (RESERVED).**

**110. SERVICE OF RULING.**

**01. Hand Delivery.** If possible, the Stewards or their designee may hand deliver a copy of the ruling to the person who is the subject of the ruling. ( )

**02. Mail.** If hand delivery is not possible, the Stewards may mail the ruling to the person's last known address, as found in the Racing Commission's licensing files, by regular mail and by certified mail, return receipt requested. ( )

**03. Copy.** A copy of the ruling must be sent to the association of Racing Commissioners International or association of Racing Commissioners International Ruling Database. ( )

**04. Disqualification.** If the ruling includes the disqualification of a horse, the Stewards must provide a copy of the ruling to the owner of the horse, the horsemen's bookkeeper, the appropriate past performance service(s) and the Association of Racing Commissioners International in the manner provided for in these rules. ( )

**111. -- 119. (RESERVED).**

**120. NOTICE OF RIGHT OF APPEAL.**

A licensee who is the subject of the proceeding must be informed by the Stewards of his right to appeal the ruling at the time he is informed of the ruling. ( )

**121. -- 139. (RESERVED).**

**140. TRANSFER OF HORSE PROHIBITED.**

The transfer of a horse to avoid application of a Racing Commission rule or ruling is prohibited. ( )

**141. -- 149. (RESERVED).**

**150. APPEALS.**

Except as provided in Section 160 of these rules, a licensee aggrieved by a ruling of the Stewards may appeal to the Racing Commission. A licensee who fails to file an appeal by the deadline and in the form required by these rules waives the right of appeal. ( )

**151. TIME FRAME FOR APPEAL.**

An appeal must be filed with the Executive Director of the Racing Commission not later than five (5) calendar days after the entry of the ruling. If the Racing Commission determines the appeal to be frivolous, the appellant may be subject to a fine. ( )

**152. FORM OF APPEAL.**

**01. Form of Appeal.** An appeal must be in writing on a form prescribed by the Racing Commission and must include: ( )

**a.** The name, address, telephone number and signature of the licensee making the appeal; and ( )

**b.** A statement of the basis for the appeal. ( )

**02. Bond.** The licensee filing the appeal may be required to furnish a bond in the amount of two hundred dollars (\$200) to cover the administrative costs and which may be forfeited should the appeal be heard. ( )

**153. RECORD FOR APPEAL.**

Upon notification by the Racing Commission that an appeal has been filed, the Stewards must forward to the Racing Commission the written record of the proceeding and any evidence or exhibits on which the appeal is based. ( )

**154. PAYMENT OF FINES DURING APPEAL.**

If a licensee against whom a fine has been assessed files an appeal of the ruling that assesses the fine, the licensee must pay the fine in accordance with these rules. If the appeal is disposed of in favor of the appellant, the Racing Commission must refund the amount of the fine. ( )

**155. -- 159. (RESERVED).**

**160. NO APPEAL FROM DISQUALIFICATION FOR INTERFERENCE.**

A decision by the Stewards regarding a disqualification for interference during the running of the race is final and may not be appealed to the Racing Commission. ( )

**161. -- 169. (RESERVED).**

**170. HEARING ON APPEAL.**

The hearing of the Racing Commission on appeal is limited to oral argument regarding issues of law and fact as may be found in the record established before the Board of Stewards, except, the Racing Commission may order a de novo hearing if the Racing Commission determines that exceptional circumstances require it. ( )

**171. WRITTEN APPEAL.**

**01. Written Appeal.** With the consent of the appellant, an appeal may be submitted in writing. ( )

**02. Determination.** The Racing Commission will determine the matter upon the record submitted to the Racing Commission. ( )

**03. Papers.** All papers filed with the Racing Commission are the property of the Racing Commission. ( )

**172. HEARING OFFICER.**

The Racing Commission may assign a hearing officer to hear the matter pending before the Racing Commission, pursuant to the IDAPA 04.11.01, "Idaho Rules of Administrative Proceeding of the Attorney General." ( )

**173. WRITTEN ARGUMENTS.**

Written arguments and briefs or briefs and motions regarding the appeal will be allowed under such terms as the Racing Commission may direct in its notice of hearing, which will be issued at least twenty-eight (28) days prior to the date set for hearing. ( )

**174. MOTIONS.**

Requests for postponement and other motions must be filed in writing not later than seven (7) days before the scheduled hearing. The Executive Director may determine whether good cause is shown for the postponement and may grant or deny the request on behalf of the Racing Commission. ( )

**175. -- 179. (RESERVED).**

**180. RECORD OF PROCEEDINGS.**

**01. Record of Proceedings.** A verbatim record of the proceedings at hearings before the Racing Commission will be maintained either by electrical devices or by stenographic means, as the Racing Commission may direct. ( )

**02. Stenographic Record.** If any party to the action requests a stenographic record of the proceedings, the record will be done by stenographic means. ( )

**03. Cost.** The requesting party must pay the costs of reporting the proceedings. ( )

**181. FINAL ORDER.**

Following the hearing the Racing Commission will issue a final order as provided by Section 67-5246, Idaho Code. The Executive Director may sign the final order on behalf of the Racing Commission Chairman. ( )

**182. -- 199. (RESERVED).**

**200. STAY OF RULING.**

A licensee who has been disciplined by a ruling of the Stewards may apply to the Executive Director for a stay of the ruling. ( )

**201. TIME FRAME FOR APPLICATION.**

An application for a stay must be filed with the Racing Commission's Executive Director not later than the deadline for filing an appeal. ( )

**202. FORM OF APPLICATION.**

**01. Application for Stay.** An application for a stay must be in writing and must include: ( )

**a.** The name, address, and telephone number of the person requesting the stay; ( )

**b.** A statement of the justification for the stay. ( )

**02. Licensee Signature.** The application must be signed by the licensee requesting the stay. ( )

**203. GRANT OR DENIAL OF STAY.**

The Executive Director may grant a stay for cause. ( )

**01. Licensee Notification.** The Executive Director must notify the licensee in writing of the decision. ( )

**02. Rescission of Stay.** The Executive Director may rescind a stay granted under this Subsection of these rules for reasonable cause. ( )

**204. EFFECT OF STAY.**

The fact that a stay is granted is not a presumption that the ruling by the Stewards is invalid. ( )

**205. -- 349. (RESERVED).**

**350. EXCLUSION.**

The Stewards or Racing Commission may order an individual excluded from all or part of any premises under the regulatory jurisdiction of the Racing Commission if the Stewards, Executive Director, or Racing Commission determine that: ( )

**01. Statutory or Regulatory Exclusion.** The individual may be excluded under the statutes or rules of the Racing Commission. ( )

**02. Integrity Exclusion.** The individual's presence on racing association grounds is inconsistent with maintaining the honesty and integrity of racing. ( )

**351. HEARING ON EXCLUSION.**

An exclusion may be ordered separately or in conjunction with other disciplinary action taken by the Stewards or Racing Commission. ( )

**01. Ordered Separately.** If an exclusion is ordered separately, the excluded individual is entitled to a hearing before the Stewards or Racing Commission. ( )

**02. Conduct of Hearing.** A hearing on an exclusion is conducted in the same manner as other hearings conducted by the Stewards or Racing Commission. ( )

**03. Effect of Exclusion.** If an individual is excluded under these rules, a horse owned or trained by or under the care or supervision of the individual is ineligible to be entered or to start in a race in this jurisdiction. ( )

**352. -- 399. (RESERVED).**

**400. RULINGS IN OTHER JURISDICTIONS.**

The Racing Commission and the Stewards may honor rulings from other pari-mutuel jurisdictions regarding license suspensions, revocation, or eligibility of horses. ( )

**401. APPEALS OF RECIPROCAL RULINGS.**

Persons subject to rulings in other jurisdictions have the right to request a hearing before the Racing Commission to show cause why such ruling should not be enforced in this jurisdiction. ( )

**01. Request for Hearing.** Any request for such hearing must clearly set forth in writing the reasons for the appeal. ( )

**02. Signed.** The request must be signed by the person requesting the hearing. ( )

**402. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.05 - RULES GOVERNING ADVANCED DEPOSIT WAGERING**

**DOCKET NO. 11-0405-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 84 through 93.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **November 12, 2008**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**MONDAY - JANUARY 12, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Advanced Deposit Wagering. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.



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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 05**

**IDAHO STATE RACING COMMISSION**

**11.04.05 - RULES GOVERNING ADVANCED DEPOSIT WAGERING**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules of the Idaho State Racing Commission are cited as IDAPA 11.04.05, "Rules Governing Advanced Deposit Wagering." ( )

**02. Scope.** These rules govern advanced deposit wagering in Idaho. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal Racing Commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Account.** An account for advanced deposit wagering with a specific identifiable record of credits, debits, deposits, wagers, and withdrawals established by an account holder and managed by the advanced deposit wagering operator. ( )

**02. Account Holder.** A natural person who successfully completed an application and for whom the advance deposit wagering operator has opened an account. ( )

**03. Advance Deposit Wagering.** A form of pari-mutuel wagering in which a natural person may deposit money in an account with an advance deposit wagering operator and then use the current balance to pay for pari-mutuel wagering. ( )

**04. Advance Deposit Wagering Facility.** An actual location, equipment, and staff of an advance deposit wagering operator involved in the management, servicing and operation of advance deposit wagering. ( )

**05. Advance Deposit Wagering Operator.** Those persons or entities licensed by the Idaho State Racing Commission with the authority to accept deposits and wagers, issue a receipt or other confirmation to the account holder evidencing such deposits and wagers, and transfer credits and debits to and from accounts. ( )

**06. Applicant.** A natural person who has submitted an application to establish an account. ( )

**07. Application.** The form or forms and other required submissions received from an applicant with the intent of opening an account. ( )

- 08. Confidential Information.** Confidential information includes: ( )
- a.** The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account; ( )
  - b.** The amount of money wagered by a particular account holder on any race or series of races; ( )
  - c.** The account number and secure personal identification code of a particular account holder; ( )
  - d.** The identities of particular entries on which the account holder is wagering or has wagered; ( )
  - e.** Unless otherwise authorized by the account holder, the name, address, and other information in the possession of the advance deposit wagering operator that would identify the account holder to anyone other than the Racing Commission. ( )
- 09. Corporation.** A body that is granted a charter recognizing it as a separate legal entity distinct from its members. ( )
- 10. Credits.** All positive inflow of money to an account. ( )
- 11. Debits.** All negative outflow of money from an account. ( )
- 12. Deposit.** A payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account. ( )
- 13. Natural Person.** Any person at least eighteen (18) years of age, but does not include any corporation, partnership, limited liability company, trust, or estate. ( )
- 14. Partnership.** A relationship between individuals for the achievement of a specific goal. ( )
- 15. Principal Residence Address.** That place where the natural person submitting an application for an account resides at least fifty percent (50%) of the time during the calendar year. ( )
- 16. Proper Identification.** A form of identification accepted in the normal course of business to establish that the person making a transaction is the account holder. ( )
- 17. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )
- 18. Secure Personal Identification Code.** An alpha-numeric character code chosen by an account holder as a means by which the advance deposit wagering operator may verify a wager or account transaction as authorized by the account holder. ( )

**19. Source Market Fee.** That part of a wager, made outside of the state by an Idaho resident, that is returned to the Racing Commission. ( )

**20. Withdrawal.** A payment of money from an account by the advance deposit wagering operator to the account holder when property requested by the account holder. ( )

**21. Withdrawal Slip.** A form provided by the advance deposit wagering operator for use by an account holder in withdrawing funds from an account. ( )

**011. ABBREVIATIONS.**  
There are no abbreviations used in these rules. ( )

**012. -- 014. (RESERVED).**

**015. LICENSING FOR ADVANCED DEPOSIT WAGERING.**  
No person may conduct advanced deposit wagering activities within Idaho prior to receiving an advance deposit wagering license from the Racing Commission. ( )

**016. -- 019 (RESERVED).**

**020. ADVANCED DEPOSIT WAGERING LICENSE.**  
Any person may request a license from the Racing Commission to conduct advanced deposit wagering in accordance with Section 54-2512(5), Idaho Code, and these rules. As part of the request, such person must submit a detailed plan of how its proposed advance deposit wagering system would operate. The Racing Commission may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless ordered by the Racing Commission or until approval is obtained from the Racing Commission after it receives a written request. ( )

**021. -- 024. (RESERVED).**

**025. ADVANCE DEPOSIT WAGERING LICENSE APPLICATION.**  
An applicant for an advance deposit wagering operator license must provide the following information as part of the application: ( )

**01. Legal Name.** The legal name of the person seeking the license. ( )

**02. Corporation.** If the person seeking a license is a corporation: the names, addresses of all directors and officers, the date of incorporation and the place of incorporation; ( )

**03. Partnership.** If the person seeking a license is a partnership: the names, addresses of all partners. If a partner is a corporation the date of incorporation, the place of incorporation and the names and addresses of all directors and officers. ( )

**04. Race Tracks.** The names of the race tracks the advance deposit wagering operator has contracts with that allow the applicant to provide wagering on the product. ( )

**05. Financial Information.** Financial information that demonstrates the financial resources to operate. ( )

**06. Budget.** A detailed budget showing anticipated revenue, expenditures and cash flows by month during the license period. ( )

**07. Number of Days.** The number of days of planned operation during the fiscal year in which they are seeking to be licensed. ( )

**026. DETAILED PLAN OF OPERATION FOR ADVANCED DEPOSIT WAGERING.**

**01. Detailed Plan of Operation.** The detailed plan of operation for an advanced deposit wagering license must include, but is not limited to, the following information: ( )

**a.** The manner in which the wagering system will operate; ( )

**b.** Programs for responsible wagering; and ( )

**c.** Mitigation for the effects of advance deposit wagering on the source market in which the account holder resides. ( )

**02. Requirements for Accounts Established and Operated for Persons Whose Principal Residence Is Outside of the State of Idaho.** The Racing Commission may require changes in a proposed plan of operations as a condition of granting a license. No subsequent changes in the system's operation may occur unless ordered by the Racing Commission or until approval is obtained from the Racing Commission after it receives a written request. ( )

**027. -- 029. (RESERVED).**

**030. INVESTIGATIONS OR INSPECTIONS.**

The Racing Commission may conduct investigations and inspections and request additional information from the advanced deposit wagerer as it deems appropriate. ( )

**031. -- 039. RESERVED).**

**040. CLAIMS OF NON-PAYMENT.**

**01. Claim of Non-Payment.** An account holder, who is claiming that non-payment has occurred, must make a claim of non-payment to the Racing Commission. ( )

**02. Investigation of Claim.** The Racing Commission will investigate the claim and provide the advance deposit wagering operator with an opportunity to respond thereto and submit any supporting documents or evidence it needs to defend the claim. ( )

**03. Commission Determination.** If the Racing Commission determines that the account holder is entitled to restitution, the advance deposit wagering operator has ten (10) days

to pay the amount determined by the Racing Commission. ( )

**041. -- 049. (RESERVED).**

**050. PROMOTE AND ADVERTISE.**

An applicant licensed under these rules may enter into such agreements, for what it deems good and sufficient reasons, that are necessary to promote, advertise, and further the sport of racing, or that may be necessary for the effective operation of interstate account wagering, including, without limitation, television production and telecommunications services. Such agreements are reviewed by the Racing Commission and may be denied. ( )

**051. -- 059. (RESERVED).**

**060. OUT-OF-STATE PROVIDERS.**

Any advance deposit wagering by an account holder with a provider outside of the State by telephone or other electronic means is illegal, unless that provider is licensed by the Racing Commission and provides a source market fee of not less than ten percent (10%) of the handle forwarded monthly to the Racing Commission. ( )

**061. -- 069. (RESERVED).**

**070. RESIDENCE OUTSIDE THE STATE OF IDAHO.**

Requirements for the establishment and operation of accounts for individuals whose principle residence is outside of the state of Idaho must be set forth in the operation plan as stated in these rules. ( )

**071. -- 079. (RESERVED).**

**080. ESTABLISHING AN ACCOUNT.**

**01. Establishing an Account.** The application for establishing the account must be authorized in a manner acceptable to the Racing Commission and must include the applicant's: ( )

**a.** Full legal name; ( )

**b.** Principal residence address; ( )

**c.** Telephone number of their permanent residence; ( )

**d.** Social security number; and ( )

**e.** Proper identification or certification demonstrating that the applicant is at least eighteen (18) years of age. ( )

**02. Other Information.** As needed, any other information required by the Racing Commission or the advance deposit operator must be included. ( )

**081. ACCOUNT INFORMATION.**

Each application for an advance deposit wagering account may be subject to verification. ( )

**082. IDENTIFYING AN ACCOUNT NUMBER.**

Each account must have a unique identifying account number. The identifying account number may be changed at any time by the advance deposit wagering operator provided the advance deposit wagering operator informs the account holder in writing prior to the change. ( )

**01. Secure Personal Identification Code.** The applicant must supply the advance deposit wagering operator with an alpha-numeric code to be used as a secure personal identification code when the account holder is placing an account wager. The account holder has the right to change this code at any time. ( )

**02. Principle Residence.** The principal residence address will be established by reliance on the information submitted on the application form provided and certified by the applicant. ( )

**03. Upon Approval Account Holder Receives.** The account holder will receive, at the time the account is approved: ( )

**a.** A unique account identification number; ( )

**b.** A copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account; and ( )

**c.** Such other information as the advance deposit wagering operator or Racing Commission may deem appropriate. ( )

**04. Name of Natural Persons.** The advance deposit wagering operator will accept accounts in the name of a natural person only. ( )

**05. Nontransferable.** The account is nontransferable between natural persons. ( )

**083. -- 089. (RESERVED).**

**090. CLOSE OR REFUSE TO OPEN AN ACCOUNT.**

The advance deposit wagering operator may close or refuse to open an account, for what it deems good and sufficient reason, and will order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules. ( )

**091. -- 094. (RESERVED).**

**095. ACCOUNT HOLDER RESPONSIBILITIES.**

**01. Personal Use Only.** Accounts are for the personal use of the account holder.

( )

**02. Security.** The account holder is responsible for maintaining the secrecy of the account number and secure personal identification code. ( )

**03. Account Losses.** Except where the advance deposit wagering center or its employees or agents act without good faith or fail to exercise ordinary care, the advance deposit wagering center is not be responsible for any loss arising from the use by any other person or persons of an account holder's account. ( )

**04. Notification of Account Security Breach.** The account holder must immediately notify the advance deposit wagering center of a breach of the account's security. ( )

**096. -- 099. (RESERVED)**

**100. OPERATION OF AN ACCOUNT.**

**01. Operator May Refuse Deposits.** The advance deposit wagering operator may refuse deposits to an account for what it deems good and sufficient reason. ( )

**02. Operator May Suspend or Close Account.** The advance deposit wagering operator may suspend or close any account at any time provided that within five (5) business days of closing the account the advance deposit wagering operator returns to the account holder all monies then on deposit by sending it to the principal residence address as listed on the application. ( )

**101. -- 104. (RESERVED).**

**105. CREDITS TO AN ACCOUNT.**

After the initial establishment of an account, credits to an account may be made as follows: ( )

**01. Deposits.** Deposits to an account by an account holder must be made in the following forms: ( )

**a.** Cash given to the staff of an advance deposit wagering operator; ( )

**b.** Personal or cashier check, or money order given or sent to an advance deposit wagering operator; ( )

**c.** Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder. Such instructions may be given by telephone or any electronic device to the advance deposit wagering facility by the account holder if the use of the card has been approved by the advance deposit wagering operator; or ( )

**d.** Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his account. The account holder is liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the



account. ( )

**02. Credit for Winnings.** Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched will be posted to the account by the advance deposit wagering operator. ( )

**03. Accordance with Financial Institution.** Checks, money orders and other negotiable instruments will be posted to the credit of the account holder in accordance with financial institution funds availability schedules. ( )

**106. DEBITS TO AN ACCOUNT.**

**01. Debits to an Account.** Debits to an account are made as follows: ( )

**a.** Upon receipt by the advance deposit wagering operator of an account wager, the advance deposit wagering center debits the account in the amount of the wager; or ( )

**b.** For fees for service or other transaction-related charges by the advance deposit wagering operator. ( )

**02. Account Withdrawals.** An advance deposit wagering operator may authorize a withdrawal from an account when one (1) of the following exists: ( )

**a.** The account holder of an account appears personally at the advance deposit wagering operators location and provides the following: ( )

**i.** Proper identification; ( )

**ii.** The correct secure personal identification code; and ( )

**iii.** A properly completed and signed withdrawal slip. ( )

**b.** The account holder sends to the advance deposit wagering operator a properly completed and signed withdrawal slip by any means, electronic or otherwise. ( )

**i.** Upon receipt of a properly completed and signed withdrawal slip, and if there are sufficient funds in the account to cover the withdrawal, the advance deposit wagering operator must, within five (5) business days of its receipt, send a check to the account holder. The check must be payable to the holder of the account and in the amount of the requested withdrawal. ( )

**ii.** If funds are not sufficient to cover the withdrawal, the account holder will be notified in writing and those funds in the account will be withdrawn and sent to the account holder within the five (5) business day time period. Electronic funds transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the advance deposit wagering operator subject to the same conditions described for electronic funds transfer credits. ( )

c. The advance deposit wagering operator may close accounts in which there has been no activity for at least six (6) months, returning funds remaining therein to the account holder at his principal residence address. ( )

d. In the event an account holder is deceased, funds accrued in the account will be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws. ( )

**107. WAGERS IN EXCESS OF ACCOUNT BALANCE.**

The advance deposit wagering operator will not accept wagers from an account holder in an amount in excess of the account balance. ( )

**108. ACCOUNTS WILL NOT BEAR ANY INTEREST.**

Monies deposited with the advance deposit wagering operator for advance deposit wagering must not bear any interest to the account holder. ( )

**109. PAYMENTS ON WINNING PARI-MUTUEL WAGERS.**

Payments on winning pari-mutuel wagers and credits for account wagers on entries which are scratched must be posted to the credit of the account holder as soon as practicable after the race is declared official. ( )

**110. MAILING ADDRESS.**

The principal residence address, provided in writing by the account holder at the time of application, is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence. The mailing of checks or other correspondence to the address given by the account holder is at the sole risk of the account holder. ( )

**111. -- 119. (RESERVED).**

**120. POWERS OF THE RACING COMMISSION TO REVIEW AND AUDIT RECORDS.**

The Racing Commission or its staff will be given access to all records and financial information of the advance deposit wagering operator for review and audit. The Racing Commission may require that the advance deposit wagering operator annually submit to the Racing Commission audited financial statements of the advance deposit wagering system. ( )

**121. -- 124. (RESERVED).**

**125. CONFIDENTIAL INFORMATION.**

No confidential information related to the placing of any wager or to the operation of the advance deposit wagering center may be divulged by any employee or agent of the advance deposit wagering center, except, as required by these rules, to the account holder or the Racing Commission, or as otherwise required by state or federal law or regulation or rules of the Racing Commission. ( )

**126. -- 129. (RESERVED).**

**130. APPLICABLE LAWS, RULES, AND REGULATIONS.**

All advance deposit wagering operators must adhere to all applicable state and federal laws, rules, and regulations. ( )

**131. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.06 - RULES GOVERNING RACING OFFICIALS**

**DOCKET NO. 11-0406-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 94.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**MONDAY - JANUARY 12, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Racing Officials. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 06**

**IDAHO STATE RACING COMMISSION**

**11.04.06 - RULES GOVERNING RACING OFFICIALS**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules are cited as IDAPA 11.04.06, "Rules Governing Racing Officials." ( )

**02. Scope.** These rules govern the Racing Officials of the Idaho State Racing Commission. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

There are no documents are incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is

located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Appointment.** A person approved by the Racing Commission or its designee, for an official racing position. ( )

**02. Apprentice Jockey.** A jockey who has not ridden a certain number of winners within a specified period of time. ( )

**03. Approval.** Acceptance of a racing official's eligibility by the Racing Commission or its designee. ( )

**04. Assistant Starter.** The employee of a racing association who, under direct supervision of the starter, helps place the starting gate for a race, leads horses into the gate, helps jockeys and handles horses while in the gate until the start. ( )

**05. Attendance.** Being at an assigned location for an assigned period of time. ( )

**06. Clerk of Scales.** The employee of a racing association responsible for sequestering all jockeys each racing day, weighing all jockeys out and in from races, checking their assigned riding weights versus their actual weights, and reporting all changes. ( )

**07. Clocker.** A person who times workouts and races. ( )

**08. Commission Veterinarian.** A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. ( )

- 09. Complaint.** A written allegation of a violation of these rules. ( )
- 10. Conditions.** Qualifications which determine a horse's eligibility to be entered in a race. ( )
- 11. Controlled Substance.** Any substance included in the five (5) classification schedules of the (U.S.) Controlled Substance Act of 1970. ( )
- 12. Daily Program.** The published listing of all contests and contestants for a specific performance. ( )
- 13. Dead Heat.** The finish of a race in which the noses of two (2) or more horses reach the finish line at the same time. ( )
- 14. Declaration.** The act of withdrawing an entered horse from a race before the closing of overnight entries. ( )
- 15. Disciplinary Action.** An action taken for misconduct or rule violation(s). ( )
- 16. Eligibility Certificate.** Document(s) showing the eligibility of all horses competing at the track or stabled on the grounds. ( )
- 17. Entrance Money Records.** A record showing all monies due and paid prior to entry of a contest. ( )
- 18. Entries.** A list of horses entered in a race. ( )
- 19. Gate Judge.** A track employee who is present at the starting gate just prior to the running of each race. ( )
- 20. Horse Identifier.** A person who is responsible for positively identifying all horses entered to a race, stabled or on racing association grounds. ( )
- 21. Horsemen's Bookkeeper.** A bonded racing association employee who manages the horsemen's accounts which covers all monies due horseman in regards to purses, stakes, rewards, claims and deposits. ( )
- 22. Jockey's Room.** A room reserved for jockey's to prepare for a race. ( )
- 23. Jockey Room Custodian.** A racing association employee authorized to regulate the conduct of the jockeys, ensure good order is maintained and monitors the jockeys. ( )
- 24. Jurisdiction.** The limits or territory within which Racing Officials authority may be exercised. ( )
- 25. Licensing.** Determination for eligibility of a racing official by the Racing Commission or its designee. ( )



- 26. Nerved Horses.** A horse that has had posterior digital neurectomy (heel nerving) surgery. ( )
- 27. Nomination.** The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee. ( )
- 28. Objection.** A verbal claim of foul in a race lodged with the stewards or their designee by the horse's jockey, trainer, owner or the owner's authorized agent before the race is declared official. ( )
- 29. Order of Finish.** The order of finish of the contestants in a contest as declared official by the stewards/judges. ( )
- 30. Paddock Judge.** The employee of a racing association responsible for getting jockeys and horses in order to go to the starting gate; also checks the equipment used by each horse and supervises the saddling of the horses. ( )
- 31. Paddock Judge's List.** A list of horses which may not be entered in a race for safety reasons. ( )
- 32. Patrol Judge.** A person who observes a race and reports information concerning the race to the stewards. ( )
- 33. Photo Finish.** A requested photo to help in determining the correct order of finish. ( )
- 34. Placing Judge.** A person who determines the order of finish in a race as the horses pass the finish line. ( )
- 35. Presiding State Steward.** One (1) of the two (2) stewards appointed by the Racing Commission who presides over all other stewards. ( )
- 36. Protest.** A written complaint made to the stewards concerning a horse entered in a race and filed not later than one (1) hour prior to the scheduled post time of the first race on the day in which the questioned horse is entered. ( )
- 37. Purse.** The total dollar amount for which a race is contested. ( )
- 38. Race Meet.** The number of races and race days approved by the Racing Commission in the Racing Association license. ( )
- 39. Racing Association.** Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. ( )
- 40. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )

**41. Racing Secretary.** The employee of a racing association, who writes the conditions for the races, assigns the weights for handicap races, receives entries, conducts the draw, and is responsible for the operation and organization of the race office. ( )

**42. Records.** A daily log kept by the presiding steward of the stewards' official activities. Also, an accounting of each horse, owner, trainer or jockey participating at a race meet who had funds due or on deposit in the horsemen's account completed by the Horsemen's Bookkeeper's. ( )

**43. Reports.** A daily account of the stewards' actions and observations made during each day's race program. ( )

**44. Rule Off.** An action by the racing stewards, under these rules, to suspend a license for a violation of these rules. ( )

**45. Stake.** The prize in a contest. ( )

**46. Stalls.** Stable area on racing association grounds for horses assigned by the racing secretary. ( )

**47. Starter.** The employee of a racing association responsible for dispatching the horses for a race. ( )

**48. Starter's List.** A list of all horses which are ineligible to be entered in any race due to poor or inconsistent behavior or performance in the starting gate. ( )

**49. Stewards.** A horse racing official who presides over a race meet, has jurisdiction over all racing officials, rules on protests and claims of foul, and imposes fines and suspensions. ( )

**50. Substitute Officials.** An emergency vacancy among racing officials that is filled with the stewards' approval and reported to the Racing Commission. ( )

**51. Substitute Steward.** Appointment by the remaining stewards during an absence of any steward at race time when an approved alternate is not available. ( )

**52. Timer.** A person who accurately records the time elapsed between the start and finish of each race. ( )

**53. Violations.** All unauthorized activities under these rules. ( )

**54. Wagering.** To risk or stake an amount of money on an unknown outcome. ( )

**55. Weight.** The amount that a jockey weighs prior to and after a race. ( )

**011. ABBREVIATIONS.**

There are no abbreviations used in these rules. ( )

**012. -- 014. (RESERVED).**

**015. LICENSED RACING OFFICIALS.**

No person may act as a racing official prior to being licensed by the Racing Commission to act in that capacity. The Racing Commission, in its sole discretion, may determine the qualifications of a racing official and, in its sole discretion, may license or not license any such official. ( )

**016. REPORT VIOLATIONS.**

All racing Officials must immediately report any violations of Racing Commission rules to the Stewards or the Racing Commission. ( )

**020. RACING OFFICIALS.**

**01. Officials.** Officials at a race meet may include the following: ( )

**a. Stewards;** ( )

**b. Racing Secretary;** ( )

**c. Horsemen's Bookkeeper;** ( )

**d. Paddock Judge;** ( )

**e. Identifier;** ( )

**f. Clerk of Scales;** ( )

**g. Jockey Room Custodian;** ( )

**h. Starter;** ( )

**i. Timer;** ( )

**j. Clocker;** ( )

**k. Patrol Judge;** ( )

**l. Placing Judge; and** ( )

**m. Commission Veterinarian;** ( )

**02. Other Persons.** Any other person designated by the Racing Commission. ( )

**021. RACING OFFICIAL QUALIFICATIONS.**

All racing officials must be: ( )

**01. Of Good Character.** Of good character and reputation, and must pass all Racing Commission background and fingerprint requirements; ( )

**02. Experienced.** Experienced and knowledgeable in racing; ( )

**03. Familiar with Rules.** Familiar with the duties of the position and with the Racing Commission's rules; ( )

**04. Mentally and Physically Able.** Mentally and physically able to perform the duties of the job; and ( )

**05. In Good Standing.** In good standing and not under suspension or ineligible in any racing jurisdiction. ( )

**022. -- 024. (RESERVED).**

**025. PROHIBITED PRACTICES.**

While serving in an official capacity, racing officials may not: ( )

**01. Ownership.** Participate in the sale, purchase, or ownership of any horse racing at the meeting; ( )

**02. Sell Insurance.** Sell or solicit horse insurance on any horse racing at the meeting; ( )

**03. Licensed in Other Capacity.** Be licensed in any other capacity without permission of the Racing Commission, or in case of an emergency, the permission of the stewards; ( )

**04. Wager.** Wager on the outcome of any race at the race meet where they are officiating; or ( )

**05. Consume Alcohol.** Consume or be under the influence of alcohol or any prohibited substances. ( )

**026. -- 029. (RESERVED).**

**030. REPORT OF VIOLATIONS.**

Racing officials must report immediately to the stewards every observed violation of any Racing Commission rules and applicable state or federal laws. ( )

**031. -- 034. (RESERVED).**

**035. COMPLAINTS AGAINST OFFICIALS.**

**01. Complaints Against Racing Official.** Any complaint against a racing official other than a steward must be made to the stewards in writing and signed by the complainant. All such complaints must be reported to the Racing Commission by the stewards, together with a

report of the action taken or the recommendation of the stewards. ( )

**02. Complaints Against Stewards.** Complaints against any steward must be made in writing to the Racing Commission and signed by the complainant. ( )

**03. Responsible for Subordinates.** A racing official may be held responsible by the stewards or the Racing Commission for the actions of any person they supervise. ( )

**036. -- 039. (RESERVED).**

**040. SUBSTITUTE OFFICIALS.**

When an emergency vacancy exists among racing officials, the stewards or the racing association must fill the vacancy immediately subject to the stewards' approval. Such appointment must be reported to the Racing Commission and will be effective until the vacancy is filled in accordance with these rules. ( )

**041. SUBSTITUTE STEWARDS.**

Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards must appoint a substitute for the absent steward. If a substitute steward is appointed, the Racing Commission and the racing association must be notified by the stewards. ( )

**042. -- 049. (RESERVED).**

**050. STEWARDS QUALIFICATIONS.**

To qualify for appointment as a Steward, the appointee must meet the experience, education and examination requirements necessary to be accredited by the Racing Officials Accreditation Program in association with the Universities of Arizona and Louisville and be in good standing with all racing jurisdictions. The Racing Commission may, with good cause, waive some or all of the requirements of the section. ( )

**051. STEWARDS GENERAL AUTHORITY.**

The stewards for each race meet are responsible to the Racing Commission for the conduct of the race meet in accordance with the laws of Idaho and all Racing Commission rules. ( )

**01. Jurisdiction.** The Board of Stewards' jurisdiction in any matter commences thirty (30) days prior to the first day of a race meet and extends up to and including thirty (30) days following the conclusion of a race meet. ( )

**02. Suspensions and Fines.** The Stewards may suspend licenses for a period not to exceed one hundred eighty (180) days, or impose fines not to exceed twenty-five hundred dollars (\$2500) or they may impose both such fine and suspension. ( )

**03. Reported.** All such suspensions and fines must be reported to the Racing Commission. ( )

**04. Stewards Enforce Rules.** The stewards enforce all Racing Commission rules and the racing laws of the State of Idaho. ( )

**05. Supervision of Officials and Others.** The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with any Racing Commission rules. ( )

**06. Resolve Conflicts.** The stewards have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of any Racing Commission rules. ( )

**07. Interpret Rules.** The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. ( )

**08. Other.** Matters not covered by Racing Commission rules must be determined by the Stewards in conformity with justice and in the best interest of racing. ( )

**052. -- 054. (RESERVED).**

**055. NUMBER OF STEWARDS.**

There must be three (3) Stewards to supervise each race meet; ( )

**01. Presiding State Steward.** One (1) steward will be assigned by the Racing Commission to be the Presiding State and has authority over the other stewards; ( )

**02. Deputy State Steward.** One (1) steward will be assigned by the Racing Commission to be the Deputy State Steward; and ( )

**03. Other Steward.** One (1) steward will be appointed by the Racing Association and must be compensated by the Racing Association. ( )

**056. STEWARDS ON DUTY.**

On each entry, scratch and racing day at least one (1) Steward must be on duty at regularly posted hours. Such duty includes and is not limited to scratch time and when races are drawn. On race day the full Board of Stewards must sit in regular session to exercise the authority and perform the duties imposed. ( )

**057. STEWARDS' PRESENCE.**

Three (3) stewards must be present in the stewards' stand during the running of each race. ( )

**01. In Stands.** There must be three (3) Stewards in the stands when a race is being run. ( )

**02. Notice.** The Stewards must take notice of any questionable conduct with or without complaint thereof. ( )

**03. Investigations.** The Stewards must investigate promptly and render a decision in every protest and in every complaint properly made to them. ( )

**058. -- 059. (RESERVED).**

**060. ORDER OF FINISH.**

The stewards determine the official order of finish for each race in accordance with the rules governing horse racing in Idaho. The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, must be final for purposes of distribution of the pari-mutuel wagering pool.

( )

**061. CANCEL WAGERING.**

The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a pari-mutuel pool for a race or races, if such action is necessary to protect the integrity of pari-mutuel wagering.

( )

**062. -- 064. (RESERVED).**

**065. SUBSTITUTE JOCKEY.**

The Stewards for reasonable cause may substitute a Jockey of their selection on any horse.

( )

**066. TEMPORARY CHARGE.**

The Stewards for reasonable cause may place a horse in the temporary charge of a Trainer of their selection.

( )

**067. -- 069. (RESERVED).**

**070. STEWARDS DAILY REPORTS.**

The stewards must prepare a daily report, on a form approved by the Racing Commission, detailing their actions and observations made during each day's race program. The report must contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, and objections and any unusual circumstances or conditions. The report must be signed by each steward and be filed with the Racing Commission not later than twenty-four (24) hours after the end of each race day.

( )

**071. -- 074. (RESERVED).**

**075. PRESIDING STEWARDS LOG.**

The presiding state steward must maintain a detailed log of the stewards' official activities. The log must describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards and all interviews, investigations and rulings made by the stewards. The log must be available at all times for inspection by the Racing Commission or its designee.

( )

**076. -- 079. (RESERVED).**

**080. RACE MEET REPORT.**

Not later than seven (7) days after the last day of a race meet, the presiding steward must submit

to the Racing Commission a written report regarding the race meet. The report must contain: ( )

**01. Observations.** The Stewards' observations and comments regarding the conduct of the race meet and the overall conditions of the racing association grounds during the race meet; and ( )

**02. Recommendations.** Any recommendations for improvement by the racing association or action by the Racing Commission. ( )

**081. -- 089. (RESERVED).**

**090. STEWARD'S LIST.**

The stewards must maintain a Stewards' List of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that endangers the health or safety of other participants in racing. ( )

**01. Ownership.** The stewards may place a horse on the Stewards' List when there exists a question as to the exact identification or ownership of said horse. ( )

**02. Inconsistent Performance.** A horse which has been placed on the Stewards' List because of inconsistent performance or behavior, may be removed from the Stewards' List when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing. ( )

**03. Identity Established.** A horse which has been placed on the Stewards' List because of questions as to the exact identification or ownership of said horse, may be removed from the Stewards' List when, in the opinion of the stewards, proof of exact identification or ownership has been established. ( )

**091. -- 099. (RESERVED).**

**100. RACING SECRETARY.**

The racing secretary is responsible for the programming of races during the race meet, compiling and publishing condition books, assigning weights for handicap races, and must receive all entries, declarations and scratches. ( )

**101. FOAL, HEALTH, AND OTHER ELIGIBILITY CERTIFICATES.**

The racing secretary is responsible for receiving, inspecting and safeguarding the foal and health certificates, Equine Infectious Anemia (EIA) test certificates and other documents of eligibility for all horses competing at the track or stabled on the grounds. ( )

**01. Alteration of Sex.** The racing secretary determines that the alteration of the sex of a horse has been recorded on the horse's foal certificate and report such to the appropriate breed registry and past performance services. ( )

**02. Posterior Digital Neurectomy.** The racing secretary must record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that



horse. ( )

**102. -- 104. (RESERVED).**

**105. LIST OF BRED FILLIES AND MARES.**

The racing secretary must maintain a list of all fillies or mares on racing association grounds who have been covered by a stallion. The list must also contain the name of the stallion to which each filly or mare was bred and must be made available for inspection by other licensees participating in the race meet. ( )

**106. -- 109. (RESERVED).**

**110. ALLOCATION OF STALLS.**

The racing secretary determines that stables are properly assigned and maintain a record of arrivals and departures of all horses stabled on racing association grounds. ( )

**110. -- 114. (RESERVED).**

**115. CONDITIONS.**

The racing secretary determines that all conditions and eligibility requirements for entering races meet Racing Commission rules and cause them to be published to owners, trainers and the Racing Commission and be posted in the racing secretary's office. ( )

**01. Winnings Included.** For the purpose of establishing conditions, winnings must be considered to include all monies and prizes won up to the time of the start of a race. ( )

**02. Winnings Calculated.** Winnings during the year must be calculated by the racing secretary from the preceding January 1. ( )

**116. -- 119. (RESERVED).**

**120. LISTING OF HORSES.**

The racing secretary must: ( )

**01. Examine Entry Blanks.** Examine all entry blanks and declarations to verify information as set forth therein; and ( )

**02. Select Horses.** Select the horses to start and the also eligible horses from the declarations in accordance with Racing Commission rules. ( )

**121. -- 124. (RESERVED).**

**125. POSTING OF ENTRIES.**

Upon completion of the draw each day, the racing secretary must post a list of entries in a conspicuous location in the racing office and make the list available to the media. ( )

**126. -- 129. (RESERVED).**

**130. DAILY PROGRAM.**

The racing secretary must publish the official daily program, ensuring the accuracy therein of the following information: ( )

- 01. Sequence of Races.** Sequence of races to be run and post time for the first race; ( )
- 02. Purse, Conditions, and Distance.** The purse, conditions and distance for each race, and current track record for such distance; ( )
- 03. Owner's Name.** The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried; ( )
- 04. Trainer and Jockey.** The name of the trainer and the name of the jockey named for each horse together with the weight to be carried; ( )
- 05. Post Position.** The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation; ( )
- 06. Horse Identification.** Identification of each horse by name, color, sex, age, sire and dam; and ( )
- 07. Other Information.** Such other information as may be requested by the racing association or the Racing Commission. ( )

**131. -- 134. (RESERVED).**

**135. NOMINATIONS AND DECLARATIONS.**

The racing secretary must examine nominations and declarations and early closing events, late closing events and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication. ( )

**136. -- 139. (RESERVED).**

**140. STAKES AND ENTRANCE MONEY RECORDS.**

The racing secretary is the caretaker of the permanent records of all stakes and verifies that all entrance monies due are paid prior to entry for races conducted at the meeting. ( )

**141. -- 149. (RESERVED).**

**150. HORSEMEN'S BOOKKEEPER.**

The horsemen's bookkeeper must maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the racing association and Racing Commission may prescribe. ( )

**151. FINANCIAL ASSURANCE.**

The horsemen's bookkeeper must be insured against crime or employee dishonesty in a manner approved by the Racing Commission. ( )

**152. -- 154. (RESERVED).**

**155. HORSEMEN'S BOOKKEEPER RECORDS.**

The records must include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meet who has funds due or on deposit in the horsemen's account.

( )

**01. Records Kept Separate.** All records of the horsemen's bookkeeper must be kept separate and apart from the records of the racing association.

( )

**02. Records Subject to Inspection.** All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the Racing Commission at any time.

( )

**03. Record of Winnings.** The horsemen's bookkeeper must maintain the record of applicable winning races on all apprentice certificates at the meeting.

( )

**04. Apprentice Jockey Certificates.** The horsemen's bookkeeper must release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet.

( )

**156. -- 159. (RESERVED).**

**160. MONIES AND FUNDS ON ACCOUNT.**

All monies and funds on account with the horsemen's bookkeeper must be maintained:

( )

**01. Separate.** Separate and apart from monies and funds of the racing association;

( )

**02. Insured Account.** In an account insured by the Federal Deposit and Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

( )

**161. -- 164. (RESERVED).**

**165. PAYMENT OF PURSES.**

The horsemen's bookkeeper must receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into horsemen's bookkeeper possession in accordance with the provisions of Racing Commission rules and any applicable State or Federal statutes.

( )

**01. Disbursement Upon Request.** The horsemen's bookkeeper must disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within forty-eight (48) hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory(ies) as reported by the stewards or the Racing Commission, except that minimum jockey mount fees may

be disbursed prior to notification that the tests have cleared the testing laboratory(ies). ( )

**02. No Prior Request.** Absent a prior request, the horsemen's bookkeeper must disburse monies to the persons entitled to receive same within fifteen (15) days after the last race day of the race meet, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory(ies) as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the Racing Commission.

( )

**03. Disbursement Not A Finding.** The fact that purse money has been distributed prior to the issuance of a laboratory report may not be deemed a finding that no chemical substance has been administered, in violation of any Racing Commission rules, to the horse earning such purse money.

( )

**04. Protests.** In the event a protest or appeal has been filed with the stewards or the Racing Commission, the horsemen's bookkeeper must disburse the purse within forty-eight (48) hours of receipt of dismissal or a final non-appealable order disposing of such protest or appeal.

( )

**166. -- 169. (RESERVED).**

**170. OTHER MONIES.**

The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized race meets, provided prompt return is made to the organization to which the money is due.

( )

**171. -- 199. (RESERVED).**

**200. PADDOCK JUDGE.**

The Paddock Judge is in charge of the paddock and must comply with IDAPA 11.04.10, "Rules Governing Live Horse Races."

( )

**201. -- 209. (RESERVED).**

**210. PADDOCK JUDGE'S LIST.**

The paddock judge must maintain a list of horses which may not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.

( )

**01. Provide List to Stewards.** At the end of each race day, the paddock judge must provide a copy of the List to the stewards.

( )

**02. Removal from List.** To be removed from the paddock judge's List, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

( )

**211. -- 219. (RESERVED).**

**220. HORSE IDENTIFIER.**

The Horse Identifier is responsible for positively identifying all horses entered to race. ( )

**01. Inspection.** The Horse Identifier must inspect, identify and prepare I.D. cards by using the lip tattoo, markings from photos, written descriptions, or National Animal Identification System compliant devices. ( )

**02. Examination.** The Horse Identifier must examine every starter in the paddock for sex, color, markings and lip tattoo or other identification method approved by the appropriate breed registry and the Racing Commission for comparison with its registration certificate to verify the horse's identity; and ( )

**03. Report Violation.** The Horse Identifier must report to the stewards any horse not properly identified or whose registration certificate is not in conformity with any Racing Commission rules. ( )

**221. -- 229. (RESERVED).**

**230. CLERK OF SCALES.**

The Clerk of the Scales must: ( )

**01. Verify Presence.** Verify the presence of all jockeys in the jockeys' room at the appointed time and verify that all such jockeys have a current jockey's license issued by the Racing Commission; ( )

**02. Verify Weight.** Verify the correct weight of each jockey according to IDAPA 11.04.10 "Rules Governing Live Horse Races"; ( )

**03. Report Infractions.** Promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct; ( )

**04. Record Data.** Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day; and ( )

**05. Assume Duties.** Assume the duties of the jockey room custodian in his absence. ( )

**231. -- 239. (RESERVED).**

**240. JOCKEY ROOM CUSTODIAN.**

The jockey room custodian must: ( )

**01. Supervise Conduct.** Supervise the conduct of the jockeys and their attendants while they are in the jockey room; ( )

**02. Ensure Safety.** Ensure all jockeys are in the correct colors and wearing Racing Commission approved riding vest and helmet before leaving the jockey room to prepare for mounting their horses; ( )

**03. Display Program.** Keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available; ( )

**04. Secure Jockey Room.** Keep unauthorized persons out of the jockey room; and ( )

**05. Report to Stewards.** Report to the stewards any unusual occurrences in the jockey room. ( )

**241. -- 249. (RESERVED).**

**250. STARTER.**

The Starter must have complete jurisdiction over the starting gate, the starting of horses in accordance with IDAPA 11.04.10 "Rules Governing Live Horse Races." ( )

**01. Assess Jockey's Ability.** The Starter must assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and must make said assessment known to the stewards. ( )

**251. -- 259. (RESERVED).**

**260. ASSISTANT STARTERS.**

Assistant Starters are under the direct control and responsibility of the Starter. ( )

**261. -- 269. (RESERVED).**

**270. STARTER'S LIST.**

No horse will be permitted to start in a race unless approval is given by the starter. The starter must maintain a Starter's List of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Such horse will be refused entry until it has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the Starter's List. Schooling must be under the direct supervision of the starter. ( )

**271. -- 299. (RESERVED).**

**300. TIMER.**

In the absence of an electronic timer, the timer must: ( )

**01. Record Time.** Accurately record the time elapsed between the start and finish of each race; ( )

**02. Record From the Instant the First Horse Leaves.** Record from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line; ( )

**03. Post Quarter Times.** At a racetrack equipped with an appropriate infield

totalisator board, post the quarter times (splits) for thoroughbred races in fractions as a race is being run. For quarter horse races, the timer must post the official times in hundredths of a second; ( )

**04. Time All Races.** For back-up purposes, also use a stopwatch to time all races. In time trials, ensure that at least three (3) stopwatches are used by the stewards or their designees; and ( )

**05. Maintain Record.** Maintain a printed record of fractional and finish times of each race and have same available for inspection by the stewards or the Racing Commission on request. ( )

**301. -- 309. (RESERVED).**

**310. CLOCKER.**

The clocker must be present during training hours at each track on racing association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout. ( )

**01. List of Workouts.** Each day, the clocker must prepare a list of workouts that describes the name of each horse which worked along with the distance and time of each horse's workout. ( )

**02. Deliver List.** At the conclusion of training hours, the clocker must deliver a copy of the list of workouts to the stewards and the racing secretary. ( )

**311. -- 319. (RESERVED).**

**320. PATROL JUDGE.**

The patrol judge, when utilized, is responsible for observing the race and reporting information concerning the race to the stewards. If the track's video replay system is deemed adequate, use of patrol judges is optional. ( )

**321. -- 329. (RESERVED).**

**330. GATE JUDGE.**

The Racing Commission may require each track to employ a gate judge whose duties include being present at the starting gate just prior to the running of each race to observe and report any violations of the rules to the stewards, and to otherwise assist the stewards as they may so order. ( )

**331. -- 339. (RESERVED).**

**340. PLACING JUDGE.**

The placing judges, if utilized, determine the order of finish in a race as the horses pass the finish line. ( )

**341. PHOTO FINISH.**

In the event the placing judges or the stewards request a photo of the finish, the photo finish sign must be posted on the totalisator board. ( )

**01. Order of Finish.** Following their review of the photo finish, the placing judges, with the approval of the stewards, determine the exact order of finish for all horses participating in the race. ( )

**02. Photographic Print.** In the event a photo was requested, the placing judges must cause a photographic print of said finish to be produced. The finish photograph must, when needed, be used by the placing judges as an aid in determining the correct order of finish. ( )

**03. Photographic Prints Displayed.** Upon determination of the correct order of finish of a race in which the placing judges have utilized a photographic print to determine the first four (4) finishers, the placing judges must cause prints of said photograph to be displayed publicly in the grandstand and clubhouse areas of the racetrack. ( )

**342. DEAD HEATS.**

In the event the placing judges determine that two (2) or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat must, with the approval of the stewards, be declared. ( )

**343. -- 349. (RESERVED).**

**350. COMMISSION VETERINARIAN QUALIFICATIONS.**

The Commission Veterinarian must be a graduate of an accredited school of veterinary medicine and licensed to practice veterinary medicine in Idaho. ( )

**351. COMMISSION VETERINARIAN AUTHORITY.**

The Commission Veterinarian has the authority to supervise the actions of veterinarians licensed by the Racing Commission while they are practicing at any location under the jurisdiction of the Racing Commission in accordance with IDAPA 11.04.11, "Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances, and Drug Testing of Horses." ( )

**352. EXAMINATION OF HORSES.**

**01. Examination of Horses.** The Commission Veterinarian must examine each horse prior to racing and must report to the Stewards any horse that is not of the age or condition that is satisfactory for the type of racing to be conducted at the meeting. ( )

**02. Declared Ineligible.** The Stewards may declare any such horse as reported as ineligible to be entered or started at the meeting until such time as the Commission Veterinarian certifies such horse to be raceably sound. ( )

**03. Present In Paddock.** The Commission Veterinarian must be present in the paddock on the race course during the saddling, the parade and at the starting gate and until the horses are dispatched from the gate for the race. ( )



**04. Emergencies.** The Commission Veterinarian has the authority to treat any horse in event of an emergency, accident or injury, the details of which must be immediately reported to the Stewards. ( )

**05. Humanely Destroy.** The Commission Veterinarian is authorized to humanely destroy any horse which is so seriously injured that it is in the best interest of racing to so act and every horse owner and trainer participating in a race in Idaho does consent thereto. This authorization to destroy the horse is extended only in the event the owner or trainer is not present. ( )

**353. COMMISSION VETERINARIAN.**

The Commission Veterinarian is responsible to the Stewards for the conduct of horses and their attendants in the receiving and detention barn. ( )

**354. -- 359. (RESERVED).**

**360. ADDITIONAL RACING OFFICIALS.**

The Racing Commission may create additional racing official positions, as needed. Persons selected for these positions are considered racing officials and are subject to the general qualifications outlined in this chapter. ( )

**361. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.08 - RULES GOVERNING PARI-MUTUEL WAGERING**

**DOCKET NO. 11-0408-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 126 - 167.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**MONDAY - JANUARY 12, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Pari-Mutuel Wagering. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 08**

**IDAHO STATE RACING COMMISSION**

**11.04.08 - RULES GOVERNING PARI-MUTUEL WAGERING**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules are cited as IDAPA 11.04.08, "Rules Governing Pari-Mutuel Wagering" of the Idaho State Racing Commission. ( )

**02. Scope.** These rules govern Pari-mutuel wagering in the State of Idaho. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday

thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is: <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website. ( )

**007 -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Advanced Deposit Account Wagering System.** A system in which wagers are debited and payouts credited to an advance deposit account held by a racing association on behalf of a person. ( )

**02. Advanced Deposit Wagering.** A form of pari-mutuel wagering in which a natural person may deposit money in an account with a race meet licensee and then use the current balance to pay for pari-mutuel wagering on horse racing only conducted by the race meet licensee. ( )

**03. Advanced Wagering.** Wagering before a scheduled post time for the first contest of a performance. ( )

**04. Breakage.** The net pool minus payout. ( )

**05. Cancelled Race.** A race not held. ( )

**06. Common Pool Wagering.** The inclusion of wagers placed at guest association locations and secondary pari-mutuel organizations into a common pari-mutuel pool for the purpose of display of wagering information and calculation of payoffs on winning wagers. ( )

**07. Contest.** A competitive racing event or competition between horses in which pari-mutuel wagering is conducted. ( )

**08. Coupled Entries.** Two (2) or more horses which are entered or run in a race and are coupled because of common ties or ownership. ( )

**09. Daily Double.** A daily double requires the selection of the first place finisher in two (2) consecutive races. ( )

**10. Dead Heat.** The finish of a race in which the noses of two (2) or more horses reach the finish line at the same time. ( )

**11. Exacta.** The Exacta requires selection of the first two (2) finishers, in their exact order, for a single contest. ( )

**12. Guest Association.** A racing association approved to offer simulcast races and pari-mutuel wagering on races conducted at other racetracks. ( )

**13. Independent Real Time Monitoring System.** A system approved by the Racing Commission for the purpose of immediate and continuous analysis of wagering and other pari-mutuel systems data in order to detect suspect wagering transactions or other activity indicating a possible problem relating to the integrity of the pari-mutuel system and which transmits transactional level data to a wagering security database. ( )

**14. License.** A permission granted by the Racing Commission to engage in racing or a regulated activity. ( )

**15. Live Event Host.** A licensed racing association where live racing is conducted and on which pari-mutuel wagering is conducted by guest associations or secondary pari-mutuel organizations. ( )

**16. Minus Pool.** When the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool. ( )

**17. Odds.** Number indicating amount of profit per dollar to be paid to holders of winning pari-mutuel rickets. ( )

**18. Official Results.** The finish of the race as declared by the Stewards. ( )

**19. Pari-Mutuel Cash Voucher.** A document or card produced by a pari-mutuel system device on which a stored cash value is represented and the value of which is recorded in and redeemed through the pari-mutuel system. ( )

**20. Pari-Mutuel Pool Host.** A racing association that operates and controls access of guest associations or secondary pari-mutuel organizations to, a pari-mutuel pool. ( )

**21. Pari-Mutuel System.** The hardware, software and communications equipment used to record wagers, calculate payouts for winning wagers, and transmits wagering transactions and pari-mutuel pool data for display to patrons and to communicate with other pari-mutuel systems linked to facilitate common pool wagering. ( )

**22. Pari-Mutuel Ticket.** A document printed or record produced by a pari-mutuel system device on which is represented a pari-mutuel wager or wagers that have been authorized and accepted for purposes of participation in a pari-mutuel pool. ( )

**23. Pari-Mutuel Wagering.** A form of wagering on the outcome of an event in which

all wagers are pooled and held by an pari-mutuel pool host for distribution of the total amount, less the deductions authorized by law, to holders of tickets on the winning contestants. ( )

**24. Parlay.** A multi-race bet in which all winnings are subsequently wagered on each succeeding race. ( )

**25. Payout.** Money disbursed after a race is official. ( )

**26. Pick (n).** The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. ( )

**27. Place Pool.** The total amount wagered on a specific entry to finish second in a race. ( )

**28. Quinella.** The Quinella requires selection of the first two (2) finishers, irrespective of order, for a single contest. ( )

**29. Quinella Double.** The Quinella Double requires selection of the first two (2) finishers, irrespective of order, in each of two (2) specified contests. ( )

**30. Racing Association.** Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. ( )

**31. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )

**32. Remote Site.** A guest association or secondary pari-mutuel organization. ( )

**33. Scratch.** The act of withdrawing an entered horse from the race after closing of overnight entries. ( )

**34. Scratched Horse.** A horse that is withdrawn from a race after the betting has begun. ( )

**35. Secondary Pari-Mutuel Organization.** An entity other than a licensed racing association that offers and accepts pari-mutuel wagers. This may include an off-track wagering system or an account wagering system. ( )

**36. Show Pool.** The total amount wagered on a specific entry to finish third in a race. ( )

**37. Simulcast.** Video and audio transmission of a race and pari-mutuel information for the for the purpose of pari-mutuel wagering at locations other than a licensed racing association where the race is run. ( )

**38. Superfecta.** The Superfecta requires selection of the first four (4) finishers, in their exact order, for a single contest. ( )

**39. Take or Takeout.** Racing Commission money deducted from mutuel pools which is shared by the track and local and state governing bodies in the form of a tax. ( )

**40. Trifecta.** The Trifecta requires selection of the first three (3) finishers, in their exact order, for a single contest. ( )

**41. Tri-Superfecta.** The Tri-Superfecta requires selection of the first three (3) finishers, in their exact order, in the first two (2) designated contests and the first four (4) finishers, in exact order, in the second of the two (2) designated contests. ( )

**42. Twin Quinella.** The Twin Quinella requires selection of the first two (2) finishers, irrespective of order, in each of two (2) designated contests. ( )

**43. Twin Trifecta.** The Twin Trifecta requires selection of the first three (3) finishers, in their exact order, in each of two (2) designated contests. ( )

**44. Voucher Identification Number.** A number specifically unique to each pari-mutuel voucher. ( )

**45. Wager.** To risk or state an amount of money on an unknown outcome. ( )

**46. Win Pool.** The amount wagered on a specific entry to finish a race. ( )

**47. Win Three.** The Win Three (3) requires selection of a first-place finisher in each of three (3) specified contests. ( )

**48. Winnings.** Money won by successfully wagering on the winner in a live or simulcast race based on the official order of finish. ( )

**011. ABBREVIATIONS.**  
There are no abbreviations used in these rules. ( )

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

**100. GENERAL PROVISIONS.**

**01. Pari-Mutuel System.** Pari-mutuel wagering utilizes a totalisator system to pool wagers. The totalisator system may be located on property of a racing association or may, subject to compliance with applicable law and these rules, reside at another location. ( )

**02. Wagering Subject to Approval.** Wagering subject to approval and compliance with applicable laws and rules, may be accepted by separate totalisator systems in this or another jurisdictions, and combine via communication between totalisator systems. ( )

**03. Designee.** The Racing Commission may utilize a designee for the purposes of licensing, certification, verification, inspection, testing, and investigation. A Racing Commission designee may be another Racing Commission or equivalent regulatory authority, a multi-



jurisdictional group of regulatory authorities, a racing association of regulatory authorities, or auditing, consulting, security, investigation, legal services, or other qualified entities or persons. ( )

**04. Multi-Jurisdiction Agreements.** The Racing Commission may enter into multi-jurisdiction agreements with other regulatory authorities to facilitate certification of compliance with requirements by and licensing of, totalisator companies, entities providing services for simulcasting and common pool wagering, secondary pari-mutuel organizations, and advance deposit account wagering systems. At a minimum such agreements must ensure certification and licensing requirements comparable to this jurisdiction. ( )

**101. PARI-MUTUEL WAGERING.**

The following requirements are applicable to racing associations licensed by the Racing Commission that offers pari-mutuel wagering. These requirements are also to such organizations licensed or approved by other regulatory authority as a condition of Racing Commission approval of any agreement or contract for simulcasting or common pool wagering ( )

**01. Pari-Mutuel Tickets.** A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool and is evidence of the obligation to pay to the holder of such portion of the distributable amount of the pari-mutuel pool as is represented by a valid pari-mutuel ticket. The racing association must cash all valid winning tickets when they are presented for payment during the course of the meeting where sold, and for a specified period after the last day of the meeting. ( )

**02. Valid Pari-Mutuel Ticket.** To be deemed a valid pari-mutuel ticket, the ticket must have been issued by a pari-mutuel ticket machine operated by the racing association and issued as a ticket entitled to a share of the pari-mutuel pool, and contain imprinted information as follows: ( )

- a. The name of the racing association operating the meeting; ( )
- b. A unique identifying number or code; ( )
- c. Identification of the terminal at which the ticket was issued; ( )
- d. A designation of the performance for which the wagering transaction was issued; ( )
- e. The contest number for which the pool is conducted; ( )
- f. The type or types of wagers represented; ( )
- g. The number or numbers representing the betting interests for which the wager is recorded; and, ( )
- h. The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence. ( )

**03. Previously Paid, Cancelled, or Non-Existent Pari-Mutuel Ticket.** No pari-mutuel ticket recorded or reported as previously paid, cancelled, or non-existent may be deemed a valid pari-mutuel ticket by the racing association. The racing association may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as in these rules. ( )

**102. PARI-MUTUEL TICKET SALES.**

**01. Ticket Sales.** Pari-mutuel tickets may not be sold by anyone other than a racing association licensed to conduct pari-mutuel wagering. ( )

**02. Wager -- Person Under Eighteen.** No person under eighteen (18) years of age is allowed to wager. ( )

**03. License -- Person Under Eighteen.** No person under eighteen (18) years of age may be granted a license to work in the pari-mutuel department. ( )

**04. Wagering by Employees of the Mutuel Department not Permitted.** Wagering by employees of the mutuel department is not permitted while on duty. Violation of this rule may result in the revocation of the offender's license. ( )

**05. Purchase of Pari-Mutuel Tickets for Hire or Gratuity.** Only persons or messengers employed by the racing associations and approved by the Racing Commission may directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any or part of a pari-mutuel pool or another for hire or for any gratuity. ( )

**06. Closed Wagering.** No pari-mutuel ticket may be sold on a contest for which wagering has already been closed and no racing association will be responsible for ticket sales not recorded into or not completed by issuance of a ticket before the totalisator is closed for wagering on such contest. ( )

**07. Claims by Bettor.** Claims pertaining to a mistake on an issued ticket, or a mistake involving failure to issue a ticket, must be made by the bettor prior to leaving the seller's window except in accordance with written policies established by the racing association and approved by the Racing Commission. ( )

**08. Payment on Winning Pari-Mutuel Wagers.** Payment on winning pari-mutuel wagers is made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or Racing Commission will in no way affect the pari-mutuel payout. If an error in the posted order of finish or payout figures is discovered, the official order of finish or payout prices may be corrected and an announcement concerning the change must be made to the public. ( )

**09. Cancellation or Exchange Tickets.** Cancellation or exchange of tickets issued is not permitted after a patron has left a seller's window, except in accordance with written policies established by the racing association and approved by the Racing Commission. ( )

**10. Claims on Lost, Mutilated, or Altered Tickets.** The racing association may

satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the Racing Commission. ( )

**11. Equipment Failure.** The racing association has no obligation to enter a wager into a betting pool if unable to do so due to equipment failure. ( )

**103. ADVANCE WAGERING.**

No racing association may permit wagering to begin more than one (1) hour before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the Racing Commission. This does not preclude earlier common pool wagers in accordance with a contract with the host association that has been approved by the Racing Commission. ( )

**104. CLAIMS FOR PAYMENT FROM PARI-MUTUEL POOL.**

At a designated location, a written, verified claim for payment from a pari-mutuel pool must be accepted by the racing association in any case wherein the racing association has withheld payment or has refused to cash a pari-mutuel wager. The claim must be made on such form as approved by the Racing Commission. The original of such claim must be forwarded to the Racing Commission within 48 hours. ( )

**01. Claim for Mutilated Ticket.** In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required in these rules, the racing association will make a recommendation to accompany the claim forwarded to the Racing Commission as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket. ( )

**02. Racing Commission to Adjudicate or Deny Claim.** In the case of a claim made for payment on a pari-mutuel wager, the Racing Commission must adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the racing association, or may deny the claim, or may make such other order, as it may deem proper as provided for in Section 113 of these rules. ( )

**105. PAYMENT FOR ERRORS.**

If an error occurs in the payment amounts for pari-mutuel wagers that are cashed or entitled to be cashed and, as a result of such error, the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following applies: ( )

**01. Underpayments.** Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payouts is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payout, the underpayment belongs to the Racing Commission. In the event there is an underpayment on any race in the amount actually due to the wagerers, the amount of such underpayments to wagerers, at the end of each day of racing, will revert to and be paid to the Racing Commission and may not be retained by the racing association. ( )

**02. Underpayment Claim.** Any claim not filed with the racing association within thirty (30) days, inclusive of the date on which the underpayment was publicly announced, is deemed waived; and the racing association has no further liability. ( )

**03. Overpayment.** In the event the error results in an overpayment to winning wagers, the racing association is responsible for such payment. ( )

**106. BETTING EXPLANATION.**

A summary explanation of pari-mutuel wagering and each type of betting pool offered must be published in the program for every wagering performance. The rules of racing relative to each type of pari-mutuel pool offered must be prominently displayed on the racing association grounds and available upon request through racing association representatives. ( )

**107. DISPLAY OF BETTING INFORMATION.**

**01. Approximate Odds for Win Pool.** Approximate odds for Win pool betting must be posted on display devices within view of the wagering public and updated at intervals of not more than sixty (60) seconds for the current race of the performance. ( )

**02. Probable Payout.** The probable payout or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the Racing Commission. ( )

**03. Official Results and Payouts.** Official results and payouts must be displayed upon each contest being declared official. ( )

**04. Errors Corrected Promptly.** If an error is made in posting the payoff figures on the public board, it will be corrected promptly and only the correct amounts will be used in the payoff, irrespective of the error. If because of mechanical failure it is impossible to promptly correct the posted payoff, a statement must be made over the public address system stating the facts and corrections. ( )

**108. CANCELLED CONTESTS.**

If a contest is cancelled or declared “no contest,” refunds must be granted on valid wagers in accordance with these rules. ( )

**01. Refunds.** Notwithstanding other provisions of these rules, refunds of the entire pool must be made on: ( )

**a.** Win pools, Exacta pools, and first-half Double pools offered in contests in which the number of betting interests has been reduced to fewer than two (2). ( )

**b.** Place pools, Quinella pools, Trifecta pools, first-half Quinella Double pools, first-half Twin Quinella pools, first-half Twin Trifecta pools, and first-half Tri-Superfecta pools offered in contest in which the number of betting interests has been reduced to fewer than three (3). ( )

**c.** Show pools, Superfecta pools, and first-half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four (4). ( )

**02. Authorized Refund to be Paid.** Authorized refunds must be paid upon

presentation and surrender of the affected pari-mutuel ticket. ( )

**03. Scratched Horse.** If a horse is scratched from racing after the betting has begun, the money bet on that horse must be refunded; except that when the horse is part of an Entry or the Field there will be no refund if the Entry or the Field, as the case may be, has at least one (1) actual starter. ( )

**04. Horse Prevented from Racing Because of Starting Gate Failure.** If it is determined by the Stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open, the money bet on that horse must be refunded; except that when the horse is part of an Entry or the Field there will be no refund if the Entry or the Field, as the case may be, has at least one (1) actual starter. ( )

**05. Coupled Entries and Mutuel Fields.** If no horse finished in a race, all money wagered on that race must be refunded. ( )

#### **109. COUPLED ENTRIES AND MUTUEL FIELDS.**

**01. Coupled Entry Considered Single Betting Interest.** Contestants coupled in wagering as a coupled entry or mutuel field are considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestant in that coupled entry or mutuel field may remain valid betting interests and no refunds will be granted; or the stewards may order a refund for the entire betting interest. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests must be refunded, notwithstanding other provisions of these rules. ( )

**02. Dead Heat Involving Coupled Entry.** For the purpose of price calculations only, coupled entries and mutuel fields are calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule applies to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules. ( )

#### **110. POOLS DEPENDANT UPON BETTING INTERESTS.**

**01. Offer Wagering Pools.** Unless otherwise provided by the Racing Commission, upon request received no later than twenty-four (24) hours after the post position draw, at the time the pools are opened for wagering, the racing association: ( )

**a.** Must offer win wagering on all contests with three (3) or more betting interests. May offer win wagering on all contests with two (2) or more betting interests. ( )

**b.** Must offer place wagering on all contests with four (4) or more betting interests. If the number of starting betting interests drops below four (4), the racing association may at its discretion cancel place wagering. The racing association must make an appropriate public address announcement. ( )

**c.** Must offer show wagering on all contests with five (5) or more betting interests. If

the number of starting betting interests drops below five (5), the racing association may at its discretion cancel show wagering. The racing association must make an appropriate public address announcement. ( )

**d.** May offer quinella wagering on all contests with three (3) or more betting interests. ( )

**e.** May offer quinella double wagering on all contests with three (3) or more betting interests. ( )

**f.** May offer exacta wagering on all contests with two (2) or more betting interests. ( )

**g.** May offer trifecta wagering on all contests with three (3) or more betting interests. ( )

**h.** May offer superfecta wagering on all contests with four (4) or more betting interests. ( )

**i.** May offer twin quinella wagering on all contests with three (3) or more betting interests. ( )

**j.** May not offer twin trifecta, tri-superfecta or twin trifecta wagering on any contests with six (6) or less betting interests. ( )

### **111. PRIOR APPROVAL REQUIRED FOR BETTING POOLS.**

**01. Prior Approval Required for Betting Pools.** A racing association that desires to offer new forms of wagering must apply in writing to the Racing Commission and receive written approval prior to implementing the new betting pool. ( )

**02. Suspend Previously Approved Forms of Wagering.** The racing association may suspend previously-approved forms of wagering with the prior approval of the Racing Commission. Any carryover must be held until the suspended form of wagering is reinstated. A racing association may request approval of a form of wagering or separate wagering pool for specific performances. ( )

### **112. CLOSING OF WAGERING IN A CONTEST.**

**01. Close Wagering.** A Racing Commission representative must close wagering for each contest after which time no pari-mutuel tickets may be sold for that contest. ( )

**02. Approved Close Wagering System.** The racing association must maintain, in good order, a system approved by the Racing Commission for closing wagering. ( )

### **113. COMPLAINTS PERTAINING TO PARI-MUTUEL OPERATIONS.**

**01. Compliance Report.** When a patron makes a complaint regarding the pari-mutuel

department to a racing association, the racing association must immediately issue a compliance report, setting out: ( )

- a. The name of the complainant; ( )
- b. The nature of the complaint; ( )
- c. The name of the persons, if any, against whom the complaint was made; ( )
- d. The date of the complaint; and ( )
- e. The action taken or proposed to be taken, if any, by the racing association. ( )

**02. Submit Complaint to Racing Commission.** The racing association must submit every complaint report to the Racing Commission within forty-eight (48) hours after the complaint was made. The Racing Commission will review the complaint and a decision must be issued within seven (7) working days. ( )

**114. LICENSEES -- DUTY TO REPORT.**

All licensees must report any known irregularities or wrong doings by any person involving pari-mutuel wagering immediately to the Racing Commission and cooperate in subsequent investigations. ( )

**115. EMERGENCY SITUATIONS.**

In the event of an emergency in connection with the pari-mutuel department not covered in these rules, the pari-mutuel manager representing the racing association must report the problem to the stewards and the racing association and the stewards must render a full report to the Racing Commission within forty-eight (48) hours. ( )

**116. UNRESTRICTED ACCESS.**

The racing association must permit the Racing Commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents and records of the racing association that relate to pari-mutuel wagering. ( )

**117. PARI-MUTUEL CASH VOUCHERS.**

**01. Cash Vouchers.** Pari-mutuel cash vouchers may be offered by a racing association that issues pari-mutuel tickets. These vouchers must be dispensed through the totalisator system. The stored value on a voucher may be redeemed in the same manner as a value of a winning pari-mutuel ticket for wagers placed at a pari-mutuel window or a self-service terminal, and may be redeemed for their cash value at any time. ( )

**02. Vouchers as Incentives or Promotional Prizes.** A racing association may, with the prior approval of the Racing Commission, issue special pari-mutuel cash vouchers as incentives or promotional prizes, and may restrict the use of those vouchers to the purchase of pari-mutuel wagers. ( )

**03. Voucher Identification Number.** The tote system transaction record for all pari-mutuel vouchers must include the voucher identification number in subsequent pari-mutuel transactions and pari-mutuel wagers made from a voucher must identify the voucher by identification number. ( )

**118. OTHER STORED VALUE INSTRUMENTS AND SYSTEMS.**

**01. Stored Value Instrument or System.** A racing association may not utilize any form of stored value instrument or system other than a pari-mutuel voucher for purpose of making or cashing pari-mutuel wagers without the prior approval of the Racing Commission,. ( )

**02. Request for Approval.** Any request for approval of a stored value instrument or system must include a detailed description of the standards utilized: ( )

**a.** To identify the specific stored value instrument or account in the pari-mutuel system wagering transaction record; ( )

**b.** To verify the identity and business address of the person(s) obtaining, holding, and using the stored value instrument or system; ( )

**c.** To record and maintain records of deposits, credits, debits, transaction numbers, and account balances involving the stored value instruments or accounts. ( )

**03. Prevent Wagering Transactions.** A stored value instrument or system must prevent wagering transactions in the event such transactions would create a negative balance in an account, and may not operate so as to automatically facilitate a transfer of funds into a stored value instrument or account without the direct authorization of each such deposit transfer by the person holding the instrument or account. ( )

**04. Affirmation.** Any request for approval of a stored value instrument or system must include an affirmation of the ready availability when requested by the Racing Commission. All records and reports relating to all transactions, account records, and customer identification and verification in hard copy or standard electronic format approved by the Racing Commission certification of secure retention of all records for a period of not less than three (3) years or such longer period specified by the Racing Commission. ( )

**119. -- 199. (RESERVED).**

**200. CALCULATION OF PAYOFFS AND DISTRIBUTION OF POOLS.**

**01. Pari-Mutuel Wagering Pools Must Be Separately and Independently Calculated and Distributed.** All permitted pari-mutuel wagering pools must be separately and independently calculated and distributed. Takeout will be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool constitutes the net pool for distribution as payoff on winning wagers. ( )

**02. Standard or Net Price Calculation.** Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation



procedure must be used to calculate multi-commission pools. ( )

**03. Profit per Dollar.** For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar. ( )

**04. Single Commission Pools.** With written approval from the Racing Commission, either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools. ( )

**a. Standard Price Calculation Procedure.** ( )

*Table - Single Price Pool (Win Pool)*

gross pool	=	sum of wagers on all betting interest-refunds
takeout	=	gross pool x percent takeout
net pool	=	gross pool - takeout
profit	=	net pool - gross amount bet on winner
profit per dollar	=	profit / gross amount bet on winner
\$1 unbroken price	=	profit per dollar + \$1
\$1 broken price	=	\$1 unbroken price rounded down to the break point
total payout	=	\$1 broken price x gross amount bet on winner
total breakage	=	net pool - total payout

( )

i. Profit Split (Place Pool). Profit is net pool less gross amount bet on all place finishers. Finishers split profit one-half (1/2) and one-half (1/2) (place profit), then divide by gross amount bet on each place finisher for two (2) unique prices. ( )

ii. Profit Split (Show Pool). Profit is net pool less gross amount bet on all show finishers. Finishers split profit one-third (1/3) and one-third (1/3) and one-third (1/3) (show profit), then divide by gross amount bet on each show finisher for three (3) unique prices. ( )

**b. Net Price Calculation Procedure.** ( )

*Table - Single Price Pool (Win Pool)*

gross pool	=	sum of wagers on all betting interest-refunds
takeout	=	gross pool x percent takeout

# for each source:	
net pool	= gross pool - takeout
net bet on winner	= gross amount bet on winner x (1 - percent takeout)
total net pool	= sum of all sources net pools
total net bet on winner	= sum of all sources net bet on winner
total profit	= total net pool - total net bet on winner
profit per dollar	= total profit / total net bet on winner
\$1 unbroken base price	= profit per dollar + \$1 for each source:
\$1 unbroken price	= \$1 unbroken base price x (1 - percent takeout)
\$1 broken price	= \$1 unbroken price rounded down to the break point
total payout	= \$1 broken price x gross amount bet on winner
total breakage	= net pool - total payout

( )

i. Profit Split (Place Pool). Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit one-half (1/2) and one-half (1/2) (place profit), then divide by total net amount bet on each place finisher for two (2) unique unbroken base prices. ( )

ii. Profit Split (Show Pool). Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit one-third (1/3) and one-third (1/3) and one-third (1/3) (show profit), then divide by total net amount bet on each show finisher for three (3) unique unbroken base prices. ( )

c. If a profit split results in only one (1) covered winning betting interest or combinations it is calculated the same as a single price pool. ( )

d. Minimum payout and the method used for calculating breakage are established by the Racing Commission. ( )

e. The individual pools outlined in these rules may be given alternative names by each racing association, provided prior approval is obtained from the Racing Commission. ( )

f. In the event a minus pool occurs in either the Win, Place or Show pool, the expense of said minus pool will be born by the racing association and the State will receive intact its share of the remaining pools. ( )

**201. WIN POOLS.**

**01. Win Pools.** The amount wagered on the betting interest that finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar

wagered to Win on that betting interest. ( )

**02. Net Win Pool.** The net Win pool must be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** To those whose selection finished first; but if there are no such wagers, then; ( )

**b.** To those whose selection finished second; but if there are no such wagers, then; ( )

**c.** To those whose selection finished third; but if there are no such wagers, then; ( )

**d.** The entire pool must be refunded on Win wagers for that contest. ( )

**03. Dead Heat for First.** If there is a dead heat for first involving: ( )

**a.** Contestants representing the same betting interest, the Win pool is distributed as if no dead heat occurred. ( )

**b.** Contestants representing two (2) or more betting interests, the Win pool is distributed as a profit split. ( )

**Table 1 -- Win Pool**

(Standard Price Calculation)	
Sum of Wagers on All Betting Interest	= \$194,230.00
Refunds	= \$1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interest - Refunds	= \$192,913.00
Percent Takeout	= 18%
Takeout:	
Gross Pool x Percent Takeout	= \$34,724.34
Net Pool:	
Gross Pool - Takeout	= \$158,188.66
Gross Amount Bet on Winner	= \$23,872.00
Profit:	
Net Pool - Gross Amount Bet on Winner	= \$134,316.66
Profit Per Dollar:	
Profit / Gross Amount Bet on Winner	= \$5.6265357
\$1 Unbroken Price:	

Profit Per Dollar + \$1 = \$6.6265357
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( )

**202. PLACE POOLS.**

**01. Place Pools.** The amounts wagered to Place on the first two (2) betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two (2) equal portions, one (1) being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest. ( )

**02. Net Place Pool.** The net Place pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** If contestants of a coupled entry or mutuel field finished in the first two (2) places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise ( )

**b.** As a profit split to those whose selection is included within the first two (2) finishers; but if there are no such wagers on one (1) of those two (2) finishers, then; ( )

**c.** As a single price pool to those who selected the one (1) covered betting interest included within the first two (2) finishers; but if there are no such wagers, then; ( )

**d.** As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Place wagers for that contest. ( )

**03. Dead Heat for First.** If there is a dead heat for first involving: ( )

**a.** Contestants representing the same betting interest, the Place pool must be distributed as a single price pool. ( )

**b.** Contestants representing two (2) or more betting interest, the Place pool must be distributed as a profit split. ( )

**04. Dead Heat for Second.** If there is a dead heat for second involving: ( )

**a.** Contestants representing the same betting interest, the Place pool is distributed as if no dead heat occurred. ( )

**b.** Contestants representing two (2) or more betting interests, the Place pool is divided with one-half (1/2) of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally among Place wagers on those betting interests involved in the dead heat for second. ( )

**Table 2 -- Place Pool**

(Standard Price Calculation)	
Sum of Wagers on All Betting Interests	= \$194,230.00
Refunds	= \$1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds	= \$192,913.00
Percent Takeout	= 18%
Takeout:	
Gross Pool x Percent Takeout	= \$34,724.34
Net Pool:	
Gross Pool - Takeout	= \$158,188.66
Gross Amount Bet on 1st place finisher	= \$23,872.00
Gross Amount Bet on 2nd place finisher	= \$12,500.00
Profit:	
Net Pool-Gross Amount Bet on 1st place finisher - Gross Amount Bet on 2nd place finisher	= \$121,816.66
Place Profit:	
Profit / 2	= \$60,908.33
Profit Per Dollar for 1st place:	
Place Profit / Gross Amount Bet on 1st place finisher	= \$2.5514548
\$1 Unbroken Price for 1st place:	
Profit Per Dollar for 1st place + \$1	= \$3.5514548
Profit Per Dollar for 2nd place:	
Place Profit / Gross Amount Bet on 2nd place finisher	= \$4.8726664
\$1 Unbroken Price for 2nd place:	
Profit Per Dollar for 2nd place + \$1	\$5.8726664

( )

**203. SHOW POOLS.**

**01. Show Pools.** The amounts wagered to Show on the first three (3) betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three (3) equal portions, one (1) being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest. ( )

**02. Net Show Pool Distribution.** The net Show pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** If contestants of a coupled entry or mutuel field finished in the first three (3) places, as a single price pool to those who selected the couple entry or mutuel field, otherwise; ( )

**b.** If contestants of a coupled entry or mutuel field finished as two (2) of the first three (3) finishers, the profit is divided with two-thirds (2/3) distributed to those who selected the coupled entry or mutuel field and one-third (1/3) distributed to those who selected the other betting interest included within the first three (3) finishers, otherwise; ( )

**c.** As a profit split to those whose selection is included within the first three (3) finishers; but if there are no such wagers on one (1) of those three (3) finishers, then; ( )

**d.** As a profit split to those who selected one (1) of the two (2) covered betting interests included within the first three (3) finishers; but if there are no such wagers on two (2) of those three (3) finishers, then; ( )

**e.** As a single price pool to those who selected the one (1) covered betting interest included within the first three (3) finishers; but if there are no such wagers, then; ( )

**f.** As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then; ( )

**g.** The entire pool must be refunded on Show wagers for that contest. ( )

**03. Dead Heat for First.** If there is a dead heat for first involving: ( )

**a.** Two (2) contestants representing the same betting interest, the profit is divided with two-thirds (2/3) distributed to those who selected the first-place finishers and one-third (1/3) distributed to those who selected the betting interest finishing third. ( )

**b.** Three (3) contestants representing a single betting interest, the Show pool must be distributed as a single price pool. ( )

**c.** Contestants representing two (2) or more betting interests, the Show pool must be distributed as a profit split. ( )

**04. Dead Heat for Second.** If there is a dead heat for second involving: ( )

**a.** Contestants representing the same betting interest, the profit is divided with one-third (1/3) distributed to those who selected the betting interest finishing first and two-thirds (2/3) distributed to those who selected the second-place finishers. ( )

**b.** Contestants representing two (2) betting interests, the Show pool must be distributed as a profit split. ( )

**c.** Contestants representing three (3) betting interests, the Show pool is divided with one-third (1/3) of the profit distributed to Show wagers on the betting interest finishing first and

the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for second. ( )

**05. Dead Heat for Third.** If there is a dead heat for third involving: ( )

**a.** Contestants representing the same betting interest, the Show pool must be distributed as if no dead heat occurred. ( )

**b.** Contestants representing two (2) or more betting interests, the Show pool is divided with two-thirds (2/3) of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally among Show wagers on those betting interests involved in the dead heat for third. ( )

**Table 3 -- Show Pool**

(Standard Price Calculation)	
Sum of Wagers on All Betting Interests	= \$194,230.00
Refunds	\$1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds	= \$192,913.00
Percent Takeout	= 18%
Takeout:	
Gross Pool x Percent Takeout	= \$34,724.34
Net Pool:	
Gross Pool - Takeout	= \$158,188.66
Gross Amount Bet on 1st place finisher	= \$23,872.00
Gross Amount Bet on 2nd place finisher	= \$12,500.00
Gross Amount Bet on 3rd place finisher	= \$4,408.00
Profit:	
Net Pool - Gross Amount Bet on 1st place finisher - Gross Amount Bet on 2nd place finisher - Gross Amount Bet on 3rd place finisher	= \$117,408.66
Show Profit:	
Profit / 3	= \$39,136.22
Profit Per Dollar for 1st place:	
Show Profit / Gross Amount Bet on 1st place finisher	= \$1.6394194
\$1 Unbroken Price for 1st place:	
Profit Per Dollar for 1st place + \$1	= \$2.6394194
Profit Per Dollar for 2nd place:	
Show Profit / Gross Amount Bet on 2nd place finisher	= \$3.1308976

\$1 Unbroken Price for 2nd place:	
Profit Per Dollar for 2nd place + \$1	= \$4.1308976
Profit Per Dollar for 3rd place:	
Show Profit / Gross Amount Bet on 3rd place finisher	= \$8.8784528
\$1 Unbroken Price for 3rd place:	
Profit Per Dollar for 3rd place + \$1	= \$9.8784528

( )

**Table 4 -- Show Pool**

Single Takeout Rate & Single Betting Source	
(Net Price Calculation)	
Sum of Wagers on All Betting Interests	= \$194,230.00
Refunds	= \$1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds	= \$192,913.00
Percent Takeout	= 18%
Takeout:	
Gross Pool x Percent Takeout	= \$34,724.34
Total Net Pool:	
Gross Pool - Takeout	= \$158,188.66
Gross Amount Bet on 1st place finisher	= \$23,872.00
Net Amount Bet on 1st place finisher	= \$19,575.04
Gross Amount Bet on 2nd place finisher	= \$12,500.00
Net Amount Bet on 2nd place finisher	= \$10,250.00
Gross Amount Bet on 3rd place finisher	= \$4,408.00
Net Amount bet on 3rd place finisher	= \$3,614.56
Total Net Bet on Winners:	
Net Amount Bet on 1st place finisher + Net Amount Bet on 2nd place finisher + Net Amount Bet on 3rd place finisher	= \$33,439.60
Total Profit:	
Total Net Pool - Total Net Bet on Winners	= \$124,749.06
Show Profit:	
Total Profit / 3	= \$41,583.02
Profit Per Dollar for 1st place:	
Show Profit / Net Amount Bet on 1st place finisher	= \$2.1242879



\$1 Unbroken Base Price for 1st place:	
Profit Per Dollar for 1st place + \$1	= \$3.1242879
\$1 Unbroken Price for 1st place:	
\$1 Unbroken Base Price for 1st place x (1 - percent takeout)	= \$2.5619161
Profit Per Dollar for 2nd place: Show Profit / Net Amount Bet on 2nd place finisher	= \$4.0568800
\$1 Unbroken Base Price for 2nd place:	
Profit Per Dollar for 2nd place + \$1	= \$5.0568800
\$1 Unbroken Price for 2nd place:	
\$1 Unbroken Base Price for 2nd place x (1 - percent takeout)	= \$4.1466416
Profit Per Dollar for 3rd place:	
Show Profit / Net Amount Bet on 3rd place finisher	= \$11.504310
\$1 Unbroken Base Price for 3rd place:	
Profit Per Dollar for 3rd place + \$1	= \$12.504310
\$1 Unbroken Price for 3rd place:	
\$1 Unbroken Base Price for 3rd place x (1 - percent takeout)	= \$10.253534

( )

**204. DOUBLE POOLS.**

**01. Double Pools.** Only one (1) Daily Double will be permitted during a single racing day, unless approval is obtained from the Racing Commission. ( )

**02. First Place Finisher.** The Double requires selection of the first-place finisher in each of two (2) specified contests. ( )

**03. Winning Distribution.** The net Double pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** As a single price pool to those whose selection finished first in each of the two (2) contests; but if there are no such wagers, then; ( )

**b.** As a profit split to those who selected the first-place finisher in either contest; but if there are no such wagers, then; ( )

**c.** As a single price pool to those who selected the one (1) covered first-place finisher in either contest; but if there are no such wagers, then; ( )

**d.** As a single price pool to those whose selection finished second in each of the two (2) contests; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Double wagers for those contests. ( )

**04. Dead Heat for First.** If there is a dead heat for first in either of the two (2) contests involving: ( )

**a.** Contestants representing the same betting interest, the Double pool is distributed as if no dead heat occurred. ( )

**b.** Contestants representing two (2) or more betting interests, the Double pool is distributed as a profit split if there is more than one (1) covered winning combination. ( )

**05. Scratched Interest -- First-Half.** Should a betting interest in the first-half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest is deducted from the Double pool and refunded. ( )

**06. Scratched Interest -- Second-Half.** Should a betting interest in the second-half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest is deducted from the Double pool and refunded. ( )

**07. Consolation Payout.** Should a betting interest in the second-half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest are allocated a consolation payout. In calculating the consolation payout the net Double pool is divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payout. Breakage is not declared in this calculation. The consolation payout is deducted from the net Double pool before calculation and distribution of the winning Double payout. Dead heats including separate betting interests in the first contest will result in a consolation payout calculated as a profit split. ( )

**08. Cancelled or "No Contest."** If either of the Double contests are cancelled prior to the first Double contest, or the first Double contest is declared "no contest," the entire Double pool must be refunded on Double wagers for those contests. ( )

**09. Second Double Cancelled or "No Contest."** If the second Double contest is cancelled or declared "no contest" after the conclusion of the first Double contest, the net Double pool is distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool is distributed as a profit split. ( )

**10. Payoff Posting.** Before the running of the last half of the Daily Double pool, the payoff of each combination coupled with the winner of the first half of the Daily Double must be posted in a prominent place. ( )

**11. Third Heat Announcement.** In case of a dead heat for winner in the first half (1/2) of the Daily Double, the payoff of the Daily Double need not be posted until after the running

of the second half (1/2) of the Daily Double. However, announcement of this fact must be made over the loud speaker and notice to this effect be posted on the board at conclusion of the first half (1/2) of the Daily Double. ( )

**12. Close of Sale.** Sale of Daily Double tickets must close not later than “off-time” of the first race of the Daily Double. ( )

**13. Daily Double Not a Parlay.** The Daily Double Pool is not a parlay and is not connected with the WIN, PLACE, SHOW or other pools in any manner whatsoever. ( )

**Table 5 -- Double Pool**

(Standard Price Calculation)	
Sum of Wagers on All Betting Interests	= \$194,230.00
Refunds	= \$1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds	= \$192,913.00
Percent Takeout	= 18%
Takeout:	
Gross Pool x Percent Takeout	= \$34,724.34
Net Pool:	
Gross Pool - Takeout	= \$158,188.66
Gross Amount Bet on Winning Combination	= \$23,872.00
Profit:	
Net Pool - Gross Amount Bet on Winning Combination	= \$134,316.66
Profit Per Dollar:	
Profit / Gross Amount Bet on Winning Combination	= \$5.6265357
\$1 Unbroken Price:	
Profit Per Dollar + \$1	= \$6.6265357

( )

**Table 6 -- Double Pool**

Consolation Pricing:	
Sum of Wagers on All Betting Interests	= \$194,230.00
Refunds	= \$1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds	= \$192,913.00

Percent Takeout = 18%	
Takeout:	Gross Pool x Percent Takeout = \$34,724.34
Net Pool:	Gross Pool - Takeout = \$158,188.66
Consolation Pool:	Sum Total Amount Bet on winner of the first contest with all second contest betting interests = \$43,321.00
\$1 Consolation Unbroken Consolation Price:	Net Pool / Consolation Pool = \$3.6515468
\$1 Consolation Broken Price:	= \$3.65
	Amount Bet on winner of the first contest with scratched betting interests: = \$1,234.00
Consolation Liability:	\$1 Consolation Broken Price x (Amount Bet on the winner of the first contest with scratched betting interests) = \$4,504.10
Adjusted Net Pool:	Net Pool - Consolation Liability = \$153,684.56 Gross Amount Bet on the Winning Combination = \$23,872.00
Profit:	Adjusted Net Pool - Gross Amount Bet on the Winning Combination = \$129,812.56
Profit Per Dollar:	Profit / Gross Amount Bet on the Winning Combination = \$5.4378586
Unbroken Price:	Profit Per Dollar + \$1 = \$6.4378586

( )

**205. WIN THREE POOLS.**

**01. Win Three Pools.** The Win Three (3) requires selection of the first-place finisher in each of three (3) specified contests. ( )

**02. Distribution.** The net Win Three (3) pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** As a single price pool to those whose selection finished first in each of the three (3) contests; but if there are no such wagers, then; ( )

**b.** As a single price pool to those who selected the first-place finisher in any two (2)

of the three (3) contests; but if there are no such wagers, then; ( )

**c.** As a single price pool to those who selected the first-place finisher in any one (1) of the three (3) contests; but if there are no such wagers, then; ( )

**d.** The entire pool must be refunded on Win Three (3) wagers for those contests. ( )

**03. Dead Heat.** If there is a dead heat for first in any of the three (3) contests involving: ( )

**a.** Contestants representing the same betting interest, the Win Three (3) pool is distributed as if no dead heat occurred. ( )

**b.** Contestants representing two (2) or more betting interests, the Win Three (3) pool is distributed as a single price pool and is distributed as follows: ( )

**i.** As a profit split to those whose selections finished first in each of the three (3) contests; but if there are no such wagers, then; ( )

**ii.** As a single price pools to those who selected the first place finisher in any two (2) of the three (3) contests; but if there are no such wagers, then; ( )

**iii.** As a single price pool to those who selected the first place finisher in any one (1) of the three (3) contests; but if there are no such wagers, then; ( )

**iv.** The entire Win Three (3) pool is refunded. ( )

**04. Substitution of a Scratch.** Should a betting interest be scratched from a leg of the Win Three (3) all bets with the scratched betting interest will be handled as follows: ( )

**a.** If the scratch (that herein after includes being declared a non-starter or a non-betting starter) was made prior to the start of the first leg, all bets containing such scratched betting interest must be refunded to determine the gross pool an removed from further consideration in the pool; ( )

**b.** If the scratch was made in the second leg after the start of the first leg, a consolation payoff will be computed for those bets combining the winners of the first and third legs with the scratched betting interest as follows: ( )

**i.** The statutory take-out is deducted from the gross pool and then the amount represented by the bets on combinations involving betting interests scratched from the third leg (reduced by the take-out thereon). ( )

**ii.** The resulting remainder is divided by the amounts bet on the combination of such first and third leg winners with all betting interests (less breaks) to determine the consolation price per dollar payable to those bets combining winners of the first and third legs with the betting interest scratched in the second leg. The break may not be deduced from the pool. ( )

c. If a betting interest is scratched in the third leg after the start of the first leg, a consolation payoff must be computed as for those bets combining the winners of the first and second legs with such scratched betting interest as follows: ( )

i. The statutory take-out is deducted from the gross pool and then the amount represented by bets on combinations involving betting interests scratched from the second leg (reduced by the rate of the take-out thereon). ( )

ii. The resulting remainder is divided by the amount bet on the combination of such first and second leg winners with all betting interests in the third leg (less breaks) to determine the consolation price per dollar payable to those bets combining winners of the first and second legs with a betting interest scratched in the third leg. The breaks must not be deducted from the pool. ( )

d. If betting interests are scratched in both the second and third legs after the start of the first leg, a consolation payoff is computed for those bets combining the winner of the first leg with the betting interests scratched in both the second and third legs as follows: ( )

i. The takeout is deducted from the gross pool and the remainder is divided by the amount bet on the winner of the first leg combined with all other betting interests (less breaks) to determine the consolation price per dollar payable to those tickets combining the winner of the first leg with the scratch betting interests from both the second and third legs. ( )

**05. All Three Cancelled.** If all three (3) Win Three (3) contests are cancelled or declared “no contest,” the entire pool must be refunded on Win Three (3) wagers for those contests. ( )

**06. One or Two Canceled.** If one (1) or two (2) of the Win Three (3) contests are cancelled or declared “no contest,” the Win Three (3) pool will remain valid and must be distributed in accordance with these rules. ( )

**206. PICK (N) POOLS.**

**01. Pick (n) Pools.** The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The racing association must obtain written approval from the Racing Commission concerning the scheduling of Pick (n) contests, the designation of one (1) of the methods prescribed in these rules, and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the Racing Commission. ( )

**02. Apportioning the Pool.** The Pick (n) pool is apportioned under one (1) of the following methods: ( )

a. Method 1- Pick (n) with Carryover: The net Pick (n) pool and carryover, if any, must be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool will be distributed as a single price pool to those who

selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder will be added to the carryover. ( )

**b.** Method 2 - Pick (n) with Minor Pool and Carryover: The major share of the net Pick (n) pool and the carryover, if any, must be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool is distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major will be added to the carryover. ( )

**c.** Method 3 - Pick (n) with No Minor Pool and No Carryover: The net Pick (n) pool must be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded. ( )

**d.** Method 4 - Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool must be distributed to those who selected the first place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool is distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool is combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded. ( )

**e.** Method 5 - Pick (n) with Minor Pool and No Carryover: The major share of net Pick (n) pool must be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool is distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool is distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool is combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded. ( )

**f.** Method 6 - Pick (n) with Minor Pool, Jackpot Pool, Major Carryover and Jackpot Carryover: Predetermined percentages of the net Pick (n) pool must be set aside as a Major pool, Minor pool and Jackpot pool. The Major share of the net Pick (n) pool and the Major carryover, if any, is distributed to those who selected the first-place finisher of each of the Pick (n) contests, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the Pick (n) contests, the Major net pool is added to the Major carryover. If there is only one (1) single ticket selecting the first-place finisher of each of the Pick (n) contests, based on the official

order of finish, the Jackpot share of the net Pick (n) pool and the Jackpot carryover, if any, is distributed to the holder of that single ticket, along with the Major net pool and the Major carryover, if any. If more than one (1) ticket selects the first-place finisher of each of the Pick (n) contests the Jackpot net pool is added to the Jackpot carryover. The Minor share of the net Pick (n) pool is distributed to those who selected the first-place finisher of the second greatest number of Pick (n) contests, based on the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the Minor net pool of the Pick (n) pool is distributed as a single price pool to those who selected the first-place finisher of the greatest number of Pick (n) contests. ( )

**03. Dead Heat.** If there is a dead heat for first in any of the Pick (n) contests involving: ( )

**a.** Contestants representing the same betting interest, the Pick (n) pool must be distributed as if no dead heat occurred. ( )

**b.** Contestants representing two (2) or more betting interests, the Pick (n) pool must be distributed as a single price pool with each winning wager receiving an equal share of the profit. ( )

**04. Scratched Entry.** Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at host association for the contest at the close of wagering on that contest, will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two (2) or more favorites is identical, the substitute selection will be the betting interest with the lowest program number. The totalisator must produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination. ( )

**05. Cancellation and Refunds.** The Pick (n) pool will be cancelled and all Pick (n) wagers for the individual performance will be refunded, if: ( )

**a.** At least two (2) contests included as part of a Pick Three (3) are cancelled or declared “no contest”; ( )

**b.** At least three (3) contests included as part of a Pick Four (4), Pick Five (5) or Pick Six (6) are cancelled or declared “no contest”; ( )

**c.** At least four (4) contests included as part of a Pick Seven (7), Pick Eight (8) or Pick Nine (9) are cancelled or declared “no contest”; or ( )

**d.** At least five (5) contests included as part of a Pick Ten (10) are cancelled or declared “no contest.” ( )

**06. Net Pool Distribution.** If at least one (1) contest included as part of a Pick (n) is cancelled or declared “no contest,” but not more than the number specified in these rules the net pool must be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution must include the



portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances. ( )

**07. Course Condition.** If the condition of the course warrants a change of racing surface in any of the legs of the Pick (n) races, and such change was not known to the public prior to the closing of wagering for the Pick (n) pool, the stewards must declare the changed leg(s) a “no contest” for Pick (n) wagering purposes only. A “no contest” race is not to be considered as a contested race. ( )

**08. Capped Carryover.** The Pick (n) carryover may be capped at a designed level approved by the Racing Commission so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Pick (n) carryover is frozen, one hundred (100%) percent of the net pool, part of which ordinarily would be added to the Pick (n) carryover, must be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance. ( )

**09. Carryover Requested.** A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the Racing Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. ( )

**10. Single Price Distribution.** Should the Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool must be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover must be designated for distribution on a specified date and performance only under the following circumstances: ( )

**a.** Upon written approval from the Racing Commission as provided in these rules. ( )

**b.** Upon written approval from the Racing Commission when there is a change in the carryover cap, a change from one (1) type of Pick (n) wagering to another or when the Pick (n) is discontinued. ( )

**c.** On the closing performance of the meet or split meet. ( )

**11. Carryover Deposit.** If, for any reason, the Pick (n) carryover must be held over to the corresponding Pick (n) pool of a subsequent meet, the carryover must be deposited in an interest-bearing account approved by the Racing Commission. The Pick (n) carryover plus accrued interest must then be added to the net Pick (n) pool of the following meet on a date and performance so designated by the Racing Commission. ( )

**12. Contribution to Pool.** With the written approval of the Racing Commission, the racing association may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap. ( )

**13. Prohibited Information.** Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited until the race is made official. This does not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data. ( )

**14. Suspension of Wagering.** The racing association may suspend previously-approved Pick (n) wagering with the prior approval of the Racing Commission. Any carryover must be held until the suspended Pick (n) wagering is reinstated. A racing association may request approval of a Pick (n) wager or separate wagering pool for specific performances. ( )

**Table 7 -- Pick 7 Pool**

**Multiple Takeout Rates and Multiple Betting Sources**

	<b>Percent Takeout</b>	<b>Gross Pool Bet On</b>	<b>Gross Amount - Win</b>	<b>Net Pool Bet On</b>	<b>Net Amount - Win</b>
Source 1:	16%	\$190,000	\$44	\$159,600	\$36.96
Source 2:	18.5%	\$10,000	\$18	\$8,150	\$14.67
Source 3:	21%	\$525,730	\$124	\$415,326.70	\$97.96
TOTALS:		\$725,730	\$186	\$583,076.70	\$149.59

(Net Price Calculation)	
Total Profit:	
Total Net Pool - Total Net Bet on the Winning Combination	= \$582,927.11
Profit Per Dollar:	
Total Profit / Total Net Bet on the Winning Combination	= \$3,896.8321
\$1 Unbroken Base Price:	
Profit Per Dollar + \$1	= \$3,897.8321
\$1 Unbroken Price for Source 1:	
\$1 Unbroken Base Price x (1 - Percent Takeout)	= \$3,274.1789
\$1 Unbroken Price for Source 2:	
\$1 Unbroken Base Price x (1 - Percent Takeout)	= \$3,176.7331
\$1 Unbroken Price for Source 3:	
\$1 Unbroken Base Price x (1 - Percent Takeout)	= \$3,079.2873

( )

**207. QUINELLA POOLS.**

**01. Quinella Pools.** The Quinella requires selection of the first two (2) finishers, irrespective of order, for a single contest. ( )

**02. Distribution.** The net Quinella pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** If contestants of a coupled entry or mutuel field finish as the first two (2) finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish, otherwise; ( )

**b.** As a single price pool to those whose combination finished as the first two (2) betting interests; but if there are no such wagers, then; ( )

**c.** As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one (1) of those two (2) finishers, then; ( )

**d.** As a single price pool to those whose combination included the one (1) covered betting interest included within the first two (2) finishers; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Quinella wagers for that contest. ( )

**03. Dead Heat -- First Place.** If there is a dead heat for first involving: ( )

**a.** Contestants representing the same betting interest, the Quinella pool is distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish. ( )

**b.** Contestants representing two (2) betting interests, the Quinella pool is distributed as if no dead heat occurred. ( )

**c.** Contestants representing three (3) or more betting interests, the Quinella pool is distributed as a profit split. ( )

**04. Dead Heat -- Second Place.** If there is a dead heat for second involving contestants representing the same betting interest, the Quinella pool is distributed as if no dead heat occurred. ( )

**05. Dead Heat -- Two or More Interests.** If there is a dead heat for second involving contestants representing two (2) or more betting interests, the Quinella pool is distributed to wagers in the following precedence, based upon the official order of finish: ( )

**a.** As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one (1) covered combination, then; ( )

**b.** As a single price pool to those combining the winner with the one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, then; ( )

**c.** As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then; ( )

**d.** As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Quinella wagers for that contest. ( )

**208. QUINELLA DOUBLE POOLS.**

**01. Quinella Double Pools.** The Quinella Double requires selection of the first two (2) finishers, irrespective of order, in each of two (2) specified contests. ( )

**02. Distribution.** The net Quinella Double pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** If a coupled entry or mutuel field finishes as the first two (2) contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two (2) finishers in the alternate Quinella Double contest, otherwise; ( )

**b.** As a single price pool to those who selected the first two (2) finishers in each of the two (2) Quinella Double contests; but if there are no such wagers, then; ( )

**c.** As a profit split to those who selected the first two (2) finishers in either of the two (2) Quinella Double contests; but if there are no such wagers on one (1) of those contests, then; ( )

**d.** As a single price pool to those who selected the first two (2) finishers in the one (1) covered Quinella Double contest; but if there were no such wagers, then; ( )

**e.** The entire pool must be refunded on Quinella Double wagers for those contests. ( )

**03. Dead Heat - First Place.** If there is a dead heat for first in either of the two (2) Quinella Double contests involving: ( )

**a.** Contestants representing the same betting interest, the Quinella Double pool is distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest. ( )

**b.** Contestants representing two (2) betting interests, the Quinella Double pool is distributed as if no dead heat occurred. ( )

c. Contestants representing three (3) or more betting interests, the Quinella Double pool is distributed as a profit split. ( )

**04. Dead Heat -- Second Place.** If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool is distributed as if no dead heat occurred. ( )

**05. Dead Heat -- Second Place Two or More Interests.** If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two (2) or more betting interests, the Quinella Double pool is distributed as a profit split. ( )

**06. Betting Interest Deducted -- First Half.** Should a betting interest in the first-half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest will be deducted from the Quinella Double pool and refunded. ( )

**07. Betting Interest Deducted -- Second Half.** Should a betting interest in the second-half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest will be deducted from the Quinella Double pool and refunded. ( )

**08. Consolation Payoff.** Should a betting interest in the second-half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest will be allocated a consolation payout. In calculating the consolation payout the net Quinella Double pool is divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payout. Breakage is not declared in this calculation. The consolation payout is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payout. In the event of a dead heat involving separate betting interests, the net Quinella Double pool is distributed as a profit split. ( )

**09. Refunded Quinella.** If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest," the entire Quinella Double pool must be refunded on Quinella Double wagers for those contests. ( )

**10. Second Double Contest Cancelled.** If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool must be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool must be refunded on Quinella Double wagers for those contests. ( )

**209. EXACTA POOLS.**

**01. Exacta Pools.** The Exacta requires selection of the first two (2) finishers, in their exact order, for a single contest. ( )

**02. Distribution.** The net Exacta pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** If contestants of a coupled entry or mutuel field finish as the first two (2) finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish, otherwise; ( )

**b.** As a single price pool to those whose combination finished in correct sequence as the first two (2) betting interests; but if there are no such wagers, then; ( )

**c.** As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one (1) of those two (2) finishers, then; ( )

**d.** As a single price pool to those whose combination included the one (1) covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Exacta wagers for that contest. ( )

**03. Dead Heat for First.** If there is a dead heat for first involving: ( )

**a.** Contestants representing the same betting interest, the Exacta pool is distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish. ( )

**b.** Contestants representing two (2) or more betting interests, the Exacta pool is distributed as a profit split. ( )

**04. Dead Heat for Second.** If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool is distributed as if no dead heat occurred. ( )

**05. Dead Heat for Second -- Two or More Betting Interests.** If there is a dead heat for second involving contestants representing two (2) or more betting interests, the Exacta pool is distributed to ticket holders in the following precedence, based upon the official order of finish: ( )

**a.** As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one (1) covered combination, then; ( )

**b.** As a single price pool to those combining the first-place betting interest with the

one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, then; ( )

**c.** As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then; ( )

**d.** The entire pool must be refunded on Exacta wagers for that contest. ( )

**210. TRIFECTA POOLS.**

**01. Trifecta Pools.** The Trifecta requires selection of the first three (3) finishers, in their exact order, for a single contest. ( )

**02. Distribution.** The net Trifecta Pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, then; ( )

**b.** As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, then; ( )

**c.** As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then; ( )

**d.** The entire pool must be refunded on Trifecta wagers for that contest. ( )

**03. Less Than Three Interests Finish.** If less than three (3) betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest will be ignored. ( )

**04. Dead Heat for First.** If there is a dead heat for first involving: ( )

**a.** Contestants representing three (3) or more betting interests, all of the wagering combinations selecting three (3) betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split. ( )

**b.** Contestants representing two (2) betting interests, both of the wagering combinations selecting the two (2) dead-heated betting interests, irrespective of order, along with the third-place betting interest will share in a profit split. ( )

**05. Dead Heat -- Second Place.** If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second will share a profit split. ( )

**06. Dead Heat -- Third Place.** If there is a dead heat for third, all wagering

combinations correctly selecting the first two (2) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third will share in a profit split. ( )

**07. Coupled Entries and Mutuel Fields.** Trifecta pools with hard entries may not be established for any race with fewer than eight (8) racing interests scheduled to start. For those licensees who hold race meets only during their county fair meets, a trifecta pool can be established for any race with a hard entry in which there are no fewer than six (6) racing interests scheduled to start. In all cases, entrees coupled as a single wagering interest will be permitted provided that such single wagering interest constitutes an individual wagering selection and a scratch of any horse that is a part of any entry or the field does not constitute a scratch of the single wagering interest. ( )

## **211. SUPERFECTA POOLS.**

**01. Superfecta Pools.** The Superfecta requires selection of the first four (4) finishers, in their exact order, for a single contest. ( )

**02. Distribution.** The net Superfecta pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: ( )

**a.** As a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests; but if there are no such wagers, then; ( )

**b.** As a single price pool to those whose combination included, in correct sequence, the first three (3) betting interests; but if there are no such wagers, then; ( )

**c.** As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, then; ( )

**d.** As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Superfecta wagers for that contest. ( )

**03. Less Than Four Finish.** If less than four (4) betting interests finish and the contest is declared official, payouts will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest will be ignored. ( )

**04. Dead Heat -- First Place.** If there is a dead heat for first involving: ( )

**a.** Contestants representing four (4) or more betting interests, all of the wagering combinations selecting four (4) betting interests which correspond with any of the betting interests involved in the dead heat will share in a profit split. ( )

**b.** Contestants representing three (3) betting interests, all of the wagering combinations selecting the three (3) dead-heated betting interests, irrespective of order, along with the fourth-place betting interest will share in a profit split. ( )



c. Contestants representing two (2) betting interests, both of the wagering combinations selecting the two (2) dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests will share in a profit split. ( )

**05. Dead Heat -- Second Place.** If there is a dead heat for second involving: ( )

a. Contestants representing three (3) or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three (3) betting interests involved in the dead heat for second will share in a profit split. ( )

b. Contestants representing two (2) betting interests, all of the wagering combinations correctly selecting the winner, the two (2) dead-heated betting interests, irrespective of order, and the fourth-place betting interest will share in a profit split. ( )

**06. Dead Heat - Third Place.** If there is a dead heat for third, all wagering combinations correctly selecting the first two (2) finishers, in correct sequence, along with any two (2) of the betting interests involved in the dead heat for third will share in a profit split. ( )

**07. Dead Heat -- Fourth Place.** If there is a dead heat for fourth, all wagering combinations correctly selecting the first three (3) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split. ( )

## **212. TWIN QUINELLA POOLS.**

**01. Twin Quinella Pools.** The Twin Quinella requires selection of the first two (2) finishers, irrespective of order, in each of two (2) designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests will be included in only one (1) Twin Quinella pool. ( )

**02. Winning Procedure.** In the first Twin Quinella contest only, winning wagers must be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest: ( )

a. If a coupled entry or mutuel field finishes as the first two (2) finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish are winners, otherwise; ( )

b. Those whose combination finished as the first two (2) betting interests are winners; but if there are no such wagers, then; ( )

c. Those whose combination included either the first- or second-place finisher are winners; but if there are no such wagers on one (1) of those two (2) finishers, then; ( )

**d.** Those whose combination included the one (1) covered betting interest included within the first two (2) finishers are winners; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Twin Quinella wagers for that contest. ( )

**03. Dead Heat -- First Place.** In the first Twin Quinella contest only, if there is a dead heat for first involving: ( )

**a.** Contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish are winners. ( )

**b.** Contestants representing two (2) betting interests, the winning Twin Quinella wagers are determined as if no dead heat occurred. ( )

**c.** Contestants representing three (3) or more betting interests, those whose combination included any two (2) of the betting interests finishing in the dead heat are winners. ( )

**04. Dead Heat -- Second Place.** In the first Twin Quinella contest only, if there is a dead heat for second involving contestants representing two (2) or more betting interests, the Twin Quinella pool will be distributed to wagers in the following precedence, based upon the official order of finish: ( )

**a.** As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second but if there is only one (1) covered combination, then; ( )

**b.** As a single price pool to those combining the winner with the one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, then; ( )

**c.** As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then; ( )

**d.** As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead hear for second; but if there are no such wagers, then; ( )

**e.** The entire pool must be refunded on Twin Quinella wagers for that contest. ( )

**05. Distribution.** In the second Twin Quinella contest only, the entire net Twin Quinella pool must be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest: ( )

**a.** If a coupled entry or mutuel field finishes as the first two (2) finishers, as a single price pool to those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish, otherwise; ( )

**b.** As a single price pool to those whose combination finished as the first two (2) betting interests; but if there are no such wagers, then; ( )

**c.** As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one (1) of those two (2) finishers, then; ( )

**d.** As a single price pool to those whose combination included the one (1) covered betting interest included within the first two (2) finishers; but if there are no such wagers, then; ( )

**e.** As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then; ( )

**f.** In accordance with Subsection 212.02 of these rules. ( )

**06. Dead Heat -- First Place.** In the second Twin Quinella contest only, if there is a dead heat for first involving: ( )

**a.** Contestants representing the same betting interest, the net Twin Quinella pool will be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish. ( )

**b.** Contestants representing two (2) betting interests, the net Twin Quinella pool will be distributed as if no dead heat occurred. ( )

**c.** Contestants representing three (3) or more betting interests, the net Twin Quinella pool will be distributed as a profit split to those whose combination included any two (2) of the betting interests finishing in the dead heat. ( )

**07. Dead Heat -- Second Place.** In the second Twin Quinella contest only, if there is a dead heat for second involving contestants representing two (2) or more betting interests, the Twin Quinella pool will be distributed to wagers in the following precedence, based upon the official order of finish: ( )

**a.** As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one (1) covered combination, then; ( )

**b.** As a single price pool to those combining the winner with the one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, then; ( )

**c.** As a profit split to those combining the betting interests involved in the dead heat

for second; but if there are no such wagers, then; ( )

**d.** As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second, then; ( )

**e.** As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then; ( )

**f.** In accordance with Subsection 212.02 of these rules. ( )

**08. Forfeiture of Rights.** If a winning ticket for the first-half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest. ( )

**09. First-Half Scratch.** Should a betting interest in the first-half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest must be refunded. ( )

**10. Second-Half Scratch.** Should a betting interest in the second-half of the Twin Quinella be scratched, an announcement concerning the scratch must be made and a reasonable amount of time must be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Quinella contest, the ticket holder forfeits all rights to the Twin Quinella pool. ( )

**11. Contest Cancelled.** If either of the Twin Quinella contests is cancelled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared “no contest,” the entire Twin Quinella pool must be refunded on Twin Quinella wagers for that contest. ( )

**12. Second-Half Cancelled.** If the second-half Twin Quinella contest is cancelled or declared “no contest” after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool will be distributed as a single price pool to wagers selecting the winning combination in the first Twin Quinella contest and all valid exchange tickets. If there is no such wagers, the net Twin Quinella pool must be distributed as described in Subsection 212.02 of these rules. ( )

### **213. TWIN TRIFECTA POOLS.**

**01. Twin Trifecta Pools.** The Twin Trifecta requires selection of the first three (3) finishers, in their exact order, in each of two (2) designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such ticket may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first-half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests will be included in only one (1) Twin Trifecta pool. ( )

**02. Providing Pools.** After wagering closes for the first-half of the Twin Trifecta and

commissions have been deducted from the pool, the net pool is then divided into separate pools: the first-half Twin Trifecta pool and the second-half Twin Trifecta pool. ( )

**03. Winning Precedence.** In the first Twin Trifecta contest only, winning wagers must be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest: ( )

**a.** As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests, but if there are no such wagers, then; ( )

**b.** As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests, but if there are no such wagers, then; ( )

**c.** As a single price pool to those whose combination correctly selected the first-place betting interest only, but if there are no such wagers, then; ( )

**d.** The entire Twin Trifecta pool must be refunded on Twin Trifecta wagers for that contest and the second-half must be cancelled. ( )

**04. Carryover Pool.** If no first-half Twin Trifecta ticket selects the first three (3) finishers of that contest in exact order, winning ticket holders will not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second-half Twin Trifecta pool must be retained and added to any existing Twin Trifecta carryover pool. ( )

**05. Exchange of Tickets.** Winning tickets from the first-half of the Twin Trifecta will be exchanged for tickets selecting the first three (3) finishers of the second-half of the Twin Trifecta. The second-half Twin Trifecta pool must be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest: ( )

**a.** As a single price pool, including any existing carryover monies, to those whose combination finished in the correct sequence as the first three (3) betting interests; but if there are no such tickets, then; ( )

**b.** The entire second-half Twin Trifecta pool for that contest must be added to any existing carryover monies and retained for the corresponding second-half Twin Trifecta pool of the next consecutive performance. ( )

**06. Forfeiture of Rights.** If a winning first-half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool. ( )

**07. Coupled Entries and Mutuel Field.** Coupled entries and mutuel fields are prohibited in Twin Trifecta contests. ( )

**08. Scratched Interests.** Should a betting interest in the first-half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest must be

refunded. ( )

**09. Second-Half Betting Interest Scratch.** Should a betting interest in the second-half of the Twin Trifecta be scratched, an announcement concerning the scratch must be made and a reasonable amount of time must be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Trifecta contest, the ticket holder forfeits all rights to the second-half Twin Trifecta pool.

( )

**10. Reduced Interests.** If, due to a late scratch, the number of betting interests in the second-half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets and the outstanding first-half winning tickets will be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin Trifecta carryover.

( )

**11. Dead Heat.** If there is a dead heat or multiple dead heats in either the first or second-half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, is a winner. In case of a dead heat occurring in:

( )

a. The first-half of the Twin Trifecta, the payoff is calculated as a profit split.

( )

b. The second-half of the Twin Trifecta, the payoff is calculated as a single price pool.

( )

**12. Cancelled Contest.** If either of the Twin Trifecta contests are cancelled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared “no contest,” the entire Twin Trifecta pool must be refunded on Twin Trifecta wagers for that contest and the second-half must be cancelled.

( )

**13. Second-Half Cancelled.** If the second-half Twin Trifecta contest is cancelled or declared “no contest,” all exchange tickets and outstanding first-half winning Twin Trifecta tickets will be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin Trifecta carryover. If there are no such tickets, the net Twin Trifecta pool must be distributed as described in Subsection 213.05 of these rules.

( )

**14. Capped Carryover.** The Twin Trifecta carryover may be capped at a designated level approved by the Racing Commission so that if, at the close of any performance, the amount in the Twin Trifecta carryover equals or exceeds the designated cap, the Twin Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the Twin Trifecta carryover is frozen, one hundred percent (100%) of the net Twin Trifecta pool for each individual contest must be distributed to winners of the first-half of the Twin Trifecta pool.

( )

**15. Request to Distribute Carryover.** A written request for permission to distribute the Twin Trifecta carryover on a specific performance may be submitted to the Racing Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

( )

**16. Winning Precedence.** Should the Twin Trifecta carryover be designated for distribution on a specific date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Trifecta after completion of the first-half of the Twin Trifecta: ( )

**a.** As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, then; ( )

**b.** As a single price pool to those whose combination included, in the correct sequence, the first two (2) betting interests; but if there are no such wagers, then; ( )

**c.** As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then; ( )

**d.** As a single price pool to holders of valid exchange tickets. ( )

**e.** As a single price pool to holders of outstanding first-half winning tickets. ( )

**17. Exchange of Tickets.** Contrary to Subsection 213.04 of these rules, during a performance designated to distribute the Twin Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first- and second-place betting interest. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Twin Trifecta, all first-half tickets will become winners and will receive one hundred percent (100%) of that day's net Twin Trifecta pool and any existing Twin Trifecta carryover. ( )

**18. Carryover Designation.** The Twin Trifecta carryover must be designated for distribution on a specified date and performance only under the following circumstances: ( )

**a.** Upon written approval from the Racing Commission as provided in Subsection 213.15 of these rules. ( )

**b.** Upon written approval from the Racing Commission when there is a change in the carryover cap or when the Twin Trifecta is discontinued. ( )

**c.** On the closing performance of the meet or split meet ( )

**19. Carryover from Past Subsequent Meet.** If, for any reason, the Twin Trifecta carryover must be held over to the corresponding Twin Trifecta pool of a subsequent meet, the carryover must be deposited in an interest-bearing account approved by the Racing Commission. The Twin Trifecta carryover plus accrued interest will then be added to the second-half Twin

Trifecta pool of the following meet on a date and performance so designated by the Racing Commission. ( )

**20. Prohibited Information.** Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited until the race is made official. This does not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data. ( )

**21. Contest Approval.** The racing association must obtain written approval from the Racing Commission concerning the scheduling of Twin Trifecta contests, the percentage of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the Racing Commission. ( )

**214. TRI-SUPERFECTA POOLS.**

**01. Tri-Superfecta Pools.** The Tri-Superfecta requires selection of the first three (3) finishers, in their exact order, in the first two (2) designated contests and the first four (4) finishers, in exact order, in the second of the two (2) designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first-half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-Superfecta contests will be included in only one (1) Tri-Superfecta pool. ( )

**02. Providing Pools.** After wagering closes for the first-half of the Tri-Superfecta and commissions have been deducted from the pool, the net pool will then be divided into two (2) separate pools: the first-half Tri-Superfecta pool and the second-half Tri-Superfecta pool. ( )

**03. Winning Precedence.** In the first Tri-Superfecta contest only, winning tickets must be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest: ( )

**a.** As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, then; ( )

**b.** As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, then; ( )

**c.** As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then; ( )

**d.** The entire Tri-Superfecta pool must be refunded on Tri-Superfecta wagers for that contest and the second-half must be cancelled. ( )

**04. Carryover Pool.** If no first-half Tri-Superfecta ticket selects the first three (3)



finishers of that contest in exact order, winning ticket holders will not receive any exchange tickets for the second-half Tri-Superfecta pool. In such case, the second-half Tri-Superfecta pool must be retained and added to any existing Tri-Superfecta carryover pool. ( )

**05. Exchange of Tickets.** Winning tickets from the first-half of the Tri-Superfecta will be exchanged for tickets selecting the first four (4) finishers of the second-half of the Tri-Superfecta. The second-half Tri-Superfecta pool must be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest: ( )

**a.** As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four (4) betting interests; but if there are no such tickets, then; ( )

**b.** The entire second-half Tri-Superfecta pool for that contest must be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance. ( )

**06. Forfeiture of Rights.** If a winning first-half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second-half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Tri-Superfecta pool but forfeits all rights to any distribution of the second-half Tri-Superfecta pool. ( )

**07. Coupled Entries and Mutuel Field.** Coupled entries and mutuel fields are prohibited in Tri-Superfecta contests. ( )

**08. Scratched Interest.** Should a betting interest in the first-half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest must be refunded. ( )

**09. Second-Half Betting Interest Scratch.** Should a betting interest in the second-half of the Tri-Superfecta be scratched, an announcement concerning the scratch must be made and a reasonable amount of time must be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Tri-Superfecta contest, the ticket holder forfeits all rights to the second-half Tri-Superfecta pool. ( )

**10. Reduced Interests.** If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets will be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. ( )

**11. Dead Heat.** If there is a dead heat or multiple dead heats in either the first- or second-half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, is a winner. In the case of a dead heat occurring in: ( )

**a.** The first-half of the Tri-Superfecta, the payoff is calculated as a profit split.

( )  
b. The second-half of the Tri-Superfecta, the payoff is calculated as a single price pool. ( )

**12. Cancelled Contest.** If either of the Tri-Superfecta contests are cancelled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared “no contest,” the entire Tri-Superfecta pool must be refunded on Tri-Superfecta wagers for that contest and the second-half must be cancelled. ( )

**13. Second-Half Cancelled.** If the second-half Tri-Superfecta contest is cancelled or declared “no contest,” all exchange tickets and outstanding first-half winning Tri-Superfecta tickets will be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If there are no such tickets, the net Tri-Superfecta pool must be distributed as described in Subsection 214.03 of these rules. ( )

**14. Capped Carryover.** The Tri-Superfecta carryover may be capped at a designated level approved by the Racing Commission so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Tri-Superfecta carryover is frozen, one hundred percent (100%) of the net Tri-Superfecta pool for each individual contest will be distributed to winners of the first-half of the Tri-Superfecta pool. ( )

**15. Request to Distribute Carryover.** A written request for permission to distribute the Tri-Superfecta carryover on a specific performance may be submitted to the Racing Commission. The request must contain justification for the distribution, an explanation of the benefits to be derived, and the intended date and performance for the distribution. ( )

**16. Winning Precedence.** Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Tri-Superfecta after completion of the first-half of the Tri-Superfecta: ( )

a. As a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests; but if there are no such wagers, then; ( )

b. As a single price pool to those whose combination included, in correct sequence, the first three (3) betting interests; but if there are no such wagers, then; ( )

c. As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, then; ( )

d. As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers, then; ( )

e. As a single price pool to holders of valid exchange tickets. ( )

- f. As a single price pool to holders of outstanding first-half winning tickets. ( )

**17. Exchange of Tickets.** Contrary to Subsection 214.04 these rules, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Tri-Superfecta, all first-half tickets will become winners and will receive one hundred percent (100%) of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool. ( )

**18. Carryover Designation.** The Tri-Superfecta carryover may be designated for distribution on a specified date and performance only under the following circumstances: ( )

a. Upon written approval from the Racing Commission as provided in Subsection 214.15 of these rules. ( )

b. Upon written approval from the Racing Commission when there is a change in the carryover cap or when the Tri-Superfecta is discontinued. ( )

c. On the closing performance of the meet or split meet. ( )

**19. Carryover from Past Subsequent Meet.** If, for any reason, the Tri-Superfecta carryover must be held over to the corresponding Tri-Superfecta pool of a subsequent meet, the carryover must be deposited in an interest-bearing account approved by the Racing Commission. The Tri-Superfecta carryover plus accrued interest will then be added to the second-half Tri-Superfecta pool of the following meet on a date and performance so designated by the Racing Commission. ( )

**20. Prohibited Information.** Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited until the race is made official. This does not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data. ( )

**21. Contest Approval.** The racing association must obtain written approval from the Racing Commission concerning the scheduling of Tri-Superfecta contest, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format requires prior approval from the Racing Commission. ( )

## **215. TWIN SUPERFECTA POOLS.**

**01. Twin Superfecta Pools.** The Twin Superfecta requires selection of the first four (4) finishers, in their exact order, in each of two (2) designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning first-half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Twin Superfecta contests will be included in only one (1) Twin Superfecta pool. ( )

**02. Dividing Pools.** After wagering closes for the first-half of the Twin Superfecta and commissions have been deducted from the pool, the net pool must then be divided into two (2) separate pools: the first-half Twin Superfecta pool and the second-half Twin Superfecta pool. ( )

**03. Winning Precedence.** In the first Twin Superfecta contest only, winning wagers must be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest: ( )

**a.** As a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests; but if there are no such wagers, then; ( )

**b.** As a single price pool to those whose combination included, in correct sequence, the first three (3) betting interests; but if there are no such wagers, then; ( )

**c.** As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, then; ( )

**d.** As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then; ( )

**e.** The entire Twin Superfecta pool must be refunded on Twin Superfecta wagers for that contest and the second-half must be cancelled. ( )

**04. Carryover Pool -- First Race.** If no first-half Twin Superfecta ticket selects the first four (4) finishers of that contest in exact order, winning ticket holders will not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool will be retained and added to any existing Twin Superfecta carryover pool. ( )

**05. Winning Distribution.** Winning tickets from the first-half of the Twin Superfecta will be exchanged for tickets selecting the first four (4) finishers of the second-half of the Twin Superfecta. The second-half Twin Superfecta pool must be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest: ( )

**a.** As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four (4) betting interests; but if there are no such tickets, then; ( )

**b.** The entire second-half Twin Trifecta pool for that contest must be added to any existing carryover monies and retained for the corresponding second-half Twin Superfecta pool of the next performance. ( )

**06. Forfeiture of Second-Half Rights.** If a winning first-half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool. ( )

**07. Prohibited Entries.** Coupled entries and mutuel fields are prohibited in Twin Superfecta contests. ( )

**08. Scratched First-Half Interest.** Should a betting interest in the first-half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest must be refunded. ( )

**09. Scratched Second-Half Interest.** Should a betting interest in the second-half of the Twin Superfecta be scratched, an announcement concerning the scratch must be made and a reasonable amount of time must be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Superfecta contest, the ticket holder forfeits all rights to the second-half Twin Superfecta pool. ( )

**10. Late Scratch.** If, due to a late scratch, the number of betting interests in the second-half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets will be entitled to the second-half Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover. ( )

**11. Dead Heat.** If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, is a winner. In the case of a dead heat occurring in: ( )

**a.** The first-half of the Twin Superfecta, the payoff is calculated as a profit split. ( )

**b.** The second-half of the Twin Superfecta, the payoff is calculated as a single price pool. ( )

**12. Canceled Contest.** If either of the Twin Superfecta contests are cancelled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared “no contest,” the entire Twin Superfecta pool must be refunded on Twin Superfecta wagers for that contest and the second-half must be cancelled. ( )

**13. Canceled Second-Half Contest.** If the second-half Twin Superfecta contest is cancelled or declared “no contest,” all exchange tickets and outstanding first-half winning Twin Superfecta tickets will be entitled to the net Twin Superfecta pool for that contest as a single price

pool, but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool must be distributed as described in Subsection 215.03 of these rules. ( )

**14. Capped Carryover.** The Twin Superfecta carryover may be capped at a designated level approved by the Racing Commission so that if, at the close of any performance, the amount in the Twin Superfecta carryover equals or exceeds the designated cap, the Twin Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, one hundred percent (100%) of the net Twin Superfecta pool for each individual contest will be distributed to winners of the first-half of the Twin Superfecta pool. ( )

**15. Request for Carryover.** A written request for permission to distribute the Twin Superfecta carryover on a specific performance may be submitted to the Racing Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. ( )

**16. Winning Precedence.** Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Superfecta: ( )

**a.** As a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests; but if there are no such wagers, then; ( )

**b.** As a single price pool to those whose combination included, in correct sequence, the first three (3) betting interests; but if there are no such wagers, then; ( )

**c.** As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, then; ( )

**d.** As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then; ( )

**e.** As a single price pool to holders of valid exchange tickets. ( )

**f.** As a single price pool to holders of outstanding first-half winning tickets. ( )

**17. Exchange Ticket Distribution.** Contrary to Subsection 215.04 of these rules, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second- and third-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers

selecting the first-place betting interest only in the first-half of the Twin Superfecta, all first-half tickets will become winners and will receive one hundred percent (100%) of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool. ( )

**18. Carryover Distribution.** The Twin Superfecta carryover must be designated for distribution on a specified date and performance only under the following circumstances: ( )

**a.** Upon written approval from the Racing Commission as provided in Subsection 215.15 of these rules. ( )

**b.** Upon written approval from the Racing Commission when there is a change in the carryover cap or when the Twin Superfecta is discontinued. ( )

**c.** On the closing performance of the meet or split meet. ( )

**19. Carryover Held.** If, for any reason, the Twin Superfecta carryover must be held over to the corresponding Twin Superfecta pool of a subsequent meet, the carryover must be deposited in an interest-bearing account approved by the Racing Commission. The Twin Superfecta carryover plus accrued interest will then be added to the second-half Twin Superfecta pool of the following meet on a date and performance so designated by the Racing Commission. ( )

**20. Prohibited Information.** Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited until the race is made official. This does not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data. ( )

**21. Written Approval.** The racing association must obtain written approval from the Racing Commission concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the Racing Commission. ( )

**216. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.09 - RULES GOVERNING CLAIMING RACES**

**DOCKET NO. 11-0409-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 168 through 174.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***



**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**TUESDAY - JANUARY 13, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Claiming Races. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 09**

**IDAHO STATE RACING COMMISSION**

**11.04.09 - RULES GOVERNING CLAIMING RACES**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** This chapter is cited as IDAPA 11.04.09 “Rules Governing Claiming Races.” ( )

**02. Scope.** This chapter describes the procedures and requirements for the claiming of horses and the conduct of claiming races. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Certificate of Registration.** A document identifying a horse, its breeding and registry. ( )

**02. Claimant.** A person who has successfully claimed a horse in a claiming race. ( )

**03. Claimed.** A horse that has been properly purchased under these rules. ( )

**04. Claiming Race.** A race in which any horse starting may be purchased for a designated amount in conformance with this chapter. ( )

**05. Colt.** An intact male horse under five (5) years of age. ( )

**06. Eligible.** A horse that is qualified to run in a race under these rules. ( )

**07. Eligible Person.** A licensed owner, licensed trainer or authorized agent who has been properly authorized to claim a horse. ( )

**08. Engagements.** Race days where a horse has been entered to race. ( )

**09. Filly.** A female horse that has not reached five (5) years of age. ( )

**10. Gelding.** An altered male horse of any age. ( )

**11. Horse.** Includes filly, mare, colt, horse or gelding in general; when referring to sex, a horse is an intact male when five (5) years old or older. ( )

- 12. Ineligible or Undisclosed Person.** A person that is not eligible to be licensed or a person who has not been properly authorized to claim a horse. ( )
- 13. In-foal.** A filly or mare that is pregnant. ( )
- 14. Licensed Authorized Agent.** A person licensed by the Racing Commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner in whose behalf the agent will act. ( )
- 15. Mare.** A female horse that has reached the age of five (5) years. ( )
- 16. Officials.** Persons licensed by the state to ensure the rules of racing are enforced. ( )
- 17. Owner.** A person who holds any title, right or interest, whole or partial in a horse, including the lessee and lessor of a horse. ( )
- 18. Racing Association.** Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. ( )
- 19. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )
- 20. Racing Commission Employee.** An employee of the Idaho State Police supervised by the Executive Director of the Racing Commission, who is necessary to implement, administer and enforce Section 54-2501, Idaho Code. ( )
- 21. Racing Secretary.** The employee of a racing association, who writes the conditions for the races, assigns the weights for handicap races, receives entries, conducts the draw, and is responsible for the operation and organization of the race office. ( )
- 22. Stable.** All the race horses belonging to a particular owner. ( )
- 23. Starter Allowance Race.** A race where entrants must have established eligibility by participation in a previous race. ( )
- 24. Steward.** A horse racing official who presides over a race meeting, has jurisdiction over all racing officials, rules on protests and claims of foul, and imposes fines and suspensions. ( )
- 25. Title.** Legal document showing ownership of a horse. ( )
- 26. Transfer.** To convey the possession or legal title of a horse to another. ( )
- 011. ABBREVIATIONS.**  
There are no abbreviations used in these rules. ( )

**012. -- 019. (RESERVED).**

**020. FREE AND CLEAR TITLE.**

No person may enter a horse in a claiming race unless the title to said horse is free and clear of any existing lien, either as security interest mortgage, bill of sale, or lien of any kind. ( )

**021. TITLE VESTED.**

Title to a claimed horse must be transferred to the claimant at the time the horse becomes an official starter. The successful claimant must then become the owner of the horse whether it be alive or dead, sound or unsound or injured at any time after becoming an official starter. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse. ( )

**022. -- 024. (RESERVED).**

**025. IN-FOAL FILLY OR MARE.**

An in-foal filly or mare is eligible to be entered into a claiming race only if the following conditions are fulfilled: ( )

**01. Condition Disclosed.** Full disclosure of such fact is on file with the racing secretary and such information is posted in the racing office; ( )

**02. Service Certificate.** The stallion service certificate has been deposited with the racing secretary's office; and ( )

**03. Release of Service Certificate.** The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed. ( )

**026. -- 028. (RESERVED).**

**029. RESCISSION OF CLAIM.**

The stewards may set aside and order rescission of a claim for any horse from a claiming race run in Idaho upon a showing that any party to the claim committed a prohibited action, as specified in any Racing Commission rule, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of any Racing Commission rule. Should the stewards order a rescission of a claim, they may make a further order for the costs of maintenance and care of the horse as they may deem appropriate. ( )

**030. CLAIMED FOR ENTERED PRICE.**

Any horse starting in a claiming race is subject to be claimed for its entered price by any: ( )

**01. Licensed Owner.** Owner licensed in Idaho; ( )

**02. Authorized Agent.** Licensed authorized agent acting on behalf of an eligible person. ( )

**031. -- 034. (RESERVED).**

**035. ELIGIBLE HORSES.**

No horse which has been claimed out of a claiming race in which said horse was declared the official winner, is eligible to start in any other claiming race for a period of thirty (30) days, exclusive of the day it was claimed, for less than twenty-five percent (25%) more than the amount for which it was claimed. A horse which has been claimed out of a claiming race in which said horse was not declared the official winner may be eligible to start for any price desired by the claimant. No horse which has been claimed out of a claiming race is eligible to race at any other race meeting in this state or elsewhere until the close of the meeting where it was claimed, unless its removal from the grounds of such meeting is approved by the Stewards for good cause or is required by the Racing Association where it was claimed. ( )

**036. -- 039. (RESERVED).**

**040. STARTER ALLOWANCE RACE.**

A horse which has been claimed must re-establish eligibility for a starter allowance race by running in a claiming race. ( )

**041. -- 049. (RESERVED).**

**050. PROHIBITIONS.**

**01. Financial or Beneficial Interest.** A person may not claim a horse in which the person has a financial or beneficial interest as an owner or trainer. ( )

**02. Undisclosed Financial or Beneficial Interest.** A person may not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse. ( )

**03. Agreement.** A person may not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race. ( )

**04. Ineligible or Undisclosed Person.** A person may not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person. ( )

**05. No more than One Horse.** A person may not claim more than one (1) horse in a race. No authorized agent may submit more than one (1) claim for the same horse in a race, even if the authorized agent represents several owners. ( )

**051. -- 059. (RESERVED).**

**060. VALID CLAIMS.**

To make a valid claim for a horse, an eligible person must: ( )

**01. Funds on Deposit.** Have on deposit with the horsemen's bookkeeper an amount equal to the amount of the claim, plus all transfer fees and applicable taxes; ( )

**02. Written Claim Form.** Complete a written claim on a form furnished by the racing association and approved by the Racing Commission; ( )

**03. Horses Name.** Identify the horse to be claimed by the spelling of its name as the name appears on the certificate of registration or as spelled on the official program; ( )

**04. Sealed Envelope.** Place the completed claim form inside a sealed envelope furnished by the racing association and approved by the Racing Commission; ( )

**05. Time of Day.** Have the time of day that the claim is entered, recorded or electronically stamped by a racing official at the paddock on the envelope; and ( )

**06. Deposit Envelope.** Have the envelope deposited in the claim box no later than ten (10) minutes prior to post time of the race for which the claim is entered. ( )

**061. -- 064. (RESERVED).**

**065. CLAIMS ARE IRREVOCABLE.**

After a claim has been deposited in the claim box, it is irrevocable by the claimant and may not be withdrawn from the claim box until the time designated by the stewards. ( )

**066. -- 069. (RESERVED).**

**070. NO INFORMATION PROVIDED.**

Officials and employees of the racing association may not provide any information as to the filing of claims until after the race has been run, except as is necessary for processing of the claim. ( )

**071. -- 079. (RESERVED).**

**080. MORE THAN ONE CLAIM.**

If more than one (1) claim is filed on a horse, the successful claim must be determined by drawing lots conducted by the Stewards or their representatives. ( )

**081. -- 089. (RESERVED).**

**090. SEX OR AGE OF A HORSE CLAIMED.**

Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse is solely responsible for the determination of the sex or age of any horse claimed. ( )

**091. -- 099. (RESERVED).**

**100. TRANSFER OF OWNERSHIP.**

Upon successful claim an authorization of transfer of the horse from the original owner to the claimant must be issued by the stewards on forms approved by the Racing Commission. Copies of the transfer authorization must be forwarded to and maintained by the stewards and the racing office. Upon notification by the stewards, the horsemen's bookkeeper must immediately debit the claimant's account for the claiming price, applicable taxes and transfer fees. ( )

**101. -- 109. (RESERVED).**

**110. TRANSFER OF POSSESSION.**

Transfer of possession of a claimed horse must take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the test barn for post-race testing, the original trainer or an authorized representative must maintain physical custody of the claimed horse and must observe the testing procedure and sign the test sample tag. The successful claimant or an authorized representative of that claimant may also accompany the horse to the test barn. ( )

**111. -- 119. (RESERVED).**

**120. DELIVERY OF A CLAIMED HORSE.**

No person may refuse to deliver a properly claimed horse to the successful claimant. ( )

**121. -- 129. (RESERVED).**

**130. TRANSFER OF ENGAGEMENTS.**

When a horse is claimed out of a claiming race, the horse's engagements and eligibilities are transferred, with the horse, to the claimant. ( )

**131. -- 139. (RESERVED).**

**140. RESALE OR TRANSFER OF OWNERSHIP.**

Ownership interest in any horse claimed from a race may not be resold or transferred for thirty (30) days after such horse was claimed, except by claim from a subsequent race. ( )

**141. -- 149. (RESERVED).**

**150. CONTROL OR MANAGEMENT OF FORMER OWNER.**

A claimed horse may not remain in the same stable or under the control or management of its former owner. ( )

**151. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )



**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.10 - RULES GOVERNING LIVE HORSE RACES**

**DOCKET NO. 11-0410-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 175 through 198.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**TUESDAY - JANUARY 13, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Live Horse Races. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 10**

**IDAHO STATE RACING COMMISSION**

**11.04.10 - RULES GOVERNING LIVE HORSE RACES**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules are cited as IDAPA 11.04.10, "Rules Governing Live Horse Races." ( )

**02. Scope.** These rules govern the running of live horse races in Idaho. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website, <http://www.isp.state.id.us/race>. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Apprentice Jockey.** A thoroughbred jockey who has ridden less than one (1) year and less than forty-five (45) winners since first having been licensed in any racing jurisdiction and who otherwise meets the requirements and qualifications for a license as a Jockey. ( )

**02. Authorized Agent.** A person appointed by a written instrument signed and acknowledged before a notary public by the owner and filed in accordance with these rules. ( )

**03. Calendar Day.** Twenty-four (24) hours ending at midnight. ( )

**04. Chemical.** A substance composed of chemical elements or obtained by chemical processes. ( )

**05. Claiming Race.** A race in which any horse entered therein may be claimed in conformity with these rules. ( )

**06. Dead Heat.** The finish of a race in which the noses of two (2) or more horses reach the finish line at the same time. ( )

**07. Declaration.** The act of withdrawing an entered horse from a race before the closing of overnight entries. ( )

**08. Disqualification.** Interference or a foul determined by the stewards in a contest that may result in an adjustment to the offending entrants finish position. ( )

- 09. Engagements.** Race days where a horse has been entered to race. ( )
- 10. Entry.** Means, according to the requirements of these rules: ( )
- a.** A horse made eligible to run a race. ( )
- b.** Two (2) or more horses that are entered or run in a race and are coupled because of common ties or ownership. ( )
- 11. Equipment.** As applied to a horse means whips, blinkers, tongue straps, muzzle, nosebands, bits, shadow rolls, martingales, breast plate, bandages, boots, hoods, flipping halters, goggles and plates. ( )
- 12. Forfeit.** Money due because of an error fault, neglect of duty, breach of contract or a penalty. ( )
- 13. Foul.** A violation, by a jockey or horse, of these rules during a race. ( )
- 14. Grounds.** Any area owned or leased by any licensed Racing Association which is operated for the purpose of conducting pari-mutuel racing. ( )
- 15. Handicap.** A weight adjustment for entered horses for the purpose of equalizing the respective chances of winning. ( )
- 16. Horse.** Includes filly, mare, colt, horse and gelding in general; when referring to sex, a filly becomes a mare when five (5) years old; a horse is an entire male when five (5) years old or older. ( )
- 17. Jockey.** A race rider, whether a licensed Jockey, apprentice, or amateur. ( )
- 18. Jostle.** To bump, push or shove. ( )
- 19. Maiden.** A horse that has never won a race on the flat in a state or country where racing is supervised by a legalized Racing Commission or board and where the races are covered by the Racing Form, American Quarter Horse chart books, the Appaloosa Horse Club chart books, the Paint Horse chart books and the Arabian Horse chart books. A maiden that has been disqualified after finishing first still is a maiden. ( )
- 20. Nomination.** The act of nominating to a stake race. ( )
- 21. Nominator.** A person in whose name a horse is entered for a race. ( )
- 22. Owner.** Includes the owner, part owner and lessee of any horse. An interest only in the earnings of a horse does not constitute ownership. In case of husband and wife, it is presumed that joint ownership exists. ( )
- 23. Paddock.** An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. ( )

- 24. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. ( )
- 25. Place.** Means first, second or third and in that order is called “Win,” “Place,” and “Show.” ( )
- 26. Post Position.** The starting position assigned. ( )
- 27. Post Time.** The time set for the arrival at the starting point. ( )
- 28. Preference System.** A method used by the Racing Secretary to determine the order of qualification for a race. ( )
- 29. Race.** A contest between horses for purse, stake or reward on any licensed race track and in the presence of a Judge or Judges. ( )
- 30. Race Day.** Any period of twenty-four (24) hours beginning at midnight and included in the period of a race meeting and in the matter of penalties the word “DAY” means a “CALENDAR DAY.” ( )
- 31. Race Meet.** The entire consecutive period for which a license to race has been granted to any one (1) Racing Association by the Racing Commission. ( )
- 32. Racing Association.** Any person licensed by the Racing Commission to conduct live horse racing and pari-mutuel wagering. ( )
- 33. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )
- 34. Racing Interest.** Any individual owner or any partnership of owners or corporations or any registered stable, but not including a lessee, which participates as an owning entity or nominator of a race horse. A licensed owner may participate in more than one (1) racing interest. ( )
- 35. Recognized Meet.** Any meet wherever held, which is under the jurisdiction of the Idaho State Racing Commission. The Racing Commission will recognize all race meets conducted under the jurisdiction of members of the National Association of State Racing Commissioners International, or associate members or state and other recognized authority. ( )
- 36. Ringer.** In addition to the definitions expressed in these rules, means any horse which runs under the name and identity of another or under a fictitious name. ( )
- 37. Scratch.** The act of withdrawing an entered horse from the race after closing of overnight entries. ( )

**38. Scratch Time.** The time set by the Racing Association for the closing of applications for permission to withdraw from the races of that day. ( )

**39. Stake Race.** A race to which nominators of the engaged entries contribute to a purse; to which money, or any other award, may be added; but no overnight race, regardless of its conditions, is deemed a stake race. ( )

**40. Starter.** ( )

**a.** The individual approved to dispatch the horses in a race. ( )

**b.** The horse is a “starter” for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses. ( )

**41. Stewards.** The Stewards of the meeting or their duly appointed deputies. ( )

**42. Suspension.** A temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein. ( )

**43. Trial.** A race to determine qualifiers for a future race. ( )

**44. Straightway Race.** A race ran for a specified distance with no turns. ( )

**45. Weight for Age.** Standard weight according to the scale adopted by the Racing Commission and set forth herein. ( )

**46. Year.** A calendar year. ( )

**011. ABBREVIATIONS.**

There are no abbreviations used in these rules. ( )

**012. -- 019. (RESERVED).**

**020. ENTER, SEARCH, AND INSPECT.**

Every Racing Association, the Racing Commission, the Stewards, or trained and qualified agents of the Idaho State Police, have the right to enter, search and inspect the buildings, stables, rooms and other places where horses that are eligible to race are kept, or where property and effects of the licensee are kept within the grounds of the Racing Association. Any licensee accepting a license is deemed to have consented to such search and to the seizure of any non-approved or prohibited materials, chemicals, drugs or devices and anything apparently intended to be used in connection therewith. ( )

**021. -- 029. (RESERVED).**

**030. ILLEGAL PRACTICES.**

**01. Offer of Bribes.** No person may give, offer or promise, directly or indirectly, to

anyone any bribe, gift or gratuity in any form for the purpose of improperly influencing the result of a race. ( )

**02. Acceptance of Bribes.** No person licensed by the Racing Commission, nor any other person, may accept or offer to accept, on his own behalf or on behalf of another, any bribe, gift or gratuity in any form to influence the result of a race. ( )

**03. Conspire.** No person may conspire with any other person for the commission of any corrupt or fraudulent practice in relation to racing, nor may he commit such an act on his own account. ( )

**04. Bets.** No person except the Owner or Trainer of the horse the Jockey is riding may make a bet for the account of any Jockey and then only on the horse being ridden by said Jockey. ( )

**05. Shodding.** A horse starting in a race must not be shod with ordinary shoes, training shoes or bar plates except by permission of the Stewards. ( )

**06. Devices.** No electrical or mechanical device or other appliance designed to increase or decrease the speed of a horse, other than ordinary whip, may be possessed by anyone or applied by anyone to a horse at any time on the grounds of a Racing Association during a meeting whether in a race or otherwise. ( )

**07. Tampering.** No person may improperly tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor may he counsel or in any way aid or abet any such tampering. ( )

**08. Jockey's Spouse.** A jockey may not compete in any race against a horse which is trained by the jockey's spouse. ( )

**031. -- 039. (RESERVED).**

**040. CONSUMPTION OF ALCOHOL.**

No jockey, starter, assistant starter, pony person, outrider, or racing official may have present within his body any amount of alcohol while participating in any horse race held that day. ( )

**041. -- 049. (RESERVED).**

**050. HORSE RACES -- GENERAL RULES.**

**01. Post Time.** Post time must be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displayed and clearly readable from the grandstand. ( )

**02. Paddocks.** Horses must be in the paddock at least twenty (20) minutes before post time. ( )



- 03. Saddled.** Each horse must be saddled in the paddock. ( )
- 04. Number.** In a race, each horse must carry a conspicuous saddlecloth number and a head number, corresponding to the assigned number on the official program. In the case of an Entry, each horse making up the Entry must carry the same number (head and saddlecloth) with a distinguishing letter. In the case of a Field, the horses comprising the Field must carry an individual number. ( )
- 05. Jockey.** After the horses enter the track, no Jockey may dismount and no horse is entitled to the care of an attendant without consent of the Stewards or the Starter, and the horse must be free of all hands other than those of the Jockey or assistant starter before the starter dispatches the Field. ( )
- 06. Accidents.** In case of accident to a Jockey, his mount, or equipment, the Stewards or the starter may permit the Jockey to dismount and the horse to be cared for during the delay, and may permit all Jockeys to dismount and all horses to be attended during the delay. ( )
- 07. Injured Jockey.** If a Jockey is injured on the way to the post so as to require replacement, the horse must be taken to the paddock and another Jockey and equipment obtained. ( )
- 08. Parade.** All horses must parade and, under penalty of disqualification, must carry their weight from the paddock to the starting post, such parade to pass the Stewards' stand. ( )
- 09. Delays.** After entering the track, no more than twelve (12) minutes may be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post, they must be started without unnecessary delay. ( )
- 10. Willful Delay.** No person may willfully delay the arrival of a horse at the post. ( )
- 11. Selection of Horses.** When the number of horses competing in a race exceeds the numbered capacity of the tote, the Field horses are to be selected by the handicapper or the Racing Secretary. ( )
- 12. Limit on Number of Horses.** No more than eight (8) horses may start in any race on a one-half (1/2) mile track. ( )
- 13. Start.** A horse may not be qualified to start in any race unless the horse has been and continues to be properly entered therein. ( )
- 054. -- 059. (RESERVED).**
- 060. STRAIGHTAWAY RACES.**

**01. Maintain Position.** In a Straightaway Race every horse must maintain position as nearly as possible in the lane in which it starts. ( )

**02. Entitled to Room.** Every horse in the race is entitled to racing room and may not be deliberately impeded. If a horse is ridden or drifts out of its lane in such a manner that it interferes with or impedes another horse in any way, it is a foul. ( )

**03. Offending Horse.** The offending horse may be disqualified when, in the opinion of the Stewards, the outcome of the race was affected by the foul. This applies whether the foul was caused by the horse or by the rider, irrespective of cause. ( )

**04. Caused by Horse.** When the Stewards rule that the foul was caused by the horse, in spite of obvious efforts of the Jockey to maintain position in its lane, no blame will be attached to the Jockey. ( )

**05. Effort of Jockey.** When the Stewards rule that the Jockey did not make an effort to prevent the foul, then the Jockey may be fined or suspended, or both. ( )

**06. Fined or Suspended.** A Jockey who rides the horse out of its lane or fails to make an effort to hold the horse in its lane when the horse is lugging either in or out may be fined or suspended even though no actual foul occurs. ( )

**061. -- 069. (RESERVED).**

**070. RACES AROUND A TURN.**

**01. Race Around a Turn.** In a race run around a turn, a horse that is in the clear may be taken to any part of the track, except that weaving back and forth in front of another horse may be considered interference or intimidation and may be penalized. ( )

**02. Jostles.** If a horse or Jockey jostles another horse, the aggressor may be disqualified unless the jostled horse or Jockey was at fault or the jostle was wholly caused by the fault of some other horse or Jockey. ( )

**03. Crossing Another Horse.** A horse crossing another so as to actually impede it is disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or Jockey. ( )

**04. Strikes.** If a Jockey willfully strikes another horse or Jockey or rides willfully or carelessly so as to injure another horse, which is in no way at fault, or so as to cause other horses to do so, the Jockey's horse is disqualified. ( )

**05. Shorten Strides.** No Jockey may unnecessarily shorten his horses stride so as to give the appearance of having suffered a foul. ( )

**071. -- 079. (RESERVED).**

**080. DISQUALIFICATION.**

The Stewards are vested with the power to determine the extent of disqualification in case of fouls. ( )

**01. Placing.** They may place the offending horse behind such horses as in their judgment it interfered with or they may place it last. ( )

**02. Entries.** When a horse is disqualified under these rules, the other horse or horses in the same race coupled as an Entry may be disqualified. ( )

**081. -- 089. (RESERVED).**

**090. CLAIMS OF FOUL.**

Claims of foul under these rules can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved and must be made to the Clerk of the Scales or to the Stewards before the jockey has passed the scales. But nothing in these rules prevents the Stewards taking cognizance of foul riding. ( )

**01. Fouls.** Any Jockey against whom a foul is claimed will be given the opportunity to appear or communicate with the Stewards before any decision is made. ( )

**02. Frivolous Complaints.** An owner, trainer, or jockey who frivolously complains his horse was crossed or jostled may be subject to disciplinary action. ( )

**091. -- 099. (RESERVED).**

**100. BEST EFFORT.**

All horses are expected to give their best efforts in races in which they run and any instructions or advice to Jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and such instructions must be reported immediately to the Board of Stewards by the Jockey. All persons giving or following such instructions or advice are subject to disciplinary action by the Board of Stewards. ( )

**101. - 109. (RESERVED).**

**110. ENTRIES AND DECLARATIONS.**

The Racing Secretary is authorized to receive entries and declarations for all races. ( )

**01. Overnight Race.** Overnight Race Entries closes at a time designated and published by the Racing Secretary. ( )

**02. Ineligible.** No person may enter or start a horse which is known or believed to be ineligible or disqualified. ( )

**03. Ringer.** No person may enter or start a horse which is a ringer. ( )

**04. Declaring an Entry.** No person may offer or receive money or any other benefit for declaring an Entry from a race. ( )

**05. Entry Refused.** The entries of any person, or the transfer of any Entry, may be refused without notice for reasons deemed to be in the best interest of racing as determined by the stewards. ( )

**06. Eligible.** All horses must be eligible to start at time of Entry. To compete in a race, a horse must be eligible at the time of starting that race. ( )

**07. Responsibility.** Any person participating in the entry will be jointly and severally responsible and liable with the Trainer for the accuracy and authority of the entry. ( )

**08. Trainer.** No horse is permitted to enter or to start unless in the care and attendance of a licensed Trainer. ( )

**09. Name of Jockey.** Upon making an entry every Trainer is required to furnish the name of the Jockey who will ride the entry or, if this is not possible, in any event to furnish the information not later than scratch time. If no Jockey has been named by that hour, the Stewards will name the best available rider for the horse. ( )

**10. Entry Void.** If any entry from any disqualified person or a disqualified horse is received, such entry is void and any money paid for such entry may be forfeited to the purse of the race. ( )

**11. Entries.** All entries are under the supervision of the Stewards. ( )

**111. -- 112. (RESERVED).**

**113. COUPLED ENTRIES.**

**01. Coupled Entries.** Two (2) or more horses that are entered in a race will be joined as a mutuel entry and single betting interest if they are owned or leased in whole or in part by the same racing interest or are trained by a trainer who owns or leases any interest in any of the other horses in the race, except: ( )

**a.** Multiple horses owned by the same racing interest may be uncoupled in stake races for the purpose of pari-mutuel wagering; or ( )

**b.** Multiple horses owned by the same racing interest may be uncoupled in straightaway races for the purpose of pari-mutuel wagering. ( )

**02. Overnight Race.** No more than two (2) horses owned by the same racing interest may be entered in an overnight race. Under no circumstances may both horses of a coupled entry start to the exclusion of a single entry. When making a coupled entry, a preference for one (1) of the horses must be made. ( )

**114. (RESERVED).**

**115. WRITTEN ENTRIES.**

Entries and declarations must be made in writing and signed by the Trainer of the horse, or his

delegate or some person deputized by him, except: ( )

**01. Telephone.** Entries may be made by telephone or facsimile if approved by the State Steward. All telephone or facsimile entries must be signed by the Trainer of the horse, or his delegate or some person authorized by him, before the horse will be allowed to start in any race. ( )

**02. Entry Blanks.** Each Racing Association must provide blank forms or templates on which entries and declarations are to be made. These forms or templates must be approved by the Racing Commission. ( )

**116. -- 119. (RESERVED).**

**120. REGISTRATION.**

**01. Duly Registered.** No thoroughbred horse will be allowed to enter or start in any race unless duly registered and named at the registry office of the Jockey Club (New York), nor will a quarter horse be allowed to enter or start in any race unless duly registered with the American Quarter Horse Association (Amarillo, Texas), nor any Appaloosa horse will be allowed to enter or start unless duly registered with the Appaloosa Horse Club, Inc., (Moscow, Idaho), with the exception that the Stewards may at their discretion, for good cause, waive this requirement if the horse is otherwise properly identified. ( )

**02. Certificate or Facsimile.** At the time of entry, certificate or facsimile of registration from the Jockey Club (New York) or the American Quarter Horse Association (Amarillo, Texas) or the Appaloosa Horse Club, Inc., (Moscow, Idaho) of every horse starting must be filed in the office of the Racing Secretary. The Stewards may at their discretion waive this rule in the case of haul in horses. ( )

**03. New Name.** If the name of a horse is changed, the new name together with the former name will be published in the official program for the first three (3) starts after the change has been made. No change of names will be acceptable unless first granted by the Jockey Club, the American Quarter Horse Association, the Appaloosa Horse Club or other registry under which the horse is registered. Violation of any part of this rule will cause the horse to be named a "RINGER" and the horse and all persons connected with the violation will be ruled off and referred to the Racing Commission. ( )

**04. Sex Altered.** All geldings and all fillies and mares which have been "spayed" (i.e., rendered incapable of conception by whatever procedure, including removal of the ovaries) must be reported promptly by the owner or person in charge of the animal to the registry office, giving, in the case of geldings, the date of castration (or any other procedures having the effect of castration) and, in the case of fillies and mares, the date and nature of the procedure employed. ( )

**121. -- 129. (RESERVED).**

**130. IDENTIFICATION.**

**01. Identification.** If entered for the first time, a horse will be identified by stating his name, color, sex and age and the name of his sire and dam as registered. This description must be repeated in every entry until a description of the horse with its name has been published in the official program or the list of entries of the Association or in such other publication as the Racing Commission may designate. In every entry after such publication, its name and age will be sufficient. ( )

**02. Permitted to Start.** No horse is permitted to start that has not been fully identified. ( )

**03. Responsibility.** Responsibility in the matter of establishing either the identity of a horse or its complete and actual ownership is as binding on the persons so identifying or undertaking to establish as it is on the person having the horse requiring identification and the same penalty applies to them in case of fraud or attempt at fraud. ( )

**04. Method of Identification.** All horses must have either a lip tattooed or be identified by a National Animal Identification System compliant device. ( )

**131. -- 139. (RESERVED).**

**140. OWNERSHIP.**

**01. Disclosure of Ownership.** All ownerships in a horse must be filed with the Racing Secretary before the horse may start, as also must every change in ownership thereafter during the race meeting. Failure to disclose all ownerships may result in a fine or suspension, or both. ( )

**02. Registration of Partnerships.** No horse involved in a partnership will be permitted to enter or to start until the rules for the registration of partnerships have been complied with. ( )

**03. Disqualified.** No horse will be qualified to be entered or to start in any race if owned in whole or in part by or if under the direct or indirect management of a person disqualified under Idaho Law or Racing Commission rules. ( )

**141. -- 149. (RESERVED).**

**150. WORKOUTS.**

**01. Minimum Number of Workouts.** A horse that has never run at a recognized race meet must have a minimum of two (2) official workouts and be approved by the Starter before being eligible to start in an official race. ( )

**02. Recognized Meet.** Any horse that has not run at a recognized race meet in the forty-five (45) days prior to the race in which it is sought to be entered must have at least one (1) official workout before being eligible to start in an official race. ( )

**03. Workout Around the Turn.** Any horse that has not raced around one (1) turn

must have one (1) official workout around the turn before being able to enter or start any race around the turn. ( )

**151. -- 159. (RESERVED).**

**160. ENTRIES CLOSED.**

**01. Entries Closed at Advertised Time.** Entries must be closed at an advertised time and no entry accepted thereafter. The Racing Secretary, however, with the consent of the Stewards, may postpone closing of overnight races. ( )

**02. Absence of Notice.** In the absence of notice to the contrary, entrance and declarations for a stakes race must be at the office of the Racing Secretary who will make provisions therefore. ( )

**03. Hour of Closing.** When the hour for closing is designated, entries and declaration for stake races cannot be received afterwards. If an hour is not designated, then the close of entries and declarations will be at the close of the day's draw. ( )

**04. Entries Compiled.** Entries that have closed must be compiled without delay by the Racing Secretary and conspicuously posted. ( )

**05. Changes.** No changes may be made in any entry after closing of entries except the Racing Secretary may correct an error with the approval of the Stewards. ( )

**06. Unclosed Race.** The Racing Association has the right to withdraw or change any unclosed race. ( )

**161. -- 169. (RESERVED).**

**170. NOT QUALIFIED TO START.**

**01. Listed.** No horse on the Stewards, Veterinarians, Starters, or Paddock list is qualified to start. ( )

**02. Money Paid.** No horse is allowed to start in a race unless any stake or entrance money payable in respect to that race has been duly paid. ( )

**03. Nominator.** The nominator is liable for the entrance money or stake and the death of a horse or mistake in its entry does not release the subscriber or transferee from liability for stake. The entrance money to the purse that is run off will not be returned on the death of a horse or its failure to start for any cause whatever. ( )

**04. Registration Papers.** No horse is allowed to start unless the horses registration papers are on file in the Racing Secretary's office. ( )

**05. Unlicensed Owner.** No horse is allowed to start unless the horses owner has been licensed by the Racing Commission. ( )

**171. -- 189. (RESERVED).**

**190. PREFERENCE SYSTEM.**

**01. Preferred List.** A copy of the preferred list will be made available to the Racing Commission and horsemen before taking entries for the following race day. ( )

**02. Excluded Twice.** If a horse has been excluded twice consecutively, it has preference over a horse excluded only once and so on. ( )

**03. Opportunity.** No horse will be placed on the preferred list if the Owner or Trainer thereof did not accept the opportunity of starting when it was presented. ( )

**04. No Consideration.** Horses whose names appear in the entries and have an opportunity to start will be given no consideration whatsoever should they be entered for the following race day and the race overfills, except stakes races. ( )

**05. Claim.** In entering horses on the preferred list, a claim of preference must be made at time of entry and noted on the entry or the preference will be lost and no claim of error will be considered by the Stewards if the person making the claim has signed an entry not marked in keeping with these rules. ( )

**191. -- 194. (RESERVED).**

**195. NOMINATIONS AND ENGAGEMENTS.**

**01. Nominations and Engagements.** Nominations and all entries or rights of entry are valid when a horse is sold with its engagements duly transferred in duly registered partnerships when subscriptions, entries and rights of entry survive in the remaining partners and when entries under the decedent's subscriptions have been made previous to the decedent's death by the transfer of the rights of entry. ( )

**02. When Nominations Void.** Nominations and all entries or rights of entry become void on the death of a nominator except in the case of duly registered partnerships or except, subject to the sanction of the Stewards, when the personal representative of an estate of the decedent nominator for the privilege of transfer agrees to assume any and all obligations incident to the original entries. ( )

**03. Transfer.** In case of any transfer of a horse with its engagements, such horse will not be eligible to start in any stake unless at the usual time of the running of the stake, or prior thereto, the transfer of the horse and its engagements are exhibited to the Racing Secretary when demanded. ( )

**04. Sold.** Should a horse be sold with its engagements, or any part of them, the seller cannot strike the horse out of any such engagements. ( )

**05. Claimed Out.** When a horse is claimed out of a claiming race, its engagements are



included. ( )

**06. Engagements Voided.** If a horse is sold to a disqualified person, said horse's racing engagements is void as of the date of sale. ( )

**196. -- 199. (RESERVED).**

**200. POST POSITIONS.**

**01. Post Positions Determined by Lot.** Post positions are determined publicly by lot in the presence of the Racing Secretary and Steward. Thereafter if a regular carded horse is excused from a race, all horses will move up in post position order. ( )

**02. Applicability.** This rule applies unless the Association specifically provides otherwise in writing in its stake or condition book. ( )

**03. Position.** Horses must take their position at the post in the post position order in which their names have been drawn, beginning from the inside rail. ( )

**04. Starter.** The starter is the final authority as to the horses' numerical loading order into the starting gate and the order may be changed by the starter with the approval of the Board of Stewards. ( )

**201. -- 209. (RESERVED).**

**210. NUMBER OF STARTERS.**

**01. Limit.** The race is limited to the number of starters as specified in the conditions. ( )

**02. More Than the Specified Number.** If more than the specified number of entries is received in an overnight race, then: ( )

**a.** Winners of a stakes race have first preference; ( )

**b.** Winners have second preference; ( )

**c.** Stake placed maidens have third preference; ( )

**d.** Other maidens have fourth preference; and ( )

**e.** Non-starters have fifth preference. ( )

**211. -- 219. (RESERVED).**

**220. DEAD HEAT.**

**01. Dead Heat.** When two (2) or more horses run a dead heat, the dead heat will not be

run off. ( )

**02. Purse Divided Equally.** The owners of the horses in a dead heat must equally divide the purse money and other prizes. If no agreement can be reached as to which receives the cup, plate or other indivisible prize, they must draw lots for it in the presence of one (1) or more of the Stewards. ( )

**03. First Place.** If a dead heat is for first place, each horse is considered a winner of the amount received in accordance with Subsection 202.02 of these rules. ( )

**221. -- 229. (RESERVED).**

**230. DECLARATIONS.**

**01. Scratched or Declared.** No horse is considered scratched or declared until the Trainer or an authorized agent, or some person authorized by the Trainer, has given due and timely notice in writing to the Racing Secretary. ( )

**02. Stake Races.** For stake races, if a horse is not named through the entry box at the specified time of closing, the horse is automatically out. ( )

**03. Irrevocable.** The declaration or scratch of a horse is irrevocable. ( )

**04. Miscarriage.** If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage is required; otherwise, the declaration is accepted as of the time alleged. ( )

**05. Stewards.** All declarations are under the supervision of the Stewards. ( )

**231. -- 239. (RESERVED).**

**240. SCRATCHES.**

**01. Scratches.** A horse may be scratched from a race if eight (8) betting interests remain in the race. ( )

**02. Request to Withdraw.** If there are more requests to withdraw than are available, permission to withdraw will be decided by lot. However, in all races involving the Daily Double or Trifecta, no entry may be withdrawn that would reduce the starting field to less than the number designated by the Racing Secretary except with the permission of the Stewards. ( )

**03. Other Causes.** No other entries will be excused except upon receipt of a Veterinarian's Certificate of unfitness, a change of track conditions since the time of entry, or other causes acceptable to the Stewards. ( )

**241. -- 249. (RESERVED).**

**250. COLORS.**

**01. Racing Colors.** Owners may obtain suitable racing colors that must be registered annually, together with the owners' license application. ( )

**02. Fine.** Anyone using colors other than their own are subject to a fine. However, in case of emergency, the Stewards may allow the use of substitute colors which must be of standard track colors furnished by the Racing Association. ( )

**03. Standard Colors.** Racing Associations may use standard colors if approved by the Racing Commission. If standard colors are used, such colors must be furnished by the Racing Association and in these instances the owner will not be required to provide colors. ( )

**251. -- 259. (RESERVED).**

**260. WEIGHTS.**

The following weights are carried when they are not stated in the condition of the race: ( )

**01. Intermediate Length.** In races of intermediate lengths, the weights for the shorter distance are carried. ( )

**02. Allowances.** In all races, except handicaps and races where the conditions expressly state to the contrary, two-year old fillies are allowed three (3) pounds, three-year old and older fillies and mares are allowed five (5) pounds before the first of September and three (3) pounds thereafter. ( )

**03. Overnight Races.** In all overnight races, except handicaps, not more than six (6) pounds may be deducted from the scale of weight for age, except allowances; but in no case may the total of allowance of any type reduce the lowest weight below one hundred three (103) pounds, except that this minimum weight need not apply to two-year olds or three-year olds when racing older horses. ( )

**04. Penalties.** Penalties and allowances of weight are not cumulative unless so declared by the conditions of the race. Horses not entitled to the first weight allowance in a race are not entitled to the second and so on. ( )

**261. -- 262. (RESERVED).**

**263. APPRENTICE JOCKEY WEIGHT ALLOWANCE.**

**01. Weight Allowance.** An Apprentice Jockey must ride with a five (5) pound weight allowance beginning with the first mount for one (1) full year from the date of the fifth winning mount. ( )

**02. After One Year.** If after riding one (1) full year from the date of the fifth winning mount the Apprentice Jockey has failed to ride a total of forty (40) winners from the date of the first winning mount, the apprentice must continue to ride with a five (5) pound weight allowance for one (1) more year from the date of the fifth winning mount or until the apprentice has ridden a

total of forty (40) winners, whichever comes first. ( )

**03. If Unable to Ride.** If an Apprentice Jockey is unable to ride for a period of fourteen (14) consecutive days or more from the date of the apprentice's fifth winning mount because of service in the Armed Forces of the United States or because of physical disablement, the Racing Commission may extend the time during which such apprentice weight allowance may be claimed for a period not to exceed the period such Apprentice Jockey was unable to ride. ( )

**264. (RESERVED).**

**265. WEIGHTS IN HANDICAP RACES.**

**01. Weight Assignment.** The Handicapper or Board of Handicappers assigns all weight to be carried in a handicap race. ( )

**02. No Alterations.** No alteration may be made after publication except in the case of omission through error of the name or weight of a horse duly entered; in which case, by permission of the Stewards, the omission may be rectified by the Handicapper. ( )

**266. -- 269. (RESERVED).**

**270. WEIGHT FOR AGE.**

**01. Scale of Weight for Age.**

DISTANCE	AGE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1/4 Mile	2yrs	104	104	104	108	108	108	112	112	112	116	116	116
	3yrs	120	120	120		122	122	124	124	124	126	126	126
	4yrs & up	128	128	128	128	128	128	128	128	128	128	128	128
1/2 Mile	2yrs	105	108	111	114	114							
	3yrs	117	117	119	119	121	123	125	127	127	128	129	129
	4yrs	130	130	130	130	130	130	130	130	130	130	130	130
	5yrs	130	130	130	130	130	130	130	130	130	130	130	130
	& up	13	13	11	11	9	7	5	4	3	2	1	1
Furlongs	2yrs	102	105	108	111	111							
	3yrs	114	114	117	117	119	121	123	125	126	127	128	128
	4yrs	129	129	130	130	130	130	130	130	130	130	130	130
	5yrs	130	130	130	130	130	130	130	130	130	130	130	130
	& up	15	15	13	13	11	9	7	5	4	3	2	2

One Mile	2yrs	96	99	102	102								
	3yrs	107	107	111	111	113	115	117	119	121	122	123	123
	4yrs	127	127	128	128	127	126	126	126	126	126	126	126
	5yrs	128	128	128	128	127	126	126	126	126	126	126	126
	& up	20	20	17	17	14	11	9	7	5	4	3	3
1-1/4 Mile	2yrs												
	3yrs	101	101	107	107	111	113	116	118	120	121	122	122
	4yrs	125	125	127	127	127	126	126	126	126	126	126	126
	5yrs	127	127	127	127	127	126	126	126	126	126	126	126
	& up	24	24	20	20	16	13	10	8	6	5	4	4
1-1/2 Mile	2yrs												
	3yrs	98	98	104	104	108	111	114	117	119	121	122	122
	4yrs	124	124	126	126	126	126	126	126	126	126	126	126
	5yrs	126	126	126	126	126	126	126	126	126	126	126	126
	& up	26	26	22	22	18	15	12	9	7	5	4	4
2 Miles	3yrs	96	96	92	92	106	109	112	114	117	119	120	120
	4yrs	124	124	126	126	126	126	126	125	125	124	124	124
	5yrs	126	126	126	126	126	126	126	125	125	124	124	124
	& up	28	28	24	24	20	17	14	11	8	5	4	4

( )

**02. Limit.** Exclusively for three-year olds or four-year-olds the weight is one hundred twenty-six (126) pounds and in races exclusively for two-year olds it is one hundred twenty-two (122) pounds. ( )

**271. -- 279. (RESERVED).**

**280. CLERK OF THE SCALES.**

**01. In Charge of the Scales.** The Clerk of the Scales is in charge of the scales furnished by the Racing Association. ( )

**02. Check the Weight.** The Clerk of the Scales must check the weight of all Jockeys out and perform such other duties as are customarily required. ( )

**03. Record.** At the time of weighing out the Clerk of the Scales must record all overweights. Overweights must be announced publicly or posted in a conspicuous place prior to the first race of the day and before the running of each race. ( )

**04. Weigh In.** After each race the Clerk of the Scales must weigh in all Jockeys running fourth or better. ( )

**281. -- 284. (RESERVED).**

**285. PRE-RACE WEIGH OUT.**

**01. Specific Horse.** Every Jockey must be weighed for a specified horse no more than thirty (30) minutes before the time fixed for the race. ( )

**02. Jockey Equipment.** A Jockey's weight includes riding clothes, saddle and pad but does not include the safety helmet or whip. ( )

**286. -- 289. (RESERVED).**

**290. OVERWEIGHT.**

**01. Overweight.** If a Jockey intends to carry overweight, the amount thereof must be declared at the time of weighing out. If in doubt as to the proper weight, the weight to be carried may be declared. ( )

**02. More Than Two Pounds.** If a Jockey intends to carry overweight exceeding by more than two (2) pounds the weight which the horse is to carry and the Trainer consents, the Jockey must declare the amount of overweight to the Clerk of the Scales at least forty-five (45) minutes before the time appointed for the race and the Clerk must state the overweight on the notice board immediately. Failure on the part of the Jockey to comply with this rule must be reported to the Stewards. ( )

**03. No More Than Seven Pounds.** No horse may carry more than seven (7) pounds overweight, except at fair circuit racetracks with the permission of the stewards. ( )

**291. -- 294. (RESERVED).**

**295. POST RACE WEIGH IN.**

**01. Upon Completion of a Race.** After a race has been run and after the Jockey has pulled up the horse ridden, the Jockey must ride promptly to the area designated by the Stewards. After obtaining permission from the Judges, the Jockey must dismount and present himself to the Clerk of the Scales to be weighed in. If a Jockey is prevented from riding a mount to the Judges stand because of an accident or an illness either to the Jockey or the horse, the Jockey may walk or be carried to the scales or may be excused by the Stewards from weighing. ( )

**02. Preparation for Weigh In.** Except by permission of the Stewards upon returning to the Placing Judges stand, every Jockey must unsaddle the horse ridden. No person may touch the Jockey or the horse, except by the bridle, nor cover the horse in any manner until the Jockey has removed the equipment to be weighed. ( )

**03. Carrying Equipment.** Each Jockey must weigh in carrying over the Scales all pieces of equipment with which weighed out. Thereafter, the equipment may be given to the Jockey's attendant. ( )

**04. Same Weight.** Each Jockey must weigh in at the same weight as that which he weighed out and, if short of it by more than two (2) pounds, the horse will be disqualified. ( )

**05. More Weight.** If any Jockey weighs in at more than two (2) pounds over the proper or declared weight, the Jockey will be fined or suspended or ruled off by the Stewards, having due regard for any excess weight caused by rain or mud. The case must be reported to the Racing Commission for such action as it may deem proper. ( )

**296. -- 299. (RESERVED).**

**300. PADDOCK JUDGE.**

The Paddock Judge is in charge of the paddock. ( )

**01. Horses.** The Paddock Judge must check all horses for each race. ( )

**02. Records.** The Paddock Judge must keep a record of equipment carried by horses in races under the Paddock Judge's jurisdiction. The Paddock Judge must not permit any change in equipment not authorized by the Stewards. ( )

**03. Shod.** The Paddock Judge must determine that horses in the paddock are properly shod and must report any irregularities to the Stewards. ( )

**04. Bandages.** The Paddock Judge and the Commission Veterinarian must inspect bandages on horses prior to the participation in a race. They may order removal and replacement of bandages. They must report any indications of fraud in the type of bandages or other equipment to the Stewards. ( )

**05. Commands.** The Paddock Judge issues the command "RIDERS UP" and the order to proceed to the post parade. ( )

**06. Conduct.** The Paddock Judge is responsible for the conduct of all persons in the paddock and all irregularities in conduct must be reported to the Stewards. ( )

**07. Paddock Safety.** The Paddock Judge is responsible for safety in the paddock and for safety reasons may limit the number of people allowed in the paddock area. ( )

**301. -- 309. (RESERVED).**

**310. EQUIPMENT.**

**01. Permission Needed for Equipment Change.** Permission for any change of equipment from that which a horse carried in its last race must be secured from the Paddock Judge before being granted by the Stewards. Such change must be announced or posted for public information. ( )

**02. Blinkers.** Permission to use or discontinue the use of blinkers must be secured

from the starter before being granted by the Stewards. ( )

**03. Bridles and Whips.** All bridles and whips must be of racing design and in a clean serviceable condition approved by the Stewards. All whips must have a minimum of three (3) rows of feathers. ( )

**04. Tongue Tie.** Permission to use or discontinue the use of a tongue tie must be secured from the Paddock Judge before being granted by the Stewards. ( )

**05. Change.** Any equipment change from the time the horses enter the track until the horses are dispatched at the start of the race must be made by the Starter. If schooled before the Starter and approved by him and the Stewards before time of entry, a whip or blinkers, or both, may be used on two-year-olds and other first time starters. ( )

**06. Head Number.** Every horse in a race must have a head number which must be attached at the junction of the brow band and the head piece of the bridle. This number must correspond to the saddle cloth number of the horse as shown on the program. The Stewards may for good cause excuse this requirement. ( )

**311. -- 319. (RESERVED).**

**320. THE STARTER.**

**01. Starter.** The Starter must give orders to secure a fair start. To avoid delay, if after reasonable efforts a horse cannot be led or backed into position, the Starter will request the horse scratched by the Stewards. ( )

**02. Starting Gate.** All races must utilize a starting gate approved by the Racing Commission, except that with permission of the Stewards a race may be started with or without a gate. When the starting gate is used, it must be placed on the track at the direction of the Starter. ( )

**03. Assistants.** The Starter may appoint assistants but neither the Starter nor assistants may strike or use abusive language toward a Jockey. The Starter or assistant will be disciplined by the Stewards for violation of this rule. ( )

**04. Schooled.** Horses must be schooled under the supervision of the Starter or assistants and the Starter must designate the horses to be placed on the starters list, a copy of which must be posted in the office of the Racing Secretary. ( )

**05. Approval.** The Starter must approve all entries of two-year-olds and first time starters before they are allowed to start. ( )

**06. Disciplinary Action.** The Starter may recommend to the Stewards disciplinary action against Jockeys or other persons. ( )

**321. -- 329. (RESERVED).**



**330. TIMER.**

**01. Timers.** The Timers, the number to be determined by the Stewards, must occupy the Timer's stand or other appropriate place during the running of a race and they will record the time of each race for posting. At the close of each day's racing, they must file a written report of the time, including the fractional time, of each race of the day with the Racing Secretary. ( )

**02. Recorded Time.** The time recorded for the first horse to cross the finish line is the official time of the race. If a horse establishes a track record and it is later determined there is a presence of a drug, such track record is null and void. ( )

**03. Electronic Timing.** Electronic timing devices must be approved by the Racing Commission. ( )

**331. -- 339. (RESERVED).**

**340. PATROL JUDGE.**

**01. Duties.** The Racing Association may appoint and assign Patrol Judges, as required by the Stewards, whose duties are to view each race from the vantage point assigned to them by the Stewards. ( )

**02. Communication.** The Racing Association must provide communication devices between the Patrol Judges and the Stewards. ( )

**03. Report.** Prior to 9 a.m. the following work day the Patrol Judge must report in writing the Judge's observation of each race. The report must be provided to the Stewards. ( )

**341. -- 349. (RESERVED).**

**350. PLACING JUDGES.**

The Placing Judge or Judges may decide which horse wins and assign respective places in the race as is proper, usually the first four (4) finishing positions. When the Judges differ, the majority governs. In determining the places of horses at the finish of a race, the Placing Judges must consider only the respective noses of such horses. ( )

**351. -- 359. (RESERVED).**

**360. PHOTO FINISH CAMERA.**

**01. Approved Camera.** A photo finish camera that has been approved by the Racing Commission must be installed as an aid to the Placing Judges at each track. ( )

**02. Judges Decision.** The camera is merely an aid and the decision of the Judges is final. The finish line must appear in the photos. ( )

**03. Photo Posted.** The photograph of each photo finish must be posted in at least one (1) conspicuous place at the track as promptly as possible after each such race. ( )

**04. Photographic Record.** The Racing Association must keep a photographic record of each race on file for the duration of the race meet for reference or reproduction upon request of the Racing Commission. ( )

**361. PLACING ERRORS.**

**01. Errors.** Nothing in these rules may be construed to prevent the Placing Judges, with the approval of the Stewards, from correcting an error before the display of the sign "OFFICIAL." ( )

**02. Method.** If the "OFFICIAL" sign is displayed in error, the pools and purses must be calculated for both error and correction and the Racing Association must make up any losses. ( )

**362. VIDEO RECORDS.**

In instances where there was an inquiry, disqualification or suspension as a result of the running of the race, video camera tapes of races will be kept until released in writing by the Racing Commission. ( )

**363. -- 369. (RESERVED).**

**370. CLAIMING RACES.**

All claiming races must be run in conformance with these rules and IDAPA 11.04.09 "Rules Governing Claiming Races". ( )

**371. -- 399. (RESERVED).**

**400. STAKE RACE APPLICATIONS.**

**01. Stake Race Nomination Applications.** Stake race nomination applications must be submitted to the Racing Commission for approval. Rules adopted by the Racing Commission supersede conditions of the race. ( )

**02. Weights.** Weights, or the method of selection of weights, must be listed on the nomination application. ( )

**03. Purse.** Stake nomination applications must indicate the amount of money to be added to the purse by the Racing Association or sponsor, if any. ( )

**04. No Deductions.** No deductions may be withheld from the purse unless so stated on the nomination application. ( )

**401. -- 404. (RESERVED).**

**405. STAKE RACE NOMINATIONS.**

If a nominee is sold, the entry goes with the foal and fees may be kept up by the buyer. There will be no refunds. If a nominee dies, the entry fees remain in the race. ( )

**406. -- 409. (RESERVED).**

**410. NOMINATION AND ENTRY FEES.**

**01. Fees Deposited.** Nomination and entry fees must be deposited in an account approved by the Racing Commission. ( )

**02. Interest.** Accrued interest must be added to the purse of the stakes race. ( )

**03. List.** A list of all horses remaining eligible must be sent to the Racing Commission and each nominator or made available on a website listed on the nomination application to the stake no later than fourteen (14) days after the closing of each payment. ( )

**04. Deposits.** All monies and accrued interest must be deposited with the Horsemen's Bookkeeper prior to the day of entry. ( )

**05. Refund.** Any horses drawing outside the gate will have the entry fee refunded. ( )

**411. -- 414. (RESERVED).**

**415. CANCELLATION OF A STAKES RACE.**

A Racing Association reserves the right, with the consent of the Racing Commission, to cancel or postpone a stakes race. ( )

**416. -- 419. (RESERVED).**

**420. FAILURE OF STALL GATE.**

No liability will be incurred beyond the refund of starting and entry fees if a stall gate fails to open and such horse is declared a nonstarter. ( )

**421. -- 424. (RESERVED).**

**425. RACE OFF.**

If a stake race is declared off, all nominations and fees and accrued interest paid in connection with that race must be refunded. Incurred administration expense may be deducted, subject to review by the Racing Commission. ( )

**426. -- 429. (RESERVED).**

**430. STAKE TRIALS.**

**01. Trial.** Except in cases where the starting gate physically restricts the number of horses starting, each trial must consist of no more than ten (10) horses. ( )

**02. Less Than Ten Stalls.** If the Racing Association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate positions. ( )

**03. Finals Only.** The Racing Association may choose to run a finals only if the number of horses eligible is less than the available stalls in the starting gate. ( )

**431. -- 434. (RESERVED).**

**435. TRIALS RACED UNDER SAME CONDITIONS.**

**01. Same Conditions.** The trials must be raced under the same conditions as the finals and the number of qualifiers for the finals must correspond to the number of stalls in the starting gate for the finals. ( )

**02. Conducted On Same Day.** If the trials are conducted on the same day, the number of horses corresponding to the stalls available in the starting gate per the conditions of the race will qualify to participate in the finals. ( )

**03. Conducted On Two Days.** If the trials are conducted on two (2) days, one-half (1/2) of the horses that qualify for the finals must come from the first day of trials and one-half (1/2) of the horses that qualify for the finals must come from the second day of trials. ( )

**04. More Than One Entry.** When trials are conducted on two (2) days, the Racing Secretary must split owners with more than one (1) entry into separate days. ( )

**436. -- 439. (RESERVED).**

**440. QUALIFICATION BASED ON TIME.**

**01. Qualifying.** In the time trials, horses qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. ( )

**02. Same Trial Heat.** The only exception is when two (2) or more horses have the same time in the same trial heat. Then the order of finish also determines the preference in qualifying for the finals. ( )

**03. Different Trial Heats.** Should two (2) or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot will be conducted as directed by the Stewards. ( )

**04. Not Determined Beyond the Limit of the Timer.** Qualifying times in separate trials will not be determined beyond the limit of the timer by comparing or enlarging photo-finish images, or both. ( )

**05. Adjustments.** No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, etc. ( )

**441. -- 444. (RESERVED).**

**445. DISQUALIFICATION.**

**01. Disqualification.** Except in the case of disqualification, under no circumstances will a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial. ( )

**02. Interference.** Should a horse be disqualified for interference during the running of a time trial, it will receive the time of the horse it is immediately placed behind plus one hundredth (.01) of a second, or the maximum accuracy of the electronic timing device. ( )

**03. No Time.** If a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the race, the disqualified horse will be given no time plus one hundredth (.01) of a second, or the maximum accuracy of the electronic timing device. ( )

**446. -- 449. (RESERVED).**

**450. TIMER MALFUNCTION IN A TIME TRIAL.**

**01. Electronic Time Malfunction.** Should a malfunction occur with electronic timer on any time trial, finalists from that time trial will then be determined by official hand times operated by three (3) official and disinterested persons. ( )

**02. Average of Times.** The average of the three (3) hand times will be utilized for the winning time, unless one (1) of the hand times is clearly incorrect. In such cases, the average of the two (2) accurate hand times will be utilized for the winning time. Other horses will be given times according to the order and margins of finish with the aid of the photo-finish, if available. ( )

**03. Malfunction in Some Trials Only.** When there is a malfunction of the timer in some time trials, but the timer operates correctly in other time trials, the accurate electronic times will not be discarded, nor will the average of the hand times be used for all time trials. ( )

**04. Accuracy Questioned.** If the accuracy of the electronic timer or the average of the hand times, or both, are questioned, the video of a time trial may be used by the stewards to estimate the winning time by counting the number of video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. ( )

**05. Based on Video.** When the timer malfunctions and there are no hand times, the stewards may select qualifiers based on the video. ( )

**451. QUALIFICATION BASED ON ORDER OF FINISH.**

**01. Order of Finish.** Qualification for finals may be based upon order of finish in the trials as opposed to time. ( )

**02. Top Finishers.** The top finishers in each trial heat will qualify in equal numbers from each heat with the total number of qualifiers limited to the maximum number of starting gate positions. ( )

**03. Equal Number of Qualifiers.** In the event an equal number of qualifiers from each trial heat will not be sufficient to fill all starting gate positions, the remaining positions will be filled by lot between the horses in each trial heat that finished directly behind those that qualified. ( )

**452. -- 454. (RESERVED).**

**455. STARTING GATE MALFUNCTION.**

**01. Malfunction.** Should there be a malfunction of the starting gate, and one (1) or more stall doors do not open or open after the exact moment when the starter dispatches the field, the stewards may declare the horses with malfunctioning stall doors non-starters and the starting and entry fees refunded, or may allow any horse whose stall door opened late, but still ran a time fast enough to qualify to be declared a starter for qualifying purposes. ( )

**02. Breaks Through Gate.** If a horse breaks through the stall door, or the stall door opens prior to the exact moment the starter dispatched the field, the horse must be declared a non-starter and the starting and entry fees refunded. If the field has not been dispatched, the horse may be allowed to start at the discretion of the Stewards. ( )

**03. Considered Starters.** If one (1) or more, but not all, stall doors open at the exact moment the starter purposely dispatches the field, all horses should be considered starters for qualifying purposes and placed according to their electronic time. ( )

**456. -- 459. (RESERVED).**

**460. SCRATCHED FROM TRIALS.**

If a horse should be scratched from the trials, the horse's owner is not eligible for a refund of the fees paid and is not allowed to enter the final. ( )

**461. -- 464. (RESERVED).**

**465. SCRATCHED FROM FINALS.**

If a horse that qualified for the final should be unable to enter due to racing soundness, or scratched for any reason other than a positive drug test or a rule violation, the horse is deemed to have earned and the owner will receive, last place purse money. If more than one (1) horse is scratched from the final, then those purse monies will be added together and divided equally among those owners. ( )

**466. -- 469. (RESERVED).**

**470. QUALIFIER INELIGIBLE.**

**01. Prior to Entry.** If a qualifier for a final or consolation is disqualified for

ineligibility or a rule violation after the trials are declared official, but prior to entry for the final or consolation, the next eligible horse to qualify will replace the disqualified horse. ( )

**02. After Entry.** If a qualifier is disqualified after entry for the final or consolation for ineligibility or a rule violation in the trials, the purse will be redistributed, and the next eligible horse to qualify will receive last place purse money. ( )

**471. -- 474. (RESERVED).**

**475. ALSO ELIGIBLE.**

**01. Also Eligibles.** There will be no more than four (4) also eligibles selected when one (1) division of a stake is to be run. Horses cannot be advanced after the regular advertised scratch time. ( )

**02. No Also Eligible List.** When two (2) or more divisions of the same stake are to be run, there will be no "also eligible list" in any of the two (2) or more divisions and if a horse should scratch, the owner will receive last place purse money in that particular division for which the horse qualified. ( )

**03. More Than One Scratch.** If more than one (1) horse should scratch out of the same division, than those monies will be added together and divided equally among those scratching out of that division. ( )

**476. -- 499. (RESERVED).**

**500. JOCKEY ROOM CUSTODIAN.**

The Jockey Room Custodian must be in attendance at all times that the Jockeys are in the Jockey room. The Custodian is authorized to regulate the conduct of Jockeys. ( )

**501. -- 529. (RESERVED).**

**530. IDENTIFIER.**

**01. Identifier.** The Identifier is responsible for positively identifying all horses entered to race. ( )

**02. Inspection.** The Identifier inspects each horse prior to its departure for the post. ( )

**03. Other.** The Identifier inspects, identifies and prepares I.D. cards by using the lip tattoo, markings from photos, written descriptions, or National Animal Identification System compliant devices. ( )

**531. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in

Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )



**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.11 - RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED  
MEDICATIONS, BANNED SUBSTANCES AND DRUG TESTING OF HORSES**

**DOCKET NO. 11-0411-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 199 through 212.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**TUESDAY - JANUARY 13, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 11**

**IDAHO STATE RACING COMMISSION**

**11.04.11 - RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED  
MEDICATIONS, BANNED SUBSTANCES AND DRUG TESTING OF HORSES**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules are cited as IDAPA 11.04.11, "Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses." ( )

**02. Scope.** These rules governs the practices of veterinarians licensed by the Racing Commission, permitted medication of horses and drug testing of horses by the Idaho State Racing Commission. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website, <http://www.isp.state.id.us/race>. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Bleeder List.** A list maintained by the commission veterinarian with all horses that have demonstrated external evidence of exercise induced pulmonary hemorrhage from one (1) or both nostrils during or after a race or workout. ( )

**02. Calendar Year.** A calendar year beginning January 1 and ending December 31. ( )

**03. Colt.** An intact male horse under five (5) years of age. ( )

**04. Commission Veterinarian.** A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. ( )

**05. Filly.** A female horse that has not reached five (5) years of age. ( )

**06. Gelding.** An altered male horse of any age. ( )

**07. Horse.** Includes filly, mare, colt, horse or gelding in general; when referring to sex, a horse is an intact male five (5) years old or older. ( )

**08. Hypodermics.** Any hypodermic instrument, hypodermic syringe or hypodermic

hollow needle used for injection of substances into the body of a horse. ( )

**09. Inspection of Horses.** A veterinarian inspection to assess the racing condition of every horse entered in an official race. ( )

**10. Mare.** A female horse that has reached the age of five (5) years. ( )

**11. Medication Report Form.** A form signed by the treating veterinarian disclosing the identity of the horse, the permitted drug being used with dosage or procedure administered, the time administered and the name of the trainer. ( )

**12. Mitigating Circumstances.** An event that constitutes detail to support a penalty to be waived or less harsh. ( )

**13. Needle and Syringe.** See Hypodermics - Subsection 010.08 of these rules. ( )

**14. Owner.** The person that has legal title to, or has financial control of, a horse utilized for racing in Idaho. However, an interest in the winnings of a horse does not itself constitute ownership. ( )

**15. Paddock.** An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. ( )

**16. Penalties.** For this chapter, a penalty issued against an individual(s) found guilty of medication and drug violations. ( )

**17. Prohibited Substances.** Medication and drugs that should not be administered to a horse. ( )

**18. Racing Association.** Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. ( )

**19. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )

**20. Racing Condition.** The physical ability to race of a horse determined by the commission veterinarian. ( )

**21. Sample.** A blood or urine sample taken from a horse at the direction of the commission veterinarian. ( )

**22. Split Sample.** A blood or urine sample taken from a horse that is greater than the minimum sample requirement. ( )

**23. Suspension.** Punishment for violation of the Racing Commission rules. The offender is denied privileges of the racing facilities for a specified period of time. ( )

**24. Test Area.** A barn provided by a racing association used for taking specimens of urine, blood or other bodily substances or tissues for testing. ( )

**25. Trainer.** The person who conditions and prepares a race horse for racing, with the absolute responsibility to ensure the physical condition and eligibility of the race horse. ( )

**26. Veterinarian's List.** A list of all horses which are ineligible to be entered in any race due to a physical condition. ( )

**27. Veterinarians' Reports.** The Medication Report Form completed by every veterinarian who treats a racehorse at any location under the jurisdiction of the Racing Commission. ( )

**28. Veterinarian.** Practicing Private practitioner employed by owners and trainers on an individual case or contract basis. ( )

**011. ABBREVIATIONS.**  
DMSO. Dimethyl Sulfoxide. ( )

**012. -- 019. (RESERVED).**

**020. ENTER, SEARCH AND INSPECT.**

Every Racing Association, the Racing Commission, the Stewards or trained and qualified agents of the Idaho State Police, have the right to enter, search and inspect the buildings, stables, rooms and other places where horses which are eligible to race are kept, or where property and effects of the licensee are kept within the grounds of the Racing Association. Any licensee accepting a license is deemed to have consented to such search and to the seizure of any non-approved or prohibited materials, chemicals, drugs or devices and anything apparently intended to be used in connection therewith. ( )

**021. AUTHORITY OF THE COMMISSION VETERINARIAN.**

The Commission Veterinarian has the authority to supervise the actions of veterinarians licensed by the Racing Commission while they are practicing at any location under the jurisdiction of the Racing Commission. The commission veterinarian recommends to the Stewards or the Racing Commission disciplinary actions for any veterinarian who violates any Racing Commission rule. ( )

**022. REPORT OF DISEASE.**

All practicing veterinarians must promptly notify the commission veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his charge. ( )

**023. RESTRICTIONS OF WAGERING.**

A practicing veterinarian may not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in the race within the past thirty (30) days. ( )

**024. -- 029. (RESERVED).**

**030. TREATMENT RESTRICTIONS.**

Except as otherwise provided by these rules, no person other than a veterinarian licensed to practice veterinary medicine in Idaho and licensed by the Racing Commission may administer a prescription or controlled medication, drug, chemical or other substance, including any medication, drug, chemical or other substance by injection, to a horse at any location under the jurisdiction of the Racing Commission. ( )

**031. ADMINISTRATION OF NON-INJECTABLE SUBSTANCES.**

These rules do not apply to the administration of the following substances in approved quantitative levels present in post-race samples, if any, or as they may interfere with post-race testing: ( )

**01. Nutritional Supplement.** A recognized non-injectable nutritional supplement or other substance approved by the commission veterinarian; ( )

**02. Prescription.** A non-injectable substance on the direction or by prescription of a licensed veterinarian; or ( )

**03. Non-Prescription.** A non-injectable non-prescription medication or substance. ( )

**032. -- 034. (RESERVED).**

**035. HYPODERMIC NEEDLES.**

**01. Possession Prohibited.** No person may possess a hypodermic needle, syringe or injectable of any kind on Racing Association grounds, unless approved by the Racing Commission. ( )

**02. Disposable Needles.** At any location under the jurisdiction of the Racing Commission, licensed veterinarians may use only one-time disposable needles, and must dispose of them in a manner approved by the Racing Commission. ( )

**03. Medical Condition.** If a person has a medical condition that makes it necessary to have a syringe at any location under the jurisdiction of the Racing Commission, that person must: ( )

**a.** Request permission of the Stewards or the Racing Commission in writing; ( )

**b.** Furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe; and ( )

**c.** Comply with any conditions and restrictions set by the Stewards or the Racing Commission. ( )

**036. -- 039. (RESERVED).**

**040. BANNED SUBSTANCES.**

**01. Banned Substances.** Any medication, drug, chemical, narcotic, anesthetic, or analgesic that is not specifically permitted by these rules is banned from use in horses that are eligible to race in Idaho and are located on the grounds of a racing association. ( )

**02. Administration by Veterinarians.** All practicing veterinarians administering drugs, medications or other substances are responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with these rules. ( )

**041. -- 049. (RESERVED).**

**050. NON-PERMITTED MEDICATION.**

If the Stewards find that any non-permitted medication, drug, chemical, narcotic, anesthetic, or analgesic has been administered to a horse in such a manner that it is present in a pre-race or post-race test sample, such presence constitutes prima facie evidence of a violation of these rules. ( )

**051. -- 059. (RESERVED).**

**060. MEDICATIONS.**

**01. Taking Samples.** The Commission Veterinarian, the Racing Commission, or any member of the Board of Stewards may take samples of any medicines or other materials suspected of containing improper medication, drugs or chemicals that would affect the racing condition of a horse in a race. ( )

**02. Location.** Any substances found in stables or elsewhere on the grounds of a racing association or in the possession of any person connected with racing are subject to sampling. ( )

**03. Testing.** Substances sampled must be delivered to a laboratory designated by the Racing Commission for testing. ( )

**061. -- 069. (RESERVED).**

**070. ANTI-ULCER MEDICATIONS.**

The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to twenty-four (24) hours prior to the race in which the horse is entered: ( )

**01. Cimetidine (Tagamet®).** Dosage 8-20 mg/kg PO BID-TID. ( )

**02. Omeprazole (Gastrogard®).** Dosage 2.2 grams PO SID. ( )

**03. Ranitidine (Zantac®).** Dosage 8 mg/kg PO BID. ( )



**071. -- 074. (RESERVED).**

**075. ENVIRONMENTAL CONTAMINANTS AND SUBSTANCES OF HUMAN USE.**

The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases. ( )

**01. Caffeine.** Caffeine is recognized as a substance of human use and could be found in the horse due to its close association with humans. The regulatory threshold for caffeine is 100 nanograms of caffeine per milliliter of serum or plasma. ( )

**02. Positive Test.** If the preponderance of evidence presented in a hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer. ( )

**076. -- 099. (RESERVED).**

**100. TESTING FACILITIES.**

The Racing Commission may require the Racing Association to provide such facilities for medication, drug or other tests of a horse as may be required by the Racing Commission. ( )

**101. -- 104. (RESERVED).**

**105. LABORATORY MINIMUM STANDARDS.**

Laboratories conducting either primary or split post-race sample analysis must meet at least the following minimum standards: ( )

**01. Lab Accreditation.** A testing laboratory must be accredited by a recognized accrediting body to any standards set forth and required by the Racing Commission. ( )

**02. Instrumentation for Screening.** A testing laboratory must have, or have access to, LC/MS instrumentation for screening or confirmation purposes, or both. ( )

**03. Standards of Detection.** A testing laboratory must be able to meet minimum standards of detection, which is defined as the specific concentration at which a laboratory is expected to detect the presence of a particular drug or metabolite, or both, or by the adoption of a regulatory threshold. ( )

**106. -- 109. (RESERVED).**

**110. TESTING.**

**01. Testing.** The official winning horse and any other horse ordered by the Racing Commission or the Stewards must be taken to the testing area to have a blood or urine sample taken at the direction of the commission veterinarian. ( )

**02. Examination.** Examination of the race winner or other designated horses must be made by the Commission Veterinarian or his assistant. ( )

**03. Specimens.** All specimens must be collected by the Commission Veterinarian or his assistant. ( )

**111. -- 114. (RESERVED).**

**115. RANDOM OR EXTRA TESTING.**

Random or extra testing may be required by the Stewards or the Racing Commission at any time on any horse on Racing Association grounds. Unless otherwise directed by the Stewards or the Commission Veterinarian, a horse that is selected for testing must be taken directly to the testing area. ( )

**116. -- 119. (RESERVED).**

**120. TRAINER PRESENT.**

**01. Present During Testing.** The Trainer, or his authorized representative, must be present in the testing area when a urine or other specimen is taken from a horse. ( )

**02. Tag Signed.** The sample tag must be signed by the Trainer or his representative, as witness to the taking of the specimen. ( )

**03. Refusal.** Willful failure to be present at or a refusal to allow the taking of such specimen, or any act or threat to impede or prevent or otherwise interfere therewith, subjects the person or persons doing so to immediate suspension by the Stewards and the matter will be referred to the Racing Commission for such further penalty as may be determined. ( )

**121. -- 129. (RESERVED).**

**130. SPECIMENS.**

**01. Delivery to Approved Laboratory.** All specimens taken by or under direction of the Commission Veterinarian, or other authorized representative of the Racing Commission, must be delivered to the laboratory approved by the Racing Commission for official analysis. ( )

**02. Number and Date.** Each specimen must be marked by number and date and may also bear such information as may be essential to its proper analysis. ( )

**03. Identity.** The identity of the horse from which the specimen was taken or the identity of its Owner, Trainer, Jockey, or stable must not be revealed to the laboratory. ( )

**04. Container.** The container of each specimen must be sealed as soon as the specimen is placed therein and must bear the name of the Racing Commission. ( )

**131. -- 139. (RESERVED).**

**140. DETERMINATION OF SAMPLE.**

**01. Minimum Sample.** The commission veterinarian will determine a minimum sample requirement for the primary testing laboratory. ( )

**02. Less Than The Minimum.** If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen must be sent to the primary testing laboratory. ( )

**03. More Than The Minimum.** If a specimen obtained is greater than the minimum sample requirement, the portion of the sample that is greater than the minimum sample requirement may be secured as the split sample if proper storage capabilities exist and it is requested by the owner or trainer in writing prior to sample collection from the tested horse. All costs of collecting and storing samples will be at the expense of the owner or trainer requesting the split sample. ( )

**141. -- 149. (RESERVED).**

**150. STORAGE AND SHIPMENT OF SPLIT SAMPLES.**

Split samples obtained in accordance with Subsection 140.03 of these rules, must be secured and made available for further testing in accordance with the following procedures: ( )

**01. Secured.** A split sample must be secured under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. ( )

**02. Transferred to a Freezer.** Split samples must then be transferred to a freezer at a secure location approved by the Racing Commission. ( )

**151. -- 159. (RESERVED).**

**160. TESTING SPLIT SAMPLES.**

After having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to these rules, a trainer or owner of a horse may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the Racing Commission. The request must be made in writing and delivered to the Stewards not later than three (3) business days after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional forty-eight (48) hours. ( )

**161. -- 169. (RESERVED).**

**170. REQUEST FOR TEST PROCEDURE.**

**01. Requester Responsible for Costs.** The owner or trainer requesting testing of a

split sample is responsible for any and all costs of shipping and testing. ( )

**02. Failure to Appear.** Failure of the owner, trainer or designee to appear at the time and place designated by the Commission Veterinarian constitutes a waiver of all rights to split sample testing. ( )

**03. Lab's Willingness to Test.** Prior to shipment, the Racing Commission must confirm the split sample laboratory's willingness to: ( )

**a.** Simultaneously provide the testing requested; ( )

**b.** The laboratory's willingness to send results to both the person requesting the testing and the Racing Commission; and ( )

**c.** Arrangements for payment satisfactory to the split sample laboratory. ( )

**171. -- 179. (RESERVED).**

**180. CHAIN OF CUSTODY.**

The Racing Commission will provide a split sample chain of custody verification form. ( )

**181. -- 199. (RESERVED).**

**200. NON-STEROIDAL ANTI-INFLAMMATORY DRUGS.**

**01. Exception.** No horses may be entered into a race utilizing a Non-Steroidal Anti-Inflammatory Drug, except DMSO, unless: ( )

**a.** The Trainer and Veterinarian of the horse submit to the Commission Veterinarian the Non-Steroidal Anti-Inflammatory Drug Request Form; and ( )

**b.** The Commission Veterinarian has granted written approval for the use. ( )

**02. Procedures.** The Commission Veterinarian must establish and publish reasonable procedures pertaining to use of the Non-Steroidal Anti-Inflammatory Drug Request Form. ( )

**03. Posted.** A copy of the established procedures must be posted in the office of the Racing Secretary. ( )

**201. -- 209. (RESERVED).**

**210. NON-STEROIDAL ANTI-INFLAMMATORY DRUG REQUEST FORM.**

The Non-Steroidal Anti-Inflammatory Drug Request Form submitted to the Commission Veterinarian must include and be processed as follows: ( )

**01. Name of Horse.** The name, age, sex and breed of the horse; ( )

**02. Name of Trainer and Veterinarian.** The name of the licensed Trainer and veterinarian; ( )

**03. Nature of Injury.** The nature of the horse's injury or disease as determined by an examination by a qualified and duly licensed veterinarian; ( )

**04. Name of Drug Requested.** The name of the Non-Steroidal Anti-Inflammatory drug requested and the proposed time and method of administration; ( )

**05. Signature.** Signature of Trainer and veterinarian attending the horse and the Commission Veterinarian. ( )

**06. Filing.** The trainer or veterinarian attending the horse must file the completed request form with the racing secretary. ( )

**211. -- 219. (RESERVED).**

**220. APPROVAL OF NON-STEROIDAL ANTI-INFLAMMATORY DRUG REQUEST.**  
The Commission Veterinarian will approve the Non-Steroidal Anti-Inflammatory Drug request only if: ( )

**01. Professional Judgment.** In the exercise of his professional judgment, a need for the use of the Non-Steroidal Anti-Inflammatory Drug for the particular horse's injury or disease has been satisfactorily demonstrated. ( )

**02. Professional Diagnosis.** In arriving at the decision, the Commission Veterinarian may take into account or rely upon the written professional diagnosis made by a qualified and duly licensed veterinarian. ( )

**221. -- 229. (RESERVED).**

**230. EXPIRATION OF APPROVAL.**  
Approved medication may be discontinued with permission of the Commission Veterinarian. ( )

**231. -- 239. (RESERVED).**

**240. PERMITTED NON-STEROIDAL ANTI-INFLAMMATORY DRUGS.**  
The only Non-Steroidal Anti-Inflammatory Drugs permitted by these rules are: ( )

**01. Phenylbutazone (Butazoladin);** ( )

**02. Mechlofenamic Acid (Arquel);** ( )

**03. Flunixin (Banamine); and** ( )

**04. Ketoprofen (Ketofen).** ( )

**241. -- 249. (RESERVED).**

**250. DAILY RACING PROGRAM.**

Horses that are on a Non-Steroidal Anti-Inflammatory Drug must be indicated on the daily racing programs or any other publications and a list of horses on a Non-Steroidal Anti-Inflammatory Drug will be posted at a location designated by the Racing Commission. ( )

**251. -- 259. (RESERVED).**

**260. NON-STEROIDAL ANTI-INFLAMMATORY DRUG ADMINISTRATION.**

No Non-Steroidal Anti-Inflammatory Drug may be administered to the horse later than twenty-four (24) hours prior to the time the horse is scheduled to race. Only one (1) Non-Steroidal Anti-Inflammatory Drug may be in a horse's system on race day. ( )

**261. -- 264. (RESERVED).**

**265. BLEEDER TREATMENT.**

**01. Written Approval Needed.** Epistaxis treatment for bleeders is permitted as a race day medication provided that written approval of the Commission Veterinarian is obtained prior to race day treatment on the Medication Request Form. ( )

**02. Bleeders.** Bleeders that have been running under Epistaxis treatment must obtain written approval of the Commission Veterinarian prior to entry in any race before running without similar treatment. ( )

**03. Premarin.** Premarin is a permissible Epistaxis treatment and may be used up to two (2) hours before post time. ( )

**04. Lasix.** Lasix is a permissible Epistaxis treatment. ( )

**266. -- 269. (RESERVED).**

**270. IDAHO BLEEDER LIST.**

Any horse which exhibits symptoms of Epistaxis or respiratory tract hemorrhage is eligible for placement on the Idaho Bleeder List and for treatment on race days with approved medication to prevent or limit bleeding during racing. ( )

**01. Placed on Idaho Bleeder List.** To be placed on the Idaho Bleeders List a horse must be found to have shed free blood from one (1) or both nostrils or bled internally in the respiratory tract during or immediately following a race or workout. The Commission Veterinarian, following his personal examination of a horse or after consulting with the horses' private veterinarian, may certify a horse as a bleeder. ( )

**02. Bleeder.** ( )

**a.** Any horse that bleeds a second time in Idaho will not be able to race for a period of thirty (30) days from the date of the second bleeding offense. ( )

**b.** Any horse that bleeds a third time in Idaho, and each time thereafter, will be suspended from racing for a period of one (1) year from the date of each bleeding offense. ( )

**03. Bleeder from Another Jurisdiction.** A bleeder horse shipped into Idaho from another racing jurisdiction must comply with Racing Commission rules. Any horse on a bleeder list in another racing jurisdiction may be placed on the Idaho Bleeder List provided a current certificate from the jurisdiction where it was confirmed on the bleeder list, or a letter from the horse's private veterinarian, who is currently licensed by the racing jurisdiction, is presented to the Commission Veterinarian for his approval. ( )

**04. Removal from Bleeder List.** The Commission Veterinarian may remove a horse from the Idaho Bleeder List, provided the proper paperwork is complete and it is the recommendation of the licensed veterinarian treating the horse, or after an examination by the Commission Veterinarian, it is determined that the horse is not a bleeder and is no longer eligible for the Bleeder List. ( )

**271. -- 279. (RESERVED).**

**280. URINE SAMPLES.**

**01. Phenylbutazone.** No urine sample taken from a horse authorized to use phenylbutazone may exceed one hundred sixty-five (165) micrograms total of phenylbutazone or its metabolites per milliliter of urine. ( )

**02. Lasix.** Any horse whose post-race urine creatinine is less than forty (40) milligrams creatinine per one hundred (100) milliliters urine, and the ratio of urine furosemide to urine creatinine does not exceed fifteen hundredths (.15), with urine furosemide being measured in micrograms per milliliter of urine will be said to be positive for Lasix overage. ( )

**281. -- 289. (RESERVED).**

**290. BLOOD SAMPLES.**

No blood sample taken from a horse authorized to use the following substances may exceed these limits: ( )

**01. Phenylbutazone.** May not exceed five (5) micrograms of phenylbutazone or oxyphenbutazone per milliliter of plasma; ( )

**02. Flunixin (Banamine).** May not exceed twenty (20) nanograms per milliliter of plasma. ( )

**03. Mechlofenamic Acid (Arquel).** May not exceed one (1) microgram per milliliter of plasma. ( )

**04. Ketoprofen (Ketofen).** May not exceed ten (10) nanograms per milliliter of plasma. ( )

**05. Lasix (Furosemide)** May not exceed one hundred (100) nanograms of furosemide per milliliter of plasma. ( )

**291. -- 299. (RESERVED).**

**300. LASIX ADMINISTRATION.**

**01. Time of Treatment.** Horses on the Bleeder List must be treated at least four (4) hours prior to post time with the bleeder medication furosemide (ie. Lasix). ( )

**02. Dosage.** Bleeder medication must be administered in the manner and at a dose level approved by the Commission Veterinarian, such dosage not to exceed two hundred fifty (250) mg. ( )

**03. Witness.** At his request, the Commission Veterinarian or his designee may witness the administration of lasix by the trainer's private licensed veterinarian. ( )

**04. Reporting.** Administration of lasix must be reported in writing, on the form designated by the Racing Commission, to the Commission Veterinarian no later than three (3) hours prior to the scheduled post time of the last live race of the program. ( )

**301. -- 319. (RESERVED).**

**320. HORSES NOT STABLED ON GROUNDS.**

Any horse on the Idaho Bleeder List that is not stabled on the actual grounds of the Racing Association where it is to race must be brought on to the grounds of the Racing Association where it is scheduled to race at least five (5) hours prior to the post time for the race for which it is entered. ( )

**321. -- 399. (RESERVED).**

**400. BICARBONATE TESTING.**

**01. Administration Prohibited.** No biocarbonate-containing substance or alkalizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or carbon dioxide in a horse may be administered to a horse on race day. ( )

**02. Positive Test Level.** Test samples collected from a horse either before or within one (1) hour following a race may not exceed thirty-seven point zero (37.0) millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum total carbon dioxide level exceeding this value constitutes a positive test. ( )

**03. Collection of Test Samples.** The Commission Veterinarian, the Board of Stewards, or the Executive Director acting on behalf of the Racing Commission may at their discretion and at any time order the collection of test samples from any horses ordered to the test area to determine the serum or plasma pH or concentration of bicarbonate, carbon dioxide, or electrolytes. A sample consisting of at least thirteen (13) ml in a SST tube must be taken from any



horse either just prior to a race or up to one (1) hour after a race to determine the serum total carbon dioxide concentration. If the primary testing laboratory finds that the total carbon dioxide levels in the tubes exceed the standard test values of thirty-seven point zero (37.0) millimoles per liter, this may be grounds for disciplinary action. ( )

**04. Split Sample Testing Prohibited.** When taking samples for total carbon dioxide levels, split samples are prohibited. The procedures for split sample testing does not apply to bicarbonate testing procedures. ( )

**401. -- 499. (RESERVED).**

**500. PROTECTION OF HORSES.**

The Trainer, groom and any other person having charge, custody or care of a horse is obligated to properly protect the horse and guard it against actual or attempted administration of drugs. If the Stewards find that any person has failed to properly protect and guard a horse, they may impose such penalty and take such other action as they deem proper. ( )

**501. -- 599. (RESERVED).**

**600. NON-APPROVED MEDICATION.**

A horse owner or trainer found to have administered any non-approved medication substances is in violation of these rules. ( )

**601. -- 699. (RESERVED).**

**700. MEDICATION REPORT FORM.**

**01. Submission of Medication Report Form.** All practicing licensed Veterinarians must submit daily to the Commission Veterinarian a Medication Report Form furnished by the Racing Commission. ( )

**02. Content of Medication Report Form.** The form must contain the following information: ( )

**a.** The name, age, sex and breed of the horse; ( )

**b.** The permitted drug used; ( )

**c.** The time the permitted drug was administered; and ( )

**d.** The route and dosage of the administration. ( )

**03. Signed and Dated.** The report must be dated and signed by the licensed Veterinarian so administering the medication. ( )

**04. Confidential.** Any such report is confidential and its content may not be disclosed except in a proceeding before the Stewards or the Racing Commission or in the exercise of the Racing Commission's jurisdiction. ( )

**701. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provision of these rules is subject to the penalties provided for in Title 54, Chapter 25 Idaho Code and any of the Racing Commission rules. ( )

**991. -- 994. (RESERVED).**

**995. VIOLATIONS.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. ( )

**01. First Violation.** The first violation of these rules will result in the issuance of a fine to the horse's Trainer and such other penalty deemed appropriate. ( )

**02. Second Violation.** The second violation of this chapter by the same Trainer during the same calendar year will result in a suspension, a fine and such other penalty deemed appropriate. ( )

**03. Third Violation.** A third violation of this chapter will be referred to the Racing Commission for appropriate action up to and including revocation of license. ( )

**04. Not Detected.** If a Non-Steroidal Anti-inflammatory Drug other than DMSO is not detected in the urine or in any other specimen taken from a horse authorized to use the Non-Steroidal Anti-Inflammatory Drug, a fine up to five hundred dollars (\$500) may be imposed upon the horse's Trainer without loss of purse. ( )

**05. Detected.** If a Non-Steroidal Anti-Inflammatory Drug is detected in the urine or in any other specimen taken from a horse not authorized to use the Non-Steroidal Anti-Inflammatory Drug, the violation will result in loss of purse and the horse's Trainer is subject to such penalties deemed appropriate. ( )

**996. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.14 - RULES GOVERNING OWNERS, TRAINERS, AUTHORIZED AGENTS,  
JOCKEYS, APPRENTICE JOCKEYS, AND JOCKEY AGENTS**

**DOCKET NO. 11-0414-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 214 through 225.**

**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

**FISCAL IMPACT:** For assistance on technical questions concerning this pending rule, contact Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**TUESDAY - JANUARY 13, 2009 - 6:00 pm**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 14**

**IDAHO STATE RACING COMMISSION**

**11.04.14 - RULES GOVERNING OWNERS, TRAINERS, AUTHORIZED AGENTS,  
JOCKEYS, APPRENTICE JOCKEYS, AND JOCKEY AGENTS**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules are cited as IDAPA 11.04.14, "Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents". ( )

**02. Scope.** These rules govern the conduct of Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents in Idaho. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal Racing Commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS --  
TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website, <http://www.isp.state.id.us/race>. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Apprentice Jockey.** A Jockey who has ridden less than one (1) year and less than forty-five (45) thoroughbred winners since first having been licensed in any racing jurisdiction and who otherwise meets the requirements and qualifications for a license as a Jockey. ( )

**02. Authorized Agent.** A person appointed by a written instrument signed and acknowledged before a notary public by the Owner and filed in accordance with these rules. ( )

**03. Bleeder.** Any horse known to have bled from its nostrils during a workout or race, and so designated by the Commission Veterinarian. ( )

**04. Bribe.** Anything of value not limited to money. ( )

**05. Calendar Day.** Twenty-four (24) hours ending at midnight. ( )

**06. Chemical.** A substance composed of chemical elements or obtained by chemical processes. ( )

**07. Declaration.** The act of withdrawing an entered horse from a race before the closing of overnight entries. ( )

**08. Disqualified Person.** A person whose license is suspended. ( )

- 09. Drug.** Any chemical compound or any noninfectious biological substance not used for its mechanical properties, which may be administered to or used on or for patients, either human or animal, as an aid in diagnosis, treatment or prevention of disease or other abnormal condition, for the relief of pain or suffering, or to control or improve any physiological or pathological condition. ( )
- 10. Engagement.** An agreement between a Jockey and an Owner or Trainer. ( )
- 11. Entry.** A horse made eligible to run a race. ( )
- 12. Equipment.** As applied to a horse means whips, blinkers, tongue straps, muzzle, nosebands, bits, shadow rolls, martingales, breast plate, bandages, boots, hoods, flipping halters, goggles and plates. ( )
- 13. Gifts.** Anything of value not limited to money. ( )
- 14. Gratuities.** Anything of value not limited to money. ( )
- 15. Grounds.** Any area owned or leased by any licensed Racing Association, which is operated for the purpose of conducting pari-mutuel wagering. ( )
- 16. Horse.** Any filly, mare, colt, horse or gelding includes filly, mare, colt, horse and gelding in general; when referring to sex, a filly becomes a mare when five (5) years old; a horse is an intact male when five (5) years old or older. ( )
- 17. Jockey.** A person licensed by the Racing Commission to ride in races. ( )
- 18. Jockey Agent.** A person who helps a Jockey obtain mounts in return for a portion of the Jockey's earnings. ( )
- 19. Jockey's Fees.** The approved amount of money a Jockey receives for riding in a race. ( )
- 20. Month.** A calendar month. ( )
- 21. Nerved.** A surgical procedure in which the nerve supply to the navicular area is removed. The toe and remainder of the foot have feeling. ( )
- 22. Nomination.** Submitting the name of a horse to run in a certain race or series of races accompanied by the payment of any prescribed fee. ( )
- 23. Nominator.** A person in whose name a horse is entered for a race. ( )
- 24. Overnight Race.** A race for money or any other prize to which the Owners of the horses do not contribute. ( )
- 25. Owner.** Includes the owner, part owner and lessee of any horse. An interest only in

the earnings of a horse does not constitute ownership. In case of husband and wife, it is presumed that joint ownership exists. ( )

**26. Paddock.** An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. ( )

**27. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. ( )

**28. Place.** Means first, second or third and in that order is called “Win,” “Place,” and “Show.” ( )

**29. Post Time.** The time set for the arrival at the starting point. ( )

**30. Prescription Drug.** ( )

**a.** A drug which under federal law is required prior to being dispensed or delivered to be labeled with either of the following statements: ( )

i. “Caution: Federal law prohibits dispensing without a prescription”; or ( )

ii. “Caution: Federal law restricts this drug to be used by or on the order of a licensed Veterinarian.” ( )

**b.** Or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioner only. ( )

**31. Race.** A contest between horses for purse, stake or reward on any licensed race track and in the presence of a Judge or Judges. ( )

**32. Race Meet.** The entire consecutive period for which a license to race has been granted to any one (1) racing association by the Racing Commission. ( )

**33. Racing Association.** Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. ( )

**34. Racing Colors.** Racing silks, the jacket and cap worn by Jockeys. Silks can be generic and provided by the track or specific to one (1) Owner. ( )

**35. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 53-2503, Idaho Code, or its designee. ( )

**36. Recognized Race Meet.** Any race meet wherever held, which is under the jurisdiction of the Racing Commission. The Racing Commission will recognize all race meets conducted under the jurisdiction of members of the Association of Racing Commissioner International, or associate members or state and other recognized authority. ( )



**37. Ringer.** Any horse which runs under the name and identity of another or under a fictitious name. ( )

**38. Safety Equipment.** Any safety equipment required to be worn by these rules. ( )

**39. Scratch.** The act of withdrawing an entered horse from the race after closing of overnight entries. ( )

**40. Scratch Time.** The time set by the Racing Association for the closing of applications for permission to withdraw from the races of that day. ( )

**41. Sound.** A horse that is in competitive racing condition. ( )

**42. Stake Race.** A race to which nominators of the engaged entries contribute to a purse; to which money, or any other award, may be added; but no overnight race, regardless of its conditions, may be deemed a stake race. ( )

**43. Steward.** A horse racing official who presides over a race meet, has jurisdiction over all racing officials, rules on protests and claims of foul, and imposes fines and suspensions. ( )

**44. Suspension.** Punishment for infraction of the rules. The offender is denied privileges of the racetrack for a specified period of time. ( )

**45. Trainer.** The person who conditions and prepares a race horse for racing, with the absolute responsibility to ensure the physical condition and eligibility of the race horse. ( )

**46. Valet.** An employee who takes care of a Jockey's equipment, ensures that the correct silks are at the Jockey's locker, and the Jockey has the proper weight in the lead pad. ( )

**47. Weight In.** Post race weight of the Jockey and equipment. ( )

**48. Weight Out.** Pre race weight of the Jockey and equipment. ( )

**49. Winner.** The horse whose nose reaches the finish line first or is place first through disqualification by stewards. ( )

**50. Year.** A calendar year. ( )

**011. ABBREVIATIONS.**  
There are no abbreviations used in these rules. ( )

**012. -- 019. (RESERVED).**

**020. OWNERS AND TRAINERS.**  
All Owners and Trainers of horses and their stable employees are subject to the Laws of Idaho and

the Rules promulgated by the Racing Commission upon occupancy of stabling accommodations on the grounds of a Racing Association or upon entering a horse to run in a race on a Racing Association track. ( )

**021. -- 024. (RESERVED).**

**025. ENTER, SEARCH, AND INSPECT.**

Every Racing Association, the Racing Commission, the Stewards or trained and qualified Agents of the Idaho State Police, has the right to enter, search and inspect the buildings, stables, rooms and other places where horses which are eligible to race are kept, or where property and effects of the licensee are kept within the grounds of the Racing Association. Any licensee is deemed to have consented to such search and to the seizure of any non-approved or prohibited materials, chemicals, drugs or devices and anything apparently intended to be used in connection therewith. ( )

**026. -- 029. (RESERVED).**

**030. EMPLOYEES.**

Any Owner or Trainer that employs any person in a capacity that is required to be licensed by the Racing Commission prior to the Racing Commission granting such a license will be subject to suspension or fine, or both, to be determined by the Board of Stewards. ( )

**031. -- 034. (RESERVED).**

**035. BRIBES, GIFTS, AND GRATUITIES.**

No Owner or Trainer may accept or offer, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race or tend to do so. ( )

**036. -- 039. (RESERVED).**

**040. ILLNESS OF HORSES.**

The Owner or Trainer or their representative must immediately report any illness or an unusual condition of his horse to the Racing Secretary, Board of Stewards or Commission Veterinarian. ( )

**041. -- 049. (RESERVED).**

**050. TRAINER CHANGES.**

If an Owner changes trainers, the racing secretary and stewards must be notified within twenty-four (24) hours. ( )

**051. -- 059. (RESERVED).**

**060. REPRESENTATION FOR ENTRIES.**

A Trainer licensed in Idaho may represent the Owner in the matter of entries, declarations and the employment of Jockeys. ( )

**061. -- 069. (RESERVED).**

**070. RESTRICTIONS ON OWNERS AND TRAINERS.**

No Owner or Trainer may enter or start a horse that: ( )

**01. Is Not Sound.** Is not in sound competitive racing condition. ( )

**02. Has Been Nerved.** ( )

**a.** Horses that have had posterior digital neurectomy (heel nerved) may be permitted to race subject to the pre-race veterinary examination and subject to posting with the racing secretary and being recorded on its foal certificate. ( )

**b.** Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves, other than posterior digital nerves, will not be permitted to race. ( )

**03. Impaired Vision.** Has impaired vision in both eyes. ( )

**071. -- 079. (RESERVED).**

**080. POWERS AND DUTIES OF AUTHORIZED AGENTS.**

A licensed Authorized Agent may perform on behalf of a licensed owner-principal all acts as relate to racing, as specified in the Racing Commission approved agency appointment, that could be performed by the principal if such principal were present. The acts of the Authorized Agent are deemed the acts of his licensed principal and the principal accepts responsibility for the Authorized Agent's acts. ( )

**01. Documents.** In executing any document on behalf of the principal, the Authorized agent must clearly identify the Authorized Agent and the owner-principal. ( )

**02. Ownership Disclosure.** Authorized Agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership must be reported immediately to, and approved by, the stewards and recorded by the racing secretary. ( )

**03. Entering a Claim.** When an Authorized Agent enters a claim for the account of a principal, the name of the licensed Owner for whom the claim is being made and the name of the Authorized Agent must appear on the claim slip or card. ( )

**081. -- 099. (RESERVED).**

**100. TRAINER IS ABSOLUTE INSURER.**

The Trainer is the absolute insurer of, and responsible for, the condition of the horses entered in a race regardless of the acts of third parties. ( )

**01. Chemical Tests.** Should the analysis of blood or urine samples or tests of other materials prove positive, showing the presence of any chemical or drug of any kind or description, except as permitted in IDAPA 11.04.11, "Rules Governing Equine Veterinary Practices, Permitted

Medications, Banned Substances and Drug Testing of Horses,” the Trainer of the horse will be fined or suspended, or both. ( )

**02. Trainer Absent.** When a Trainer is absent from the stable or the grounds for a period of more than two (2) days and the Trainer’s horses are to be entered, a substitute licensed Trainer must assume the complete responsibility of the horses entered or running. Such licensed Trainer must sign a form in the presence of the Stewards accepting complete responsibility for the horse or horses being entered or running. ( )

**101. -- 109. (RESERVED).**

**110. SAFETY EQUIPMENT.**

The Trainer is responsible to ensure that every Jockey and exercise person wears an approved helmet properly fastened when exercising horses. ( )

**111. -- 114. (RESERVED).**

**115. DISQUALIFIED PERSON.**

No Trainer may have charge or supervision of any horse owned, in whole or part, by a disqualified person. ( )

**116. -- 129. (RESERVED).**

**130. HORSES IN PADDOCK AT APPOINTED TIME.**

All Trainers must have their horses in the paddock in accordance with IDAPA 11.04.10, “Rules Governing Live Horse Races,” Subsection 050.02. ( )

**131. -- 139. (RESERVED).**

**140. TRAINER’S PRESENCE IN PADDOCK.**

All Trainers must attend their horses in the paddock and must be present to supervise saddling unless the permission of a steward has been obtained to send another licensed Trainer to substitute. ( )

**141. -- 199. (RESERVED).**

**200. PREVENTING JOCKEYS FROM RIDING.**

No Owner or Trainer may employ a Jockey for the purpose of preventing him from riding for another Trainer in any race. ( )

**201. -- 209. (RESERVED).**

**210. JOCKEYS MUST BE LICENSED.**

All Jockeys must be licensed by the Racing Commission. ( )

**211. -- 219. (RESERVED).**

**220. PHYSICAL EXAMINATION.**

The Stewards may require any Jockey to be examined by a licensed medical professional at any time and may refuse to allow any Jockey to ride until such examination has been satisfactorily completed. ( )

**221. -- 224. (RESERVED).**

**225. JOCKEY FALLS FROM HORSE.**

In the event any Jockey falls or is thrown from a mount prior to, during or after a race, the Stewards may refuse to allow that Jockey to ride until examined by a licensed medical professional and determined by such examiner to be physically fit to ride. ( )

**226. -- 229. (RESERVED).**

**230. JOCKEYS OBLIGATIONS.**

All Jockeys must faithfully fulfill all engagements to ride except when excused by the stewards. An excuse may be given by a medical professional with the approval of the stewards. ( )

**231. -- 239. (RESERVED).**

**240. JOCKEYS APPEARANCE.**

All Jockeys must be neat in appearance. ( )

**241. -- 244. (RESERVED).**

**245. RACING COLORS.**

All Jockeys must wear the colors of the Owner or Owners of the horse being ridden, except by special permission of the Stewards or where approved standard colors are used. ( )

**246. -- 249. (RESERVED).**

**250. SAFETY EQUIPMENT.**

All Jockeys must wear the following safety equipment: ( )

**01. Helmet.** All Jockeys when mounted must wear a fastened protective helmet approved by the Jockey Guild. ( )

**02. Safety Vest.** All Jockeys must wear a safety vest when riding in any official or exhibition race. The safety vest must weigh no more than two (2) pounds and must be designed to provide shock absorbing protection to the upper body of at least a rating of five (5), as defined by the British Equestrian Trade Racing Association. ( )

**251. -- 254. (RESERVED).**

**255. JOCKEY'S VALET.**

No Jockey may have a valet other than one (1) provided by the Racing Association. ( )

**256. -- 259. (RESERVED).**

**260. JOCKEYS WEIGHED.**

Every Jockey who is engaged in a race must report to the Jockey's Room on the day of the race at the time required by the Stewards. ( )

**01. Engagements.** The Jockey's engagements and overweight, if any, must then be reported to the clerk of the scales and, thereafter, the Jockey may not leave the Jockey Room except to view the races from a point approved by the Stewards or to ride in a race until all engagements of the day have been fulfilled. ( )

**02. Weighed Out.** Jockeys are required to present themselves to be weighed out at the time fixed by the clerk of the scales. ( )

**261. -- 269. (RESERVED).**

**270. RESTRICTIONS ON JOCKEYS.**

**01. Owner.** No licensed Jockey may be the Owner or Trainer of any race horse. ( )

**02. Betting.** No Jockey may make a bet on any race nor accept the promise or the token of any bet with respect to the race in which riding, except through or from the Owner or Trainer of the horse being ridden and then only that horse. ( )

**03. Spurs.** No Jockey may use spurs or steels of any kind in an official or exhibition race. ( )

**271. -- 279. (RESERVED).**

**280. JOCKEY'S FEES.**

Jockey's riding fees for a race meet must be approved by the Racing Commission. ( )

**01. Engagements.** If any Owner or Trainer engages two (2) or more Jockeys for the same race, each engaged Jockey not riding in the race must be paid the losing fee. The proper fee must be paid the Jockey riding. ( )

**02. Fees.** A Jockey's fee are considered earned when the Jockey is weighed out by the Clerk of the Scales. The fee is not considered earned if the Jockey takes himself off of his mount where injury to the horse or rider is not involved. Any conditions or considerations not covered by this Section are at the discretion of the stewards. ( )

**03. Posted Fees.** The fee to a Jockey in all races must be posted prominently and provided to the Horsemen's Bookkeeper by the Racing Association at each race meet. ( )

**04. Dead Heat.** In a dead heat the Jockeys involved will divide equally the total fees they would have received individually had one (1) beaten the other or others. The Owners of the horses involved must pay an equal share of the fees. ( )

**281. -- 289. (RESERVED).**

**290. JOCKEY SUSPENSIONS.**

A Jockey who is under suspension will not be permitted to fulfill any engagements, including stake races. ( )

**01. Suspended in Another Jurisdiction.** A Jockey under suspension in any other State will not be permitted to ride in Idaho during such suspension. ( )

**02. Time Suspension Begins.** The suspension of a Jockey for an offense not including fraud begins at the time set by the stewards. ( )

**03. Temporary Suspensions.** A Jockey temporarily suspended may be permitted by the stewards to exercise or gallop horses during the morning hours. ( )

**291. -- 299. (RESERVED).**

**300. APPRENTICE JOCKEYS.**

Apprentice Jockeys are bound by all the rules for Jockeys, except in the instance of a specific exception for an Apprentice Jockey. ( )

**01. End of Apprenticeship.** The apprenticeship automatically terminates one (1) year from the date of the apprentice's fifth winning ride or on the first anniversary of the date of issuance of the license as an Apprentice Jockey if during such first year the apprentice has ridden at least forty-five (45) thoroughbred winners. Otherwise, the apprenticeship automatically terminates after the first anniversary date on the date of the forty-fifth winning mount is ridden by the apprentice or on the date of the third anniversary of the first apprentice license, whichever comes first. ( )

**02. Extend Apprenticeship Termination.** For good cause, the Racing Commission may extend the termination date of any apprenticeship or the conditions under which the apprenticeship may be granted. ( )

**03. Races Considered.** Races other than recognized thoroughbred races in the United States, Canada or Mexico reported in the Daily Racing Form or other similar official publication will not be considered in determining eligibility for a license as Apprentice Jockey; provided, however, that any person who has ridden as a licensed Jockey at any recognized meeting in the United States or other country will have the burden of establishing that the granting of an apprentice license to such person is in the best interest of thoroughbred racing in Idaho. ( )

**301. -- 319. (RESERVED).**

**320. MANAGEMENT OF APPRENTICE JOCKEYS.**

No person other than an Owner, Trainer, Jockey Agent or an Authorized Agent of an Owner may make engagements for or manage Apprentice Jockeys. ( )

**321. -- 329. (RESERVED).**

**330. APPRENTICE WEIGHT ALLOWANCE.**

An Apprentice Jockey must ride with a five (5) pound weight allowance beginning with the first mount for one (1) full year from the date of the fifth winning mount. ( )

**01. After One Year.** If after riding one (1) full year from the date of the fifth winning mount the Apprentice Jockey has failed to ride a total of forty (40) winners from the date of the first winning mount, the apprentice must continue to ride with a five (5) pound weight allowance for one (1) more year from the date of the fifth winning mount or until the apprentice has ridden a total of forty (40) winners, whichever comes first. ( )

**02. Unable to Ride.** If an Apprentice Jockey is unable to ride for a period of fourteen (14) consecutive days or more from the date of the apprentice's fifth winning mount because of service in the Armed Forces of the United States or because of physical disablement, the Racing Commission may extend the time during which such apprentice weight allowance may be claimed for a period not to exceed the period such Apprentice Jockey was unable to ride. ( )

**331. -- 339. (RESERVED).**

**340. APPRENTICE JOCKEY CONTRACTS.**

An Apprentice Jockey may be granted an apprentice certificate in lieu of an apprentice contract. The apprentice certificate grants an apprentice all the allowances and conditions granted to the apprentice who is under contract. ( )

**01. Forms.** Apprentice contracts entered into in the state of Idaho must be made on forms supplied by the Idaho State Racing Commission and a copy must be filed with the Racing Commission. ( )

**02. Filed With Racing Commission.** A copy of all apprentice contracts, wherever entered into, must be filed with the Racing Commission. ( )

**03. Contract Transferred.** If an apprentice contract is transferred, said transfer must be approved by the stewards and registered with the Racing Commission by both the transferrer and the transferee. ( )

**04. Certificate.** An application for a license as an Apprentice Jockey must be accompanied by an original or photostatic copy of his birth certificate or an apprentice certificate. ( )

**341. -- 349. (RESERVED).**

**350. ONLY ONE JOCKEY AGENT.**

No Jockey may have more than one (1) agent. All engagements to ride, other than those for contract employers, must be made by the Jockey's Agent. A Jockey may make his own engagements. ( )

**351. -- 359. (RESERVED).**

**360. JOCKEY AGENT.**



No person may act as a Jockey Agent prior to being licensed by the Racing Commission. Each Jockey Agent is permitted to make the riding engagements of three (3) riders only; two (2) Jockeys and one (1) Apprentice Jockey. ( )

**01. Other Jockeys.** No Jockey Agent may make or assist in making any engagement for any rider other than those he is licensed to represent. ( )

**02. Records.** Each Jockey Agent must keep a record of all engagements made for the represented riders. This record must be up to date and ready at all times for inspection by the Stewards. ( )

**03. Notify Stewards.** If any Jockey Agent gives up the making of engagements for any rider, the Stewards must be immediately provided a written list of any unfilled engagements. All rival claims for the services of a rider will be adjusted by the Stewards. ( )

**361. -- 369. (RESERVED).**

**370. GIVING INFORMATION PROHIBITED.**

No Jockey Agent may give to anyone, directly or indirectly, any information or advice pertaining to a race or engage in the practice commonly known as “touting” for the purpose of influencing or tending to influence any person in the making of a wager on any race. ( )

**371. -- 379. (RESERVED).**

**380. JOCKEY AGENT ACCESS.**

No Jockey Agent is permitted within the saddling enclosure during racing hours; nor may said Agent have access to the Jockey Room at any time; nor may said Agent be allowed on the race track at the conclusion of any race run; nor may said Agent communicate with any Jockey during racing hours except with the approval of the Stewards. ( )

**381. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules are subject to the penalties provided for in Title 54, Chapter 25, Idaho Code, and any of the Racing Commission rules. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.15 - RULES GOVERNING CONTROLLED SUBSTANCE AND ALCOHOL  
TESTING OF LICENSEES, EMPLOYEES, AND APPLICANTS**

**DOCKET NO. 11-0415-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section(s) 54-2506, 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 January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 226.**

**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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director  
Idaho State Racing Commission  
700 S Stratford Drive  
Meridian, Idaho, 83642  
208-884-7080, fax 208-884-7098

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **January 1, 2009**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-2506, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**TUESDAY - JANUARY 13, 2009 - 6:00 p.m.**

**NAMPA CIVIC CENTER**  
**Home Federal Room**  
**311 3RD Street South, Nampa, ID**

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**This rule provides a clear concise rule Chapter on Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Confers a benefit.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However this rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed

rule, contact Idaho State Racing Commission, 208-884-7080.

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 January 28, 2009.

DATED this 12th day of November, 2008.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 11**  
**TITLE 04**  
**CHAPTER 15**

**IDAHO STATE RACING COMMISSION**

**11.04.11 - RULES GOVERNING CONTROLLED SUBSTANCE AND ALCOHOL  
TESTING OF LICENSEES, EMPLOYEES, AND APPLICANTS**

**000. LEGAL AUTHORITY.**

This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules are cited as IDAPA 11.04.15, "Rules Governing Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants," of the Idaho State Racing Commission. ( )

**02. Scope.** These rules govern controlled substance and alcohol testing of licensees, employees, and applicants by the Idaho State Racing Commission. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

No documents are incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE -- WEBSITE.**

**01. Physical Address.** The central office of the Idaho State Racing Commission is located at 700 S. Stratford Drive, Meridian, Idaho. ( )

**02. Office Hours.** The central office is open 8 a.m. to 5 p.m., Mountain Time, Monday thru Friday, except holidays designated by the state of Idaho. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. ( )

**04. Telephone Number.** The telephone of the office is (208) 884-7080. ( )

**05. Fax Number.** The facsimile number of the office is (208) 884-7098. ( )

**06. Website.** The Racing Commission website is <http://www.isp.state.id.us/race>. ( )

**006. PUBLIC RECORDS COMPLIANCE AND AVAILABILITY.**

These rules are public records available for inspection and copying at the Idaho State Racing Commission central office or on the Racing Commission website, <http://www.isp.state.id.us/race>. ( )

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Alcohol.** The intoxicating agent in beer, wine, or liquor, as the terms are defined in Title 23, Idaho Code, and includes ethyl, methyl, and isopropyl alcohols. ( )

**02. Applicant.** Any person who has applied to the Racing Commission for a license. ( )

**03. Controlled Substance.** A drug, substance, or immediate precursor listed in schedules I through V of Article II of Title 37, Chapter 27, Idaho Code. ( )

**04. Employee.** Any person employed by the Racing Commission within the state of Idaho. ( )

**05. Licensee.** Any person who has been issued a license by the Racing Commission. ( )

**06. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. ( )

**07. Racing Association.** Any person licensed by the Racing Commission to conduct

live horse races and pari-mutuel wagering. ( )

**08. Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. ( )

**09. Reasonable Suspicion.** Behavior or pattern of behavior indicates that the licensee, employee, or applicant is under the influence of a controlled substance or alcohol. The basis of the suspicion may be a specific, contemporaneous event or conduct that has been observed over a period of time. ( )

**10. Suspension.** A temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein. ( )

**11. Sample.** A urine sample collected for the purpose of drug testing, or a blood, breath, or saliva sample collected for the purpose of alcohol testing. ( )

**011. ABBREVIATIONS.**

There are no abbreviations used in these rules. ( )

**012. -- 019. (RESERVED).**

**020. PRIMARY PURPOSE.**

In order to protect the integrity of horse racing in the state of Idaho, to protect the health and welfare of licensees, employees, and applicants engaged in horse racing within the state of Idaho, to prevent exploitation of the public, licensees, employees, and applicants engaged in horse racing in the state of Idaho, to foster fairness of competition within the racing industry and in order to protect public safety within the state of Idaho, the Racing Commission intends to regulate the use of any controlled substance and alcohol at all race meets licensed by it. ( )

**021. -- 049. (RESERVED).**

**050. USE OF CONTROLLED SUBSTANCES.**

No licensee, employee, or applicant may have within their body any unauthorized controlled substance while within the enclosure of or on the premises managed by any racing association or the Racing Commission. ( )

**051. -- 059. (RESERVED).**

**060. CONSUMPTION OF ALCOHOL.**

No jockey, starter, assistant starter, pony person, outrider, or racing official may have present within his body any amount of alcohol while participating in any horse race held that day. ( )

**061. -- 099. (RESERVED)**

**100. TESTING.**

The Board of Stewards, or the Racing Commission acting through the executive director, may require any licensee, employee, or applicant to provide blood, urine, or saliva samples for the

purpose of drug or alcohol analysis under either of the following circumstances: ( )

**01. Random Testing.** As part of a random testing program. ( )

**02. Reasonable Suspicion.** When the Board of Stewards finds that there is reasonable suspicion to believe that the proposed testee has used any controlled substance. ( )

**101. -- 119. (RESERVED).**

**120. POST-ACCIDENT TESTING.**

At its discretion the Board of Stewards may conduct post-accident controlled substance or alcohol testing of any licensee, employee, or applicant who is involved in a racing or job-related accident on the track or on racing association grounds that requires treatment away from the scene of the accident. ( )

**121. -- 129. (RESERVED).**

**130. REFUSAL TO TEST.**

**01. Refusal to Supply a Sample.** When any licensee, employee, or applicant is requested to submit to a drug test in a manner prescribed in these rules, the person must do so in a prompt manner. Refusal to supply such sample will result in: ( )

**a.** The immediate suspension of the licensee, employee, or applicant; and ( )

**b.** A hearing before the Board of Stewards in accordance with IDAPA 11.04.04, "Rules Governing Disciplinary Hearings and Appeals," Section 050. ( )

**02. Suspended from Racing for Refusal to Test.** ( )

**a.** If the Board of Stewards finds at the hearing that said refusal to test occurred, the licensee, employee, or applicant will be suspended from racing for seven (7) calendar days and be subject to random testing for one (1) year. ( )

**b.** In the event of a finding of just cause the licensee, employee, or applicant must submit to a test immediately once the conditions which justly prevented testing abate or can be eliminated. ( )

**03. Subject to Random Testing.** In the event a licensee, employee, or applicant refuses to test when requested after previously refusing to test or previously testing positive for drugs, that licensee, employee, or applicant will be suspended from racing for a period of ninety (90) calendar days and subject to random testing for a period of one (1) year. ( )

**131. -- 149. (RESERVED).**

**150. TESTING PROCEDURE.**

**01. Accordance with Established Procedures.** Testing must be done in accordance

with established medical and law enforcement procedures in the state of Idaho. ( )

**02. Retesting.** The sample may be retested at the request of the licensee, employee, or applicant at either the laboratory used by the Racing Commission or a separate laboratory selected from a list provided by the Racing Commission. The licensee, employee, or applicant is responsible for all costs associated with the retesting of the sample. ( )

**151. -- 199. (RESERVED).**

**200. A POSITIVE TEST.**

On receiving written notice from the approved laboratory that a sample has been found positive for a controlled substance, the Racing Commission will initiate the following procedure: ( )

**01. Notification.** The Racing Commission, through the Executive Director, will notify the presiding Steward and forward the test results to the Board of Stewards. ( )

**02. Hearing Set.** The Board of Stewards will set a hearing in accordance with IDAPA 11.04.04, "Rules Governing Disciplinary Hearings and Appeals," within the next two (2) racing days or seven (7) calendar days, whichever is less, after they receive notice of a positive test from the Executive Director. ( )

**03. Written Notice.** ( )

**a. Notice of Hearing.** Written notice of the hearing must be given to the licensee, employee or applicant as soon as the hearing date is set. The hearing may be held within a shorter or longer period of time if the licensee, employee, or applicant named and the Board of Stewards agree. ( )

**b. Service of Notice.** Service must be to the licensee, employee, or applicant personally by leaving the notice at the person's residence with someone of reasonable age and discretion residing therein, or by mail to the person's last known address. If by mail, service is deemed completed on the third day after mailing. ( )

**04. Opportunity for Explanation.** The hearing must be conducted before the Board of Stewards pursuant to IDAPA 11.04.04, "Rules Governing Disciplinary Hearings and Appeals." At the hearing, the licensee, employee or applicant will be provided an opportunity to present evidence and explain the positive test. ( )

**05. Confidentiality.** The Board of Steward's hearing must be closed and the facts therein will be kept confidential, unless for use with respect to any subsequent contested hearing or order by the Racing Commission or judicial hearing with regard to such facts. Closure of the hearing and confidentiality of the proceedings may be waived by the licensee, employee, or applicant. ( )

**06. Lacking Satisfactory Explanation.** Lacking a satisfactory explanation and documentation or upon the licensee, employee, or applicant agreeing with the test results, the Board of Stewards will suspend the licensee, employee, or applicant in accordance with Section



220 of these rules. ( )

**201. -- 219. (RESERVED).**

**220. PROCEDURES FOLLOWING A POSITIVE CHEMICAL ANALYSIS.**

**01. First Positive Test.** For a licensee's, employee's, or applicant's first positive drug test he will not be allowed to participate in racing for seven (7) calendar days and until such time as he has received a substance abuse evaluation and has begun the recommended rehabilitation program. Additionally, the licensee, employee or applicant will be subject to random testing for a period of one (1) year from the date the positive sample was taken. ( )

**02. After Evaluation.** After such evaluation, but not before the tolling of the seven (7) calendar days awarded in Subsection 220.01 of these rules, if said licensee's, employee's or applicant's condition proves non-addictive and not detrimental to the best interest of racing, said licensee, employee, or applicant will be allowed to participate in racing provided he can produce a negative test result from a laboratory approved by the Racing Commission and agrees to further testing at the discretion of the Stewards or designated Racing Commission representative to ensure his unimpairment. ( )

**03. Second Violation.** For a licensee's, employee's or applicant's second violation, he will be suspended for ninety (90) consecutive days and until he provides the Stewards with documentation that he has enrolled and is progressing satisfactorily in a certified drug rehabilitation program approved by the Racing Commission. ( )

**04. Third Violation.** For a licensee's, employee's or applicant's third violation, he will be suspended and the case referred to the Racing Commission for consideration of revocation of the individual's license. ( )

**221. -- 249. (RESERVED).**

**250. CONFIDENTIALITY OF TEST RESULTS.**

All test results are obtained as part of an inquiry into a person's fitness to be granted or to retain a license and are exempt from public disclosure pursuant to Section 9-304C, Idaho Code. A statistical summary will be made available annually. ( )

**251. -- 299. (RESERVED).**

**300. TESTING EXPENSE.**

Except for retesting requested by a licensee, employee, or applicant, all testing ordered pursuant to these rules, whether blood, urine, or breath, will be at the expense of the Racing Commission. All expense of drug or alcohol evaluation, treatment, reports, and fees will be at the expense of the licensee, employee, or applicant undergoing such evaluation or treatment. ( )

**301. -- 989. (RESERVED).**

**990. PENALTIES.**

Any person violating any of the provisions of these rules is subject to the penalties provided for in

Title 54, Chapter 25, Idaho Code. ( )

**991. -- 998. (RESERVED).**

**999. MINOR VIOLATIONS.**

Nothing in these rules may be construed as requiring the Racing Commission to report minor violations when the Racing Commission believes that the public interest will be best served by suitable warnings or other administrative action. ( )

**IDAPA 15 - OFFICE OF THE GOVERNOR**  
**MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**  
**15.13.02 - HAZARDOUS SUBSTANCE RESPONSE RULES**  
**DOCKET NO. 15-1302-0901 (NEW CHAPTER)**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section 39-7100, 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 Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Volume 09-10 October 7, 2009 Vol. 1, pages 292 through 303.**

**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:

There would be a positive fiscal effect to the state's general fund if funds are recovered and a negative effect if those funds are not recovered from the responsible spiller.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Robert A. (Bob) Wells, Special Assistant to the Director at (208) 422-3041.

DATED this 28th day of October, 2009.

Robert A. Wells  
Idaho Bureau of Homeland Security  
4040 Guard Street, Boise, Idaho 83705  
(208) 422-3041 Fax (208) 422-3044

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2010.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-7100, 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 21, 2009.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**Section 39-7100, Idaho Code and this rule is, and will be directed at response to hazardous substance incidents, as well as the recovery of funds expended by the response agencies during a hazardous substance event. The purpose is to recover those costs incurred by the responding agencies, for a specific hazardous substance event from the responsible party/ies. There would a positive fiscal effect if funds are recovered and a negative effect if those funds are not recovered.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Thereby allowing the Idaho Bureau of Homeland Security and the various first responders to recover the cost associated with the cleanup of HazMat relate events from the spiller.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Bob Wells (208) 422-3041.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28,

2009.

DATED this 28th day of August, 2009.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 15**  
**TITLE 13**  
**CHAPTER 02**

**MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

**15.13.02 - HAZARDOUS SUBSTANCE RESPONSE 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 15.13.02, "Hazardous Substance Response Rules." ( )

**02. Scope.** The scope of this chapter is creation of local emergency response authorities and regional response teams; the location and jurisdiction of regional response teams; liability for incident response costs; notification to local and state emergency response authorities of a hazardous substance incident; call-out procedure for emergency response agencies; and cost recovery and cost reimbursement procedures for emergency response agencies. ( )

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

The Idaho Hazardous Materials/WMD Incident Command and Response Support Plan, which is prepared and implemented by the Idaho Military Division and approved by the legislature pursuant to Section 39-7104(1)(i), Idaho Code. ( )

**003. ADOPTION OF ATTORNEY GENERAL'S IDAHO RULES OF ADMINISTRATIVE 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. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference into this chapter. ( )

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

The office of the Idaho Military Division-Bureau of Homeland Security is located at 4040 Guard St., Bldg. 600 Boise, Idaho 83705-5004. Office hours are weekdays, 8:00 a.m. to 4:30 p.m., excluding holidays. The telephone number is (208) 422-3040. The twenty four (24) hour emergency notification number is 800-632-8000 or 208-846-7610. ( )

**006. PUBLIC RECORDS ACT.**

These rules are public records and are available for inspection and copying at the division office. ( )

**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. Emergency.** As used in this chapter, "emergency" means a release or threat of release that, in the reasonable judgment of the local emergency response authority in consultation with the bureau, threatens immediate harm to the environment or the health and safety of any individual and that requires immediate action for the containment or control of a hazardous or potentially hazardous substance to prevent, minimize or mitigate harm to the public health, safety or the environment that may result if action is not taken. ( )

**02. Emergency Responder.** Person affiliated with an emergency response agency who is dispatched to the scene upon notification of a hazardous substance incident. Emergency responders may be local, state, federal or industry personnel who have received appropriate hazardous materials training as defined by OSHA and EPA Regulations. ( )

**03. EPCRA.** Emergency Planning and Community Right to Know Act of 1986 (Title III of the Superfund Amendments and Reauthorization Act).. ( )

**04. Hazardous Substance.** ( )

**a.** Any “hazardous substance” within the scope of section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601(14); ( )

**b.** Any hazardous substance within the scope of section 104 of the Federal Hazardous Materials Transportation Act, (HMTA) 49 U.S.C. 1803, and the federal Department of Transportation regulations; ( )

**c.** Any extremely hazardous substance within the scope of section 302 of the federal Emergency Planning and Community Right-to-Know Act, (EPCRA) 42 U.S.C. 11002; and ( )

**d.** Any explosive or weapon of mass destruction utilized or threatened to be utilized in an act of terrorism, crime, or other threat to public safety. ( )

**05. Hazardous Substance Incident.** An emergency circumstance that requires a response by the state emergency response team or the local emergency response agency to monitor, assess and evaluate a release of, or the threat of a release of, a hazardous or potentially hazardous substance. A hazardous substance incident may require containment or confinement, or both, but does not include site cleanup or remediation efforts after the incident commander has determined the emergency has ended. ( )

**06. Hazardous Substance Incident Levels.** ( )

**a.** Regulatory - A release of a ‘reportable quantity’ or less of regulated hazardous substances that does not require any emergency response on the part of public sector responders. This would include a weapons of mass destruction threat or suspicion that is clearly a hoax without requiring additional analysis. ( )

**b.** Level 1 - An incident involving any response, public or private, to an incident involving hazardous substances that can be contained, extinguished, or abated using resources immediately available to the responders having jurisdiction. A weapons of mass destruction threat or suspicion that requires local response to determine whether or not it is life threatening. A Level 1 incident presents little risk to the environment or public health with containment and clean up. ( )

**c.** Level 2 - An incident involving hazardous substances that is beyond the capabilities of the first responders on the scene, and may be beyond the capabilities of the public sector response agency having jurisdiction. Level 2 incidents may require the services of a state of Idaho Regional Response Team, or other state/federal assistance. This would include a weapons of mass destruction (WMD) threat or incident that involves explosives, release of toxic material, release of radioactive material or release of organisms that can be analyzed and stabilized using resources that exist within the state of Idaho. This level may pose immediate and long-term risk to the environment and public health and could result in a local declaration of disaster. ( )

**d.** Level 3 - An incident involving weapons of mass destruction/hazardous substances that will require multiple state of Idaho Regional Response Teams or other resources

that do not exist within the state of Idaho. These incidents may require resources from state and federal agencies and private industry. Level 3 incidents generally pose extreme, immediate and long-term risk to the environment and public health. ( )

**07. Idaho Hazardous Materials/WMD Incident Command and Response Support Plan.** A plan that has the primary purpose of providing effective, coordinated emergency response support to local government by state, federal and private agencies for incidents involving the release of hazardous substances in the state of Idaho. ( )

**a.** This plan may be activated independently of the Idaho Emergency Operations Plan. ( )

**b.** Authority for implementation of this plan is derived from the Idaho Hazardous Substance Emergency Response Act (Section 39-7101, Idaho Code), the Idaho Environmental Protection and Health Act (Section 39-101 et seq., Idaho Code), the Hazardous Waste Management Act (Section 39-4401 et seq., Idaho Code), Protection from Radioactive Materials (Section 39-3005, Idaho Code) and the Idaho Homeland Security Act of 2004 (Section 46-1001 et seq. Idaho Code). ( )

**08. Idaho Regional Response Teams.** Teams authorized by the state of Idaho which are trained and equipped to respond to incidents. These teams are based in local departments and respond outside local jurisdictional boundaries upon approval of the Bureau of Homeland Security. These teams include Regional Hazardous Materials Response Teams (RRT's) as well as Regional Bomb Squads (RBS's). The Idaho Regional Response Teams are responsible to the local Incident Commander. ( )

**09. Incident Command System (ICS)/National Incident Management System (NIMS).** ( )

**a.** The Incident Command System (ICS) is a widely used and understood emergency management tool. It is used by local, state, and federal agencies and the military. Use of the ICS for hazardous substance incidents is required by the Emergency Planning and Community Right to Know Act (EPCRA), Occupational Safety and Health Administration (OSHA) rules, and the National Fire Protection Association (NFPA). It has been adopted by the National Fire Academy as the model system for the fire service. It is also the policy of the state of Idaho that the ICS will be used in response to hazardous substance incidents. ( )

**b.** NIMS is a system mandated by Homeland Security Presidential Directive 5 that provides a consistent nationwide approach for federal, state, local and tribal governments, as well as the private-sector and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity. NIMS builds on the ICS and the proven principles of unified command. ( )

**10. Incident Commander.** The designated local emergency response official responding to an incident. This person must be fully trained and knowledgeable in the ICS. Normally, the Incident Commander will be the local fire chief or law enforcement officer. A local jurisdiction, based on its local plan and resource assessment, may request that Idaho State Police assume incident command, particularly for incidents on U.S. Interstates and state-numbered



routes, including rights-of-way. The Incident Commander shall be in overall charge of all efforts at the scene. ( )

**11. Local Emergency Planning Committee (LEPC).** A committee made up of local officials, citizens, and industry representatives charged with development and maintenance of emergency response plans for the local emergency planning district as per EPCRA requirements. Planning procedures include hazardous substance inventories, compilation and coordination of fixed facility emergency response plans, hazardous substance response training, and assessment of local response capabilities. ( )

**12. Local Emergency Response Authority (LERA).** Persons or agencies designated under Section 39-7105, Idaho Code, by the city or county to be the local representatives for hazardous substance incidents. The board of county commissioners will designate by ordinance or resolution a LERA. The governing body will notify the military division and the state communications center within sixty (60) calendar days of their designation. If no LERA has been designated, the Idaho State Police shall be the local emergency response authority. ( )

**13. Regional Response Team (RRT).** See Idaho Regional Response Teams. ( )

**14. Reimbursable Costs.** The total eligible expenses arising from response to a hazardous substance incident. Such costs generally include, but are not limited to, all state and local government expenses that result from the assessment and emergency phases of the response activity. Emergency response costs do not include clean-up or disposal costs of hazardous substances, except as may be reasonably necessary and incidental to preventing a release or threat of release of a hazardous substance or in stabilizing the emergency response incident. ( )

**15. Responsible Party.** Any person who owns, controls, transports, or causes the release, or threat of release of a hazardous substance which is involved in a hazardous substance incident shall be strictly liable for the costs arising out of the response. ( )

**16. Spiller.** See Responsible Party. ( )

**17. State Communications.** The communications center for state hazardous substance emergency response. State Communications can be reached by calling 1-800-632-8000 or 208-846-7610. Notification of State Communications is the first step in initiating the Idaho Hazardous Materials/WMD Incident Command and Response Support Plan. ( )

**18. State Emergency Response Teams.** See Idaho Regional Response Teams. ( )

**19. State On-Scene Coordinator (SOSC).** To ensure coordination during a significant incident, the state of Idaho will provide a State On-Scene-Coordinator (SOSC). The SOSC will facilitate the formation of a unified command during a significant incident. Under Unified Command, the Idaho SOSC can assist by acquiring resources, advising on response issues, and coaching the jurisdiction in overall scene management. The SOSC will coordinate with responding state agencies and be the principal state spokesperson in the unified command as an advocate for all state interests. In this role, the SOSC effectively represents the interests of the state of Idaho and its citizens. The Idaho SOSC will be appointed by the Director, Bureau of Homeland Security or his designee. ( )

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

- 01. A.G.** Office of the State Attorney General. ( )
- 02. BHS.** Idaho Bureau of Homeland Security. ( )
- 03. CERCLA.** Comprehensive Environmental Response, Compensation, and Liability Act. ( )
- 04. CFR.** Code of Federal Regulations. ( )
- 05. EPCRA.** Emergency Planning and Community Right-to-Know Act. ( )
- 06. HMTA.** Hazardous Materials Transportation Act. ( )
- 07. ICS.** Incident Command System. ( )
- 08. LEPC.** Local Emergency Planning Committee. ( )
- 09. LERA.** Local Emergency Response Authority. ( )
- 10. NIMS.** National Incident Management System. ( )
- 11. NFPA.** National Fire Protection Act. ( )
- 12. OSHA.** Occupational Safety and Health Administration. ( )
- 13. RBS.** Idaho Regional Bomb Squads. ( )
- 14. RRT.** Idaho Regional Response Teams. ( )
- 15. SOSOC.** State On-Scene Coordinator. ( )
- 16. WMD.** Weapons of Mass Destruction. ( )

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

**100. REGIONAL RESPONSE TEAMS, DESIGNATION, LOCATION, JURISDICTION, ACTIVATION, LIABILITY (RULE 100).**

**01. Designation of Regional Response Teams.** There shall be Regional Response Teams designated by the state of Idaho, Military Division. Each regional response team shall be capable of responding to hazardous substance emergencies within their jurisdiction or, when approved by the state of Idaho, Military Division, Bureau of Homeland Security, in their region, or other state regions. ( )

**02. Location of Regional Response Teams.**

Area of Idaho	Primary Response Counties	Designation	Team Location – Headquarters
Region 1	Benewah, Bonner, Boundary, Kootenai, Shoshone	Regional Response Team 1(RRT1)	Kootenai County Fire and Rescue
		Spokane Bomb Squad	Spokane Police and Sheriff's Office
Region 2	Clearwater, Idaho, Latah, Lewis, Nez Perce	Regional Response Team 2 (RRT2)	Lewiston Fire Department
		Explosive response covered by Spokane and RBS3	
Region 3	Adams, Canyon, Gem, Owyhee, Payette, Washington, (Gem response may come from Boise for access time.)	Regional Response Team 3 (RRT3)	Nampa/Caldwell Fire Department
		Regional Bomb Squad 3 (RBS3)	Nampa Police Department
Region 4	Ada, Boise, Camas, Elmore, Valley, (Gem response for access time.)	Regional Response Team 4 (RRT4)	Boise Fire Department
		Regional Bomb Squad 4 (RBS4)	Boise Police Department
Region 5	Blaine, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls, (Minidoka and Cassia may come from Southeast for access time.)	Regional Response Team 5 (RRT5)	Magic Valley Emergency Response Team (Primary response apparatus housed in Jerome FD)
		Regional Bomb Squad 5 (RBS5)	Twin Falls Police Department
Region 6	Bannock, Bear Lake, Butte, Bingham, Caribou, Franklin, Oneida, Power, (Minidoka and Cassia responses for access time.)	Regional Response Team 6 (RRT6)	Pocatello Fire Department
		Explosive response covered by RBS5 and RBS7	
Region 7	Bonneville, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton.	Regional Response Team 7 (RRT7)	Idaho Falls Fire Department
		Regional Bomb Squad 7 (RBS7)	Idaho Falls Police Department

( )

**03. Primary Jurisdiction of Regional Response Teams.** See Subsection 100.02 of these rules. ( )

**04. Activation of Regional Response Teams.** ( )

**a.** The party requesting the assistance must: ( )

- i. Contact State Communications at 1-800-632-8000, or (208-846-7610. ( )
  - ii. State their name; ( )
  - iii. State their location; ( )
  - iv. Provide a description of the incident; and ( )
  - v. Provide a description of the type of assistance requested. ( )
- b.** Regional Response Teams must be activated by the Military Division when responding outside their jurisdiction by calling Idaho State Communications Center at 800-632-8000, or (208) 846-7610. This will initiate a conference call, if appropriate, with the appropriate state and local agencies. ( )
- c.** If the request is for assistance with a drug lab response, the requester must call State Communications and provide the following: ( )
- i. That the request is for a drug lab response; ( )
  - ii. The location, which must include, at a minimum, the county and city; ( )
  - iii. The type of assistance requested; and ( )
  - iv. The nature of the chemicals released. ( )
- d.** State communications will then page the BHS Haz Mat Duty Officer, provide the information, and request authorization for the RRT to respond. Upon authorization, State Communications will notify the appropriate RRT of the request for assistance and the authorization to respond. ( )
- 05. Liability for Response Costs.** ( )
- a.** Liability for costs associated with response to, and recovery of costs of a hazardous substance incident, or threat of an incident, shall be the responsibility of the spiller, shipper, transporter, property owner, owner, occupant or party responsible for the hazardous substance emergency. ( )
- b.** Cost liability may include the time and efforts of local and state personnel to recover the costs of response, which includes, but is not limited to, the expense of processing the cost recovery packets submitted by response agencies. These costs may accrue until full reimbursement is received from the responsible party or their agent. ( )
- c.** There will be no liability if the incident was caused by an act of God, an act of war, or an act or omission of a third party other than an employee. If the substance is determined not to be hazardous and it appears the potentially liable person acted reasonably, there will be no liability. ( )

**d.** The liable party must make payment to the agency from which it receives the request for payment. If payment is made to the state of Idaho, Military Division, the Military Division shall reimburse the departments, agencies, municipalities and counties that responded to the incident upon the request of the incident commander. ( )

**e.** The state of Idaho shall be liable to the responding agency for allowable expenses associated with a hazardous substance emergency response in those cases when a party described in Section 39-7111, Idaho Code, cannot be identified, found, or cannot be collected against. ( )

**06. Reimbursable Costs -- Hazardous Substances.** ( )

**a.** State emergency response teams and local emergency response agencies may submit claims within sixty (60) days of the termination of the incident, to the Military Division for reimbursement. Eligible documented costs, incurred as a result of their response to a hazardous substance incident, may be submitted. ( )

**b.** State emergency response teams and local emergency response agencies may submit claims within sixty (60) days of the termination of the incident, to the Military Division for reimbursement. The following documented costs, incurred as a result of their response to a hazardous substance incident may be submitted: ( )

**i.** Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the response; ( )

**ii.** Compensation of employees for the time and efforts devoted specifically to the response that are not otherwise provided for in the applicant's operating budget, (e.g., overtime pay for permanent fulltime and other than fulltime employees, recalled personnel or responding when out of jurisdiction); ( )

**iii.** Rental or leasing of equipment used specifically for the response (e.g., protective equipment or clothing, scientific and technical equipment); ( )

**iv.** Replacement costs for equipment owned by the applicant that is contaminated beyond reuse or repair, if the applicant can demonstrate that the equipment was a total loss and that the loss occurred as a result of the response (e.g., self contained breathing apparatus irretrievably contaminated during the response); ( )

**v.** Decontamination of equipment contaminated during the response; ( )

**vi.** Special technical services required for the incident response (e.g., costs associated with the time and efforts of local and state personnel to recover the costs of response, and of technical experts/specialists not otherwise provided for by the local government); ( )

**vii.** Medical monitoring, treatment of response personnel, and rehabilitation costs as per 29 CFR 1910, 120; NFPA 1500; and NFPA 1584; and ( )

viii. Laboratory costs for purposes of analyzing samples taken during the response. ( )

c. Reimbursement for costs will not exceed the duration of the response. Reimbursements shall only be paid after the military division finds that the actions by the Regional Response Team, or the emergency response agency were taken in response to a hazardous substance incident as defined in this chapter. ( )

**07. Liability for Response Costs - Non-Hazardous Substances. ( )**

a. Liability for response costs for spills of non-hazardous substances shall be the responsibility of the spiller or transporter of such material when the spiller or transporter failed to comply with laws or regulations of the state or federal government which would have facilitated identification of the product as a non-hazardous substance. ( )

b. Liability for response costs to non-hazardous substances shall be the responsibility of the person or entity requesting assistance in all other instances. ( )

**101. -- 199. (RESERVED).**

**200. LOCAL EMERGENCY RESPONSE AUTHORITIES (RULE 200).**

**01. Responsibility of Local Governments for Establishment of LERA. ( )**

a. Local Emergency Response Authority (LERA) means those persons or agencies designated under Section 39-7105, Idaho Code, by the city, or county to be the first response authority for hazardous substance incidents. ( )

b. Cities and counties shall designate the LERA for hazardous substance incidents that occur within their respective jurisdictions. Each local governing body shall notify the Military Division and State Communications Center of its designation in writing. Thereafter, any changes in designation shall be communicated to the Military Division and the State Communications Center no later than ten (10) working days before the change becomes effective. ( )

c. The governing body of each city shall designate by ordinance or resolution a LERA for hazardous substance incidents occurring within the corporate limits of the city. A city may designate the county as its LERA and participate in the county plan for hazardous substance incident response by notifying the county, the Military Division and the State Communications Center of such designation in writing. ( )

d. The board of county commissioners of each county shall designate by ordinance or resolution a LERA for hazardous substance incidents occurring within the unincorporated areas of the county. ( )

e. If no LERA having the ability to respond to a hazardous substance incident exists within a city or county, or if a political subdivision is unable to obtain the services of a LERA by means of a mutual aid agreement or contract, the Idaho State Police will be the LERA. ( )

**02. LERA Powers and Duties.** ( )

**a.** Respond: The LERA will provide response to all hazardous substances incidents in their jurisdiction and to any incidents that overlap jurisdictions in a fashion consistent with the Idaho Hazardous Materials/WMD Incident Command and Response Support Plan except as provided in a local emergency response plan. ( )

**b.** Initiate State Plan: The LERA may request state assistance consistent with the Idaho Hazardous Materials/WMD Incident Command and Response Support Plan through the State Communications Center. ( )

**c.** Right to Claim Reimbursement: The LERA may claim reimbursement or costs associated with a hazardous substance emergency directly from the spiller, shipper, transporter, property owner, occupant or party responsible for the hazardous substance incident or emergency. The LERA may, in the alternative, if the incident was reported to the State, submit claims to the Military Division within sixty (60) days after the termination of an incident for the reimbursement of documented costs listed in Section 39-7109, Idaho Code, incurred as a result of response to a hazardous substance incident. Reimbursement claims for those costs may not exceed the duration of the response. The LERA must provide a written incident report and any backup documentation to the Military Division containing the following information: ( )

i. Date and time of incident; ( )

ii. Type of incident; ( )

iii. Level of response required; ( )

iv. Response action taken; ( )

v. Time the incident commander declared the incident ended; ( )

vi. Follow-up information; and ( )

vii. Any other pertinent information such as responsible party etc. ( )

**d.** Local Planning: The LERA, as a member of the LEPC, should be an active participant in their jurisdictions emergency planning process. ( )

**03. Training.** Personnel responding to a hazardous substance emergency shall be trained, at a minimum, to the Hazardous Substance Operations level. In addition, all personnel must have training in the Incident Command System (ICS) and the National Incident Management System (NIMS) set forth in the Idaho Hazardous Materials/WMD Incident Command and Response Support Plan. ( )

**04. LERA Notification.** ( )

**a.** Any spiller, shipper, transporter, property owner, occupant or other person with knowledge of a hazardous substance incident shall notify the LERA of any spill or potential spill.

( )

**b.** Notification of the LERA may be through the local dispatch authorities or through the State Communications Center at 800-632-8000, or (208) 846-7610. The State Communications Center shall notify the Local Authority and the Military Division Haz Mat Duty Officer. ( )

**c.** The spiller, shipper, transporter, property owner, occupant or other person with knowledge of a hazardous substance incident notifying the LERA and State Communications Center shall provide their: ( )

i. Name; ( )

ii. Address and telephone number; ( )

iii. An address and telephone number where they can be reached for the duration of the incident. ( )

**d.** Such person shall remain available to the incident commander throughout the duration of the incident. ( )

**201. -- 299. (RESERVED).**

**300. COST REIMBURSEMENT (RULE 300).**

**01. Submission of Claims and Forms.** State Regional Response Teams and local emergency response agencies may submit claims within sixty (60) days of the termination of the incident, to the State of Idaho, Military Division for reimbursement of documented and reimbursable costs incurred as a result of their response to a hazardous, or potentially hazardous substance incident. Reimbursable costs are those set forth in Section 39-7109, Idaho Code. ( )

**02. Limitations for Seeking Reimbursement, Acceptance of Claims.** Claims for reimbursement shall be submitted to the Military Division within sixty (60) days after termination of the hazardous substance incident for the State's determination of payment. Termination of the incident occurs when the Incident Commander declares the incident terminated. The Military Division shall review the costs submitted and notify the response agency or agencies as to which costs disqualify for reimbursement within thirty (30) days of receipt. ( )

**03. Claims Against Spiller or Other Responsible Party.** ( )

**a.** Upon receipt and review of claims for reimbursement within sixty (60) calendar days after close of incident, the Military Division will compile a thirty (30) calendar day demand letter to the responsible party to be sent certified mail, as well as standard mail, with a copy of the complete packet. ( )

**b.** If responsible party does not respond, or submit payment within thirty (30) calendar days of first letter, a ten (10) calendar day demand letter will be sent certified mail. ( )



**c.** If the responsible party has not responded to the ten-day letter; within ten (10) calendar days, a packet will be assembled for the A.G. This packet will include the entire file, and a letter to the A.G. explaining the steps taken and requesting their assistance in collecting the costs. ( )

**d.** If the responsible party does not respond to the A.G., upon their recommendation, the packet will be submitted to a Collection Agency. If the incident is submitted to a collection agency, the responsible party will incur additional costs. ( )

**04. Cost Recovery, Deficiency Warrants.** The Military Division shall be responsible for recovering documented and reimbursable costs incurred from the spiller. If a spiller is unknown, cannot be located, or refuses to pay upon demand, the Military Division will make recommendations as to payment to the Board of Examiners within one hundred twenty (120) days after termination of the hazardous substance incident. The Board of Examiners may authorize the issuance of deficiency warrants for the purpose of reimbursing reasonable and documented costs associated with emergency response actions taken by response agencies. ( )

**05. Civil Actions.** It shall be the duty of the A.G. to commence any civil action brought by the Military Division pursuant to nonpayment from a spiller. At the request of the Military Division, a political subdivision of the state, or a local governmental entity that has responded to or contained a hazardous substance incident, the A.G. may commence a civil action on their behalf. ( )

**301. DUTY TO COOPERATE.**

**01. Responding Agencies.** Local emergency response authorities, first responders, and regional response teams shall cooperate with the Military Division and the A.G. in collecting and securing payment from the spiller or other responsible party. ( )

**02. Cooperation Provided.** Such cooperation includes, but shall not be limited to: ( )

**a.** Allowing lawsuits to be filed in the name of the local jurisdiction, LERA, or regional response team; ( )

**b.** Providing testimony and assistance in preparing for trial; ( )

**c.** Investigation; ( )

**d.** The collection of evidence, including securing photographs or videotape of the spill site; and ( )

**e.** Providing relevant test data. ( )

**302. -- 999. (RESERVED).**

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-0901

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

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, 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 text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this Bulletin. The complete text of the proposed rule was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 311 through 315. There were no comments filed in response to the proposed changes. Upon further consideration, the Commission decided not to impose a new requirement that utilities report property damage in excess of \$200,000 in Rules 301.02 and 302.01. Consequently, these two rule subsections were amended to remove the proposed reporting requirement.**

**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: There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 22nd day of October, 2009.

Jean D. Jewell, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, 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 September 16, 2009.

The hearing site 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 Commission's address below.

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

The Commission's Safety and Accident Reporting Rules currently adopt by reference several national safety codes and federal safety regulations. In particular, Rules 202 and 203 currently adopt by incorporation the 2006 Editions of the International Fuel Gas Code and the International Mechanical Code, respectively. The Commission is proposing to update its Rules 202 and 203 by adoption of the 2009 Editions. Revisions in the 2009 International Fuel Gas Code include: Section 303.6 (gas-fired appliances installed outdoors); Section 306 (access to gas appliances); Section 310 (electrical bonding for corrugated stainless steel tubing); Table 402.4(13) (sizing for corrugated stainless steel tubing); Section 404 (prohibited locations for gas piping); Section 409.5 (appliance shut-off valves); Section 411.13 (maximum length, minimum size and prohibited locations of appliance connectors); Section 503.7-.8 (venting requirements); and Sections 623.7 and 627 (clearances for gas-fired cook tops and air conditioners). Revisions to the 2009 International Mechanical Code include: Sections 303.5 and 304.4 (restrictions on gas appliance locations); Section 306 (access to gas appliances); Section 403 and Table 403.3 (mechanical ventilation rates); Section 501 (exhaust systems); and Section 504 (gas clothes dryer exhaust requirement).

The Commission is also proposing to amend Rule 201 to adopt certain provisions of the 2009 Code of Federal Regulations (CFRs) dealing with pipeline safety regulations found at 18 C.F.R. Section 260.9 and 49 C.F.R. Parts 191-193, 195 and 199. Changes from the 2007 CFRs include: operating certain gas transmission pipelines at higher pressures, 73 Fed.Reg. 62148 (Oct. 17, 2008); design factors and pressure limits for natural gas pipelines made from new Polyamide-11 thermoplastic pipe, 72 Fed.Reg. 79002 (Dec. 24, 2008); and updated administrative procedures from the Pipeline Inspection, Protection, Enforcement, and Safety (PIPES) Act of 2006, 73 Fed.Reg. 16526 (March 28, 2008).

The Commission is also proposing changes to Rules 301 and 302 that would require utilities to submit written accident reports within twenty-one (21) days when they sustain damage to their facilities in excess of \$200,000 or when a member of the public incurs property damage in excess of \$200,000 as a result of contact with utility operating property. Damage resulting from motor vehicle accidents is exempt from the damage reporting rule.

**Finally, the Commission is proposing to make several housekeeping corrections to its Safety and Accident Reporting Rules regarding street addresses, telephone numbers, e-mail addresses, and citations to other authorities.**

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because this proposed rule adopts updated national safety codes and federal regulations necessary for the safety of utility employees and the public during the installation, operation, or maintenance of natural gas pipelines, fuel gas systems and natural gas-fired appliances.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before September 23, 2009. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 21st day of July, 2009.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

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

These rules ~~adopting~~ by reference national safety codes and ~~requiring~~ the reporting of certain accidents ~~are adopted~~ under the general authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and under the specific authority of Sections 61-515 and 61-517, Idaho Code. ~~(4-1-98)~~(\_\_\_\_)

***(BREAK IN CONTINUITY OF SECTIONS)***

**004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).**

Notes of telephone reports required by Rule 301 and written reports required by Rule 302 are public records subject to inspection, examination and copying. Further investigative reports by the Commission or the Commission Staff are investigatory records exempt from disclosure. See Sections 9-337~~(46)~~ and 9-340B, Idaho Code. Reports required by these rules and the results of

further investigations by the Commission are by statute prohibited from admission into evidence in any action for damages based on or arising out of the loss of life or injury to the person or property. See Section 61-517, Idaho Code. (4-5-00)(\_\_\_\_)

**005. DEFINITIONS (RULE 5).**

**01. Utilities.** The terms “electrical corporation,” “gas corporation,” “pipeline corporation,” “telephone corporation,” and “water corporation” have the meanings given to them by statute in Chapter 1, Title 61, Idaho Code; orders of the Idaho Public Utilities Commission; and decisions of the Idaho Supreme Court *of Idaho* construing these statutes. (4-2-08)(\_\_\_\_)

**02. Serious Damage.** Damage to natural gas facilities caused by a natural disaster or terrorism that results in a loss of or reduction in pipeline throughput or storage deliverability. (4-2-08)

**03. Serious Interruption of Service.** Interruptions of natural gas pipeline service to communities, major governmental installations, and large industrial plants outside of communities or any other interruption that is significant in the judgment of the natural gas pipeline. Interruptions of less than three (3) hours or planned maintenance outages need not be reported. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**201. FEDERAL NATURAL GAS SAFETY REGULATIONS (RULE 201).**

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 2007~~9~~) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2007~~9~~), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available from the U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated CFR Parts are also available in electronic format at [www.gpoaccess.gov/nara](http://www.gpoaccess.gov/nara). All gas and pipeline corporations subject to the Commission’s jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. (4-2-08)(\_\_\_\_)

**202. INTERNATIONAL FUEL GAS CODE (IFGAC) (RULE 202).**

**01. Incorporation by Reference.** The Commission incorporates by reference the International Fuel Gas Code, 2006~~9~~ Edition except for Part 2 of Chapter 1. The International Fuel Gas Code is published by the International Code Council, 3500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070. The Code is available from the Code Council and may be ordered online at [www.iccsafe.org](http://www.iccsafe.org). Telephone orders may be placed by calling toll-free 800-786-4452. (4-2-08)(\_\_\_\_)

**02. Utility Compliance.** All gas corporations subject to the jurisdiction of this

Commission are required to abide by applicable provisions of the International Fuel Gas Code and to connect for service and light only those installations that: (3-20-04)

- a. Have been inspected and approved by authorized agencies; or (4-1-98)
- b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Fuel Gas Code as a condition of receiving service or continuing to receive service. (3-20-04)

**203. INTERNATIONAL MECHANICAL CODE (IMC) (RULE 203).**

**01. Incorporation by Reference.** The Commission incorporates by reference those portions of the 2006~~9~~ International Mechanical Code explicitly referring to gas or gas-burning appliances except Part 2 of Chapter 1. The International Mechanical Code is published by the International Code Council, 3500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070 and may be ordered by calling toll-free 800-786-4452 or online at [www.iccsafe.org](http://www.iccsafe.org). (4-2-08)( )

**02. Utility Compliance.** Gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Mechanical Code and to connect for service and light only those installations that: (3-20-04)

- a. Have been inspected and approved by authorized agencies; or (4-1-98)
- b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Mechanical Code as a condition of receiving service or continuing to receive service. (3-20-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**301. IMMEDIATE REPORTING OF FATALITIES AND CERTAIN ACCIDENTS AND MAJOR NATURAL GAS INTERRUPTIONS (RULE 301).**

**01. Fatality and ~~Accident~~ Hospitalization Reporting.** Whenever any employee of an electrical corporation, gas corporation, pipeline corporation, telephone corporation, or water corporation or any member of the public dies or requires in-patient hospitalization as a result of contact with or proximity to utility operating property, the utility must notify the Commission by telephone of the fatality or hospitalization no later than the first business day following discovery of the fatality or reporting of the hospitalization, except as provided in Subsection 31.11.01.301.02. Reports should be made to the Commission Secretary at (208) 334-0338. (4-2-08)( )

**02. Operating Property -- ~~Automobile~~ Motor Vehicle Accident Exception.** As used in this rule, operating property means electric plant as defined in Section 61-118, Idaho Code, gas plant as defined in Section 61-116, Idaho Code, pipelines as defined in Section 61-114, Idaho

Code, telephone line as defined in Section 61-120, Idaho Code, or water systems as defined in Section 61-124, Idaho Code. This reporting rule does not apply to fatalities *and* hospitalizations arising out of *automobile* motor vehicle accidents, even if the *automobile* motor vehicle later comes into contact with utility plant. Office buildings or portions of office buildings not associated with the physical delivery of utility services or commodities are not considered operating property. (4-1-98)(\_\_\_\_)

**03. Major Service Interruptions or Damage to Natural Gas Pipelines.** The Commission incorporates by reference Section 260.9, Title 18, the Code of Federal Regulations (April 1, 2007~~9~~). Every natural gas corporation must report serious damage to natural gas facilities and serious interruptions of service to the Commission. Natural gas corporations should also report other serious damage not caused by natural disaster or terrorism if such damages create the potential for serious delivery problems on its own system or the pipeline grid. (4-2-08)(\_\_\_\_)

**302. WRITTEN REPORTING OF ACCIDENTS AND NATURAL GAS INTERRUPTIONS (RULE 302).**

**01. Reporting Required.** In addition to any telephone reporting required under Rule 301, a written report shall be submitted for: (4-2-08)

- a. Every accident involving an employee of the utility or member of the public that results in a fatality or in-patient hospitalization; (4-2-08)
- b. Any other accident the utility finds significant; or (4-2-08)
- c. Serious damage or service interruption of natural gas pipelines. (4-2-08)

**02. Submitting the Written Report.** All written reports ~~must~~ shall be submitted to the Commission within twenty one (21) days after the fatality or ~~injury~~ hospitalization is discovered. Reports regarding serious damage or service interruption shall be submitted at the earliest feasible time. Reports should be mailed to:

COMMISSION SECRETARY	
IDAHO PUBLIC UTILITIES COMMISSION	Street Address for Express Mail:
PO BOX 83720	472 W. WASHINGTON ST.
BOISE, ID 83720-0074	BOISE, ID 83702-5983 <del>18</del>

Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail to secretary@puc.~~state.id.us~~idaho.gov. (5-3-03)(\_\_\_\_)

**03. Contents of Written Accident Report.** There is no standard form for written reports prescribed by this rule. Gas companies may file copies of reports submitted to federal regulators under 49 C.F.R. Part 191. All reports submitted ~~must~~ shall contain the following information: (4-2-08)(\_\_\_\_)

- a. Name of person(s) involved in the accident; (7-1-93)

- b.** Status of persons involved in the accident (e.g., employees, children, contractors, etc.); (7-1-93)
- c.** Time of day, day of the week and month, and location of the accident or discovery of the accident; (4-2-08)
- d.** Description of the accident and events leading up to the accident; and (4-2-08)
- e.** The company name, contact person, e-mail address and direct telephone number of the reporting official. (~~4-2-08~~)( )

**04. Contents of Written Report Involving Damage or Interruption to Natural Gas Facilities.** All written reports shall provide the following information: (4-2-08)

- a.** The location and cause of the service interruption or damage to natural gas pipeline or storage facilities; (4-2-08)
- b.** The nature of the serious damage to pipeline or storage facility; (4-2-08)
- c.** The specific identification and location of any facilities damaged; (4-2-08)
- d.** The time the service interruption or damage to facilities occurred; (4-2-08)
- e.** The customers affected by the interruption of service or damage to facilities; (4-2-08)
- f.** A brief description of emergency actions taken to maintain service; (4-2-08)
- g.** An estimate of the time (if available) when pipeline throughput or storage deliverables are expected to be restored; and (4-2-08)
- h.** The company name, contact person, e-mail address and direct telephone number of the reporting official. (~~4-2-08~~)( )



## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-0901

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

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-507, 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:

**No comments were received so the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 316 through 318.**

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 1st day of October, 2009.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-507, 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 September 16, 2009.

The hearing site 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 Commission's address below.

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

**The Commission proposes to relocate three (3) rules from IDAPA 31.21.02 to IDAPA 31.21.01. The rules to be relocated are:**

- 1. IDAPA 31.21.02.101 to IDAPA 31.21.01.702;**
- 2. IDAPA 31.21.02.103 to IDAPA 31.21.01.201.04; and**
- 3. IDAPA 31.21.02.104 to IDAPA 31.21.01.208.**

The Commission also proposes in Rule 31.21.01.201.04.b that water utilities with more than five thousand (5,000) customers provide consumption data on each customer's bill comparing actual consumption in the current billing period with the corresponding billing period in the previous year. After the transfer of the rules is complete, the Commission proposes to repeal IDAPA 31.21.02. Relocating these rules will streamline the Commission's utility rules.

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the nature of the proposed action.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before September 23, 2009.

DATED at Boise, Idaho this 21st day of July, 2009.

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE**

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

The name of this chapter is "Customer Relations Rules for Gas, Electric and Water Public Utilities ~~Regulated by the Idaho Public Utilities Commission~~ (the Utility Customer Relations Rules)." This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules ~~to address recurring areas of disagreement between utilities and customers~~ with regard to deposits, guarantees, billing, application for service, denial of service, termination of service and complaints to utilities. (7-1-93)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**201. ISSUANCE OF BILLS -- CONTENTS OF BILLS (RULE 201).**

Bills shall be issued on a regular basis. Bills must contain the following information: (3-30-01)

**01. The Billing Date.** (7-1-93)

**02. The Time Period Covered by the Bill.** (7-1-93)

**03. Metered Service Billing.** If metered service is the basis for billing, the beginning and ending meter readings, where the bill is based on actual readings, or a clearly marked statement that the bill is estimated, if the meter was not actually read, and the quantity of service provided, when applicable. (7-1-93)

**04. Billing Comparisons of Consumption Data.** ~~Comparisons of current and previous consumptions, when required by IDAPA 31.21.02.103.~~ (7-1-93)( )

**a.** Each gas and electric utility shall compare on each customer's regular billing the customer's actual consumption of gas or electricity with the customer's actual consumption of gas or electricity for the corresponding billing period in the previous year. If the billing periods being compared contain a different number of days, the utility shall adjust the data to take into account the different length of the billing periods and show the comparison as an absolute change in therm use or kilowatt hour use per day. ( )

**b.** Each water utility with more than five thousand (5,000) customers shall compare on each customer's regular billing the customer's actual consumption of water with the customer's actual consumption of water for the corresponding billing period in the previous year. The usage comparison shall be expressed in gallons or cubic feet based upon total consumption for each billing period or average consumption per day during each billing period. ( )

- 05. The Due Date of the Bill.** (7-1-93)
- 06. Itemization of All Charges.** An itemization of all charges, both recurring and nonrecurring. (7-1-93)
- 07. Any Amount Transferred From Another Account.** (7-1-93)
- 08. Any Amounts Past Due.** (7-1-93)
- 09. Payments or Credits.** Any payments or credits applied to the customer's account since the last bill. (7-1-93)
- 10. The Total Amount Due.** (7-1-93)
- 11. Address and Telephone Number.** The mailing address and toll-free telephone number(s) available to customers in the service territory for answering billing inquiries. (3-30-01)

**(BREAK IN CONTINUITY OF SECTIONS)**

**208. DEGREE-DAY INFORMATION (RULE 208).**

Upon request, each gas and electric utility shall make degree-day adjusted data available to customers for comparisons of the kind made in Rule 201.04. ( )

**2089. -- 299. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**702. EXPLANATION OF RATE SCHEDULE (RULE 702).**

Each gas, electric, and water utility shall transmit annually to each of its customers and give to each new customer at the time of initiation of service a clear and concise explanation of the existing rate schedule for the class of services selected by that customer. ( )

**7023. -- 999. (RESERVED).**

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**

**31.21.02 - INFORMATION TO CUSTOMERS OF GAS, ELECTRIC,  
AND WATER PUBLIC UTILITIES**

**DOCKET NO. 31-2102-0901 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 the Idaho Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-507, 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:

**No comments were received so the pending rule is being adopted as proposed. The complete text of the proposed rule to repeal the chapter was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, page 319.**

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the repeal of this chapter, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 1st day of October 2009.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission proposes to repeal its Utility Customer Information Rules. This action is authorized pursuant to Section 61-507, 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 September 16, 2009.

The hearing site 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 Commission's address below.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for repealing the chapter:

**The transfer of these rules is proposed in Docket No. 31-2101-0901. After the transfer of the rules is complete, the Commission proposes to repeal IDAPA 31.21.02. Consolidating these rules will streamline the Commission's utility rules.**

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, negotiated rulemaking was not conducted because of the nature of the proposed action.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the rescission of these rules, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before September 23, 2009.

DATED this 21st day of July, 2009.

***IDAPA 31.21.02 IS BEING REPEALED IN ITS ENTIRETY.***

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS PROVIDING LOCAL EXCHANGE OR INTRASTATE MTS/WATS SERVICE IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION UNDER THE PUBLIC UTILITIES LAW OR THE TELECOMMUNICATIONS ACT OF 1988 (THE TELEPHONE CUSTOMER RELATIONS RULES)

DOCKET NO. 31-4101-0901

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

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 the Idaho Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-507, 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 to repeal the chapter was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 302.**

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the repeal of this chapter, contact Weldon B. Stutzman, Deputy Attorney General, at (208) 334-0318.

DATED this 13th day of November, 2009.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:  
472 W Washington  
Boise, Idaho 83702-5918

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Sections 61-302, 61-503, 61-507, 62-605, 62-606, 62-615, and 62-616, 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 21, 2009.

The hearing site 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 Commission's address below.

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

**Enactment of federal statutes (Telecommunications Act of 1996) and state statutes (amendments to the Telecommunications Act of 1988) since the IPUC last revised its Telephone Customer Relations Rules, IDAPA 31.41.01.000 et seq., have significantly changed the regulatory objectives for telecommunications companies. The law changes are intended to encourage competition in telephone services, and the proposed rule changes are consistent with that objective by simplifying regulatory requirements and allowing companies more flexibility to respond to customers' service requests, while maintaining some service quality standards related to basic local exchange service.**

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was conducted through a public workshop on July 28, 2009, and by written comments received by electronic mail. Members of the public and representatives of at least seven (7) telecommunications companies participated in the informal negotiated rulemaking process.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Weldon Stutzman, Deputy Attorney General, at (208) 334-0318.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2009.

DATED at Boise, Idaho this 28th day of August, 2009.



***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

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

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520, 62-605, 62-606, 62-612, ~~and~~ 62-616, and 62-622, Idaho Code, with regard to service. (7-1-93)( )

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

The name of this chapter is the “Customer Relations Rules for Telephone Corporations Providing ~~Local Exchange or Intrastate MTS/WATS~~ Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission ~~Under the Public Utilities Law or the Telecommunications Act of 1988,~~” (The Telephone Customer Relations Rules). For companies subject to Commission regulation under Title 62, Idaho Code, these rules apply to companies providing local exchange service as defined in Section 62-603, Idaho Code. This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules to address recurring areas of disagreement between local exchange companies and ~~MTS/WATS~~ other telephone companies and customers with regard to deposits, guarantees, billing, application for service, denial of service, termination of service, complaints to telephone companies, billing for interrupted service, and provision of certain information about customers to authorities. (7-1-93)( )

**002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).**

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. ~~In addition to these explanatory comments, the director of the Commission’s consumer assistance staff has issued interpretive guidelines that are available by contacting the director of the consumer assistance staff in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or by telephone at (208) 334-0300.~~ (7-1-93)( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

This rule governs consideration of ~~exemptions and~~ formal complaints and requests for exemption under these rules. Any ~~person~~ telephone company or customer requesting and receiving an informal staff determination with regard to ~~an exemption or~~ complaint may formally ~~or informally~~ request the Commission to review the Staff’s determination. If unusual or unreasonable hardships result from the application of any of these rules, any telephone company or customer may apply to

the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. A formal complaint or request for exemption must be filed with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)( )

~~**01. Exemptions From Rules.** Rule 9 authorizes persons or telephone companies to request exemptions from these rules. This paragraph governs procedure for requests for exemptions. (7-1-93)~~

~~**a.** Any applicant, customer or telephone company may informally request an exemption from any provision of these rules for a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-93)~~

~~**b.** Any applicant, customer or telephone company may formally petition the Commission for an exemption pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)~~

~~**c.** Any telephone company requesting an exemption for all of its customers must formally petition the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)~~

~~**02. Complaints.** Rule 402 authorizes persons or telephone companies to file complaints under these rules. This paragraph governs procedure for filing complaints under these rules. (7-1-93)~~

~~**a.** Any applicant, customer or telephone company may file an informal complaint under any provision of these rules concerning a specific applicant or applicants or customer or customers by writing the Commission's consumer assistance staff at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 or by telephoning the Commission's Consumer Assistance Staff at 334-0369 (Boise area) or 1 (800) 432-0369 (out of Boise calling area). Any such person may in writing or by telephone request the Commissioners to informally or formally review the Staff's decision. (7-1-93)~~

~~**b.** Any applicant, customer or telephone company may file a formal complaint under these rules with the Commission pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**005. DEFINITIONS (RULE 5).**

The following definitions are used in this title and chapter: (7-1-93)

~~01. Applicant. Unless restricted by definition within a rule or a group of rules to a particular class of service, "applicant" means any potential customer who applies for a service from a telephone company. "Applicant" does not include minors not competent to contract. Telephone companies may decline to recognize minors not competent to contract as applicants and may require an adult or minor competent to contract to join a minor not competent to contract as an applicant. (7-1-99)~~

~~021. Customer. Unless restricted by definition within a rule or a group of rules to a particular class of service, "customer" means any person who meets the terms outlined in Subsections 005.02.a. through 005.02.d. below, and any person contractually or otherwise lawfully authorized to represent such party. If the person selecting, receiving, or canceling service is not the same person as the one assuming responsibility for payment of service, the latter is the customer for purposes of receiving refunds, etc. A "customer" is a person or entity who has requested service or currently receives service from a telephone company or has assumed responsibility for payment of service provided to another person or entity. (7-1-99)~~

~~a. Has applied for; (7-1-93)~~

~~b. Has been accepted; and (7-1-93)~~

~~c. Is currently; (7-1-93)~~

~~i. Receiving service from a telephone company; or (7-1-93)~~

~~ii. Assuming responsibility for payment of service provided to another or others. (7-1-93)~~

~~d. Any person whose service has been temporarily disconnected for non-payment shall continue to be a "customer" for the purposes of these rules until such time as service is permanently disconnected. (7-1-99)( )~~

~~03. Good Credit. "Good credit" means payment by a customer for the most recent twelve (12) consecutive month period of all undisputed bills due the telephone company before temporary or permanent termination of service. (7-1-93)~~

~~042. Local Exchange Company (LEC). "Local exchange company" (LEC) is a telephone company providing local exchange service to end-users. "Local exchange company" includes "incumbent telephone corporations," as defined in Section 62-603(6), Idaho Code, and telephone corporations granted a Certificate of Public Convenience and Necessity by the Commission to compete with incumbent telephone corporations. (7-1-99)( )~~

~~05. MTS Company or Interexchange Carrier. "MTS company" or "interexchange carrier" means a telephone company providing MTS service. (7-1-93)~~

~~063. Message Telecommunications Service (MTS). "MTS" (commonly known as "long-distance service") means the transmission of two-way interactive switched voice communication between local exchange areas for which charges are made on a per-unit basis as defined in Section 62-603(8), Idaho Code, and wide area telecommunications service (WATS) or~~

*its equivalent.*

(7-1-99)( )

~~07. Operator and Directory Assistance Services.~~ *Operator and directory assistance services are telephone services that include (but are not limited to) intercept, call completion and assistance, and directory assistance services, whether local, MTS, or both.* (7-1-93)

**084. Other Services.** “Other services” mean all services except local exchange and MTS services provided, billed, or collected by a telephone company. (1-1-95)

**095. Residential Telephone Service.** “Residential *telephone* service” means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to residential customers as defined in Section 62-603(9), Idaho Code. (7-1-99)( )

**106. Small Business Telephone Service.** “Small business *telephone* service” means telecommunication service furnished to a business or institutional entity, whether an individual, partnership, corporation, association or other business or institutional form, for occupational, professional, or institutional purposes, to customers who do not subscribe to more than five (5) local access lines *within a building which are billed to a single billing location*, i.e., service provided to small business customers as defined in Section 62-603(11), Idaho Code. (7-1-99)( )

**107. Telephone Company.** Unless further restricted by definition within a rule or a group of rules, “telephone company” means any entity subject to this Commission’s regulation as a provider of telecommunication services to end-users (*either local exchange or MTS/WATS*) under the Public Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission’s authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6), *except mutual, non-profit or cooperative telephone corporations or the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq).* (7-1-99)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~009. EXEMPTIONS FROM RULES (RULE 9).~~**

*If unusual or unreasonable hardships result from the application of any of these rules, any telephone company or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption.* (7-1-93)

**~~0109. INFORMAL COMPLAINTS AND INTERPRETATION OF RULES (RULE 109).~~**

The Commission may authorize designated staff members to make and give informal interpretations of these rules and tariffs or other filings of telephone companies on record with the Commission, and to investigate complaints made to the Commission. *These interpretations, which do not bind the Commission, will be distributed to telephone companies subject to these rules and interested consumer groups and be available from the director of the Commission’s consumer assistance staff.* The Commission reserves to itself the authority to issue formal declaratory orders concerning the interpretation of these rules, telephone company tariffs or

similar filings, and to resolve formal complaints.

(7-1-93)( )

**0140. CONFLICT WITH TELEPHONE TARIFFS OR PRICE LISTS (RULE 140).**

If a telephone company's tariff or price list on file with the Commission contains provisions that deny or restrict customers' rights protected by any of these rules, these rules supersede any conflicting tariff or price list provisions that deny or restrict any of those rights. (7-1-93)

**0121. INCORPORATION BY REFERENCE -- CODE OF FEDERAL REGULATIONS (RULE 121).**

Rules 701 through 703 incorporate by reference federal regulations issued by the Federal Communications Commission. The incorporated regulations are found in the Code of Federal Regulations available from the U.S. Government Printing Office, *Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated federal regulations are also available in electronic format at www.access.gpo.gov/nara.* Incorporated materials are also available for inspection and copying at the offices of the Public Utilities Commission and the Idaho State Law Library. (3-15-02)( )

**0132. -- 099. (RESERVED).**

**RESIDENTIAL AND SMALL BUSINESS DEPOSIT PRACTICES**  
**RULES 1040 THROUGH 199**

**100. FURTHER DEFINITIONS (RULE 100).**

*As used in Rules 101 through 110:*

(7-1-93)

**01. Applicant.** *"Applicant" is restricted from its general definition to refer only to applicants for residential or small business service, unless further restricted by rule.* (7-1-93)

**02. Customer.** *"Customer" is restricted from its general definition to refer only to a customer subscribing to residential or small business service, unless further restricted by rule.* (7-1-93)

**03. Deposit.** *"Deposit" means any payment held as security for future payments or performance for service provided by that telephone company or other telephone companies for which it bills.* (7-1-93)

**04. Local Exchange Company (LEC).** *"Local exchange company" means the telephone company providing or that would provide local exchange service to a customer or applicant.* (7-1-93)

**05. MTS Company.** *"MTS Company" means a telephone company providing or that would provide MTS service to a customer or applicant, except that companies providing both local exchange service and MTS are considered local exchange companies for purpose of the deposit rules.* (7-1-93)

**1040. DEPOSIT REQUIREMENTS -- LECS (RULE 1040).**

**01. Residential Customers.** No ~~local exchange~~ company providing local exchange service shall demand or hold any deposit from any ~~current~~ residential customer ~~or applicant~~ for service without proof that the customer ~~or applicant~~ is likely to be a credit risk or to damage the property of the local exchange company or ~~MTS~~ other companies for which it bills. A history of late payment or lack of previous history with the local exchange company does not, in itself, constitute such proof. A local exchange company shall not demand or hold a deposit under this rule as a condition of service from a residential customer ~~or applicant~~ unless one (1) or more of the following criteria applies: (7-1-93)( )

**a.** The customer ~~or applicant~~ has outstanding a prior residential service account ~~with any telephone company that accrued within the last four (4) years~~ and at the time of application for service remains unpaid and not in dispute. (7-1-93)( )

**b.** The customer's ~~or applicant's~~ service ~~from any telephone company~~ has been temporarily denied or terminated within the past four (4) years for one (1) or more of the following reasons: (7-1-93)( )

i. Non-payment of any undisputed delinquent bill; (7-1-93)

ii. ~~Misrepresentation of the customer's or applicant's identity for the purpose of obtaining telephone service;~~ (7-1-93)

iii. ~~Failure to reimburse the telephone company for damages due to negligent or intentional acts of the customer; or~~ (7-1-93)

iv. Obtaining, diverting or using telephone service without the authorization or knowledge of the telephone company. (7-1-93)

**c.** The ~~applicant~~ customer does not have verifiable previous telephone service that was in existence for a period exceeding twelve (12) months and does not pass an objective credit screen. (7-1-93)( )

**d.** The telephone company has determined that ~~information~~ provided by the ~~applicant~~ customer is materially false or materially ~~misrepresentative of~~ misrepresents the ~~applicant's customer's~~ true status. (7-1-93)( )

**e.** The ~~applicant~~ customer requests service at a residence where a prior subscriber still resides and where any balance for service to that prior subscriber incurred at that location is past due or owing. (7-1-93)( )

**02. Small Business Customers.** No local exchange company providing local exchange service shall demand or hold any deposit as a condition of service from any current small business customer ~~or applicant~~ for small business service unless one (1) or more of the following criteria apply: (7-1-93)( )

**a.** Any of the conditions listed in Rule ~~1040~~.01 of this rule are present. (7-1-93)( )

- b. The applicant customer has not had previous service with that telephone company. (7-1-93)( )
- c. The customer was delinquent in payment two (2) or more times in the previous twelve (12) months. (7-1-93)

**03. Bankrupt Customers.** If ~~an applicant for service or~~ a customer, either residential or a small business, has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then a deposit may be demanded as allowed by the Federal Bankruptcy Act of 1978, and in particular 11 USC 366, or as directed by the state court Laws. (7-1-93)( )

**1021. OTHER DEPOSIT STANDARDS PROHIBITED (RULE 1021).**

A local exchange company shall not require a deposit or other guarantee as a condition of new or continued residential telephone service based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits shall be applied uniformly. If ~~an applicant for service~~ the customer, either residential or small business, selects ~~a MTS~~ another company to provide services and arranges to be billed directly by that MTS company; rather than through the LEC local exchange company, no deposit may be collected by the LEC local exchange company for MTS the services provided by the MTS other company. (7-1-99)( )

~~103. (RESERVED).~~

**1042. WRITTEN EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT -- LECS (RULE 1042).**

~~Upon request of the applicant or customer, If~~ the local exchange company ~~must~~ requires a deposit as a condition of providing service, then it shall immediately provide an ~~written~~ explanation to the ~~applicant or~~ customer stating the precise reasons why ~~it requires~~ a deposit ~~or denies service is~~ required. The ~~applicant or~~ customer shall be given an opportunity to rebut these reasons. ~~The applicant or customer must be orally notified of the right to a written explanation.~~ In the event of a dispute, the customer must be advised that an informal or formal complaint may be filed with the Commission. (7-1-93)( )

**1053. AMOUNT OF DEPOSIT -- LECS (RULE 1053).**

~~01. Local Exchange Service.~~ A deposit allowed pursuant to Rule 1040 as a condition of service by a local exchange company ~~for applicants or customers~~ shall not exceed two (2) months' charges for local exchange service. Additional deposits for damage or other reasons independent of usage may be in reasonable amounts. (7-1-93)( )

~~02. MTS Billed by the LEC.~~ In addition to a deposit allowed pursuant to Rule 105.01, a local exchange company providing or billing for message telecommunications service (MTS) may ask for a reasonable deposit. Deposits for customers expected to take service for short periods of time (e.g., political campaigns, conventions, fairs) may be based on expected usage during the time in service. (4-5-00)

~~03. **Monitoring Deposits Based on MTS Usage.** The deposit may be monitored for as long as the deposit is required and may be increased when MTS usage billed by the LEC in a one-month period exceeds by fifty dollars (\$50) or more the portion of the customer's deposit covering one month's MTS usage. (7-1-93)~~

**1064. INTEREST ON DEPOSITS (RULE 1064).**

**01. Interest Payable.** Interest will be payable on the deposited amounts at the rate provided by Rule 1064.02 ~~of this rule~~. Interest will accrue from the date the deposit is made until the deposit is refunded or applied to the customer's bill; however, interest will not accrue on a deposit if: (7-1-93)( )

**a.** Service is terminated temporarily at the request of the customer who leaves the deposit with the telephone company for future use as a deposit; or (7-1-93)

**b.** Service has been permanently terminated and the telephone company has been unsuccessful in its attempt to refund a deposit. (7-1-93)

**02. Interest Rate.** On or before November 15 of each year, the Commission will determine the twelve-month average interest rate for one-year Treasury Bills for the previous November 1 through October 31, round that rate to the nearest whole percent, and notify the telephone companies of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule 1064.01 ~~of this rule~~. (7-1-93)( )

**1075. RETURN OF DEPOSIT -- LECS (RULE 1075).**

**01. Former Customers.** Upon termination of service, the deposit, with accrued interest, must be credited to the final bill. The balance of the deposit remaining, if any, must be returned promptly to the customer. (3-30-01)

**02. Existing Customers.** ~~The deposit, with accrued interest, must either be credited to the customer's current bill or be refunded promptly by the local exchange company when: If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the telephone company shall promptly return the deposit (with accrued interest) by crediting the customer's current account or issuing a refund. (3-30-01)( )~~

~~**a.** The residential customer establishes and maintains good credit; or (7-1-93)~~

~~**b.** The small business customer maintains good credit and is not delinquent more than once in the previous twelve (12) months. (7-1-93)~~

**03. Retention During Dispute.** The local exchange company may retain the deposit pending resolution of a dispute over termination of service. If the deposit is later refunded to the customer, the local exchange company shall pay interest at the annual rates established in Rule 106 for the entire period over which the deposit was held. (7-1-93)



**04. Early Return of Deposit.** A local exchange company may refund a deposit plus accrued interest in whole or part at any time before the time prescribed in this rule. (7-1-93)

**1086. TRANSFER OF DEPOSIT (RULE 1086).**

Deposits shall not be transferred from one (1) customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same telephone company's service area in Idaho, the deposit and any outstanding balance shall be transferred to the account for the new location. (7-1-93)

**~~1097. RECEIPT FOR DEPOSIT—~~ RECORDS OF DEPOSITS (RULE 1097).**

**01. Receipts.** Each customer paying a deposit shall be ~~given a receipt containing or otherwise be~~ provided ~~with~~ the following information: (4-6-05)(    )

- a. Name of customer and service address for which deposit is held; (7-1-93)
- b. Date of payment; (7-1-93)
- c. Amount of payment; and (7-1-93)
- d. ~~Statement of the~~ Terms and conditions governing the return of deposits. (7-1-93)(    )

**02. Retention of Records.** Each telephone company shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the receipt for the deposit. These records must include the name of each customer, the service location(s) and telephone number(s) of the customer while the deposit is retained, and the date(s) and amount(s) of the deposits. The telephone company shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The telephone company shall retain records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. (4-6-05)

**03. Transfer of Records.** Upon the sale or transfer of any telephone company or any of its operating units, the seller shall certify to the Commission that it has a list showing the names of all customers whose service is transferred and who have a deposit on file, the date the deposit was made and the amount of the deposit. (7-1-93)

**~~110. DEPOSITS—MTS COMPANIES (RULE 110).~~**

~~MTS companies that do not bill and collect through LECs may ask for reasonable deposits. Requests for deposits must comply with all state and federal anti-discrimination statutes. MTS companies must comply with Rules 106, 107 (except Rule 107.02), 108 and 109. (7-1-93)~~

**~~1108. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 1108).~~**

**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain local exchange service, ~~message telecommunications service (MTS)~~, or other services that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (4-6-05)(    )

**02. Financial Assistance Program.** A telephone company may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the telephone company's low income and disadvantaged customers with payment of utility bills. The telephone company shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. (4-6-05)

**14209. -- 199. (RESERVED).**

**BILLING**  
**RULES 200 THROUGH 299**

**200. FURTHER DEFINITION -- BILLING STATEMENT (RULE 200).**

As used in Rules 201 through 2065, "bill" or "billing statement" refers to a written request for payment listing charges for goods and services ~~previously rendered or for flat rate services billed in advance~~ that is mailed or otherwise delivered to the customer for payment. A billing statement may be provided to the customer in an electronic format with the customer's consent. Oral notice of the amount of charges pending is not a bill. Bills include requests for payments for services rendered by other telephone companies or other entities that are not telephone companies. This rule does not apply to billings between or among telephone companies. (7-1-93)( )

**201. ISSUANCE OF BILLING STATEMENTS -- CONTENTS OF BILLS -- RESIDENTIAL AND SMALL BUSINESS SERVICE (RULE 201).**

**01. Local Exchange Service.** Billing statements for residential and small business local exchange service ~~shall~~ must be issued on a regular basis. ~~Bills and~~ must contain the following information: (7-1-93)( )

a. The ~~billing~~ date the billing statement is issued; (7-1-93)( )

b. The time period covered by the billing statement; (7-1-93)( )

c. The due date of the bill by which payment must be received, unless the customer has authorized automatic monthly payment. If automatic payment is authorized, the customer must be informed in writing when funds will be withdrawn from a bank account or charged to a credit card account. In addition, the billing statement must state the actual or earliest possible date that funds will be withdrawn or the credit card charged unless the customer consents otherwise in writing at the time automatic payment is authorized; (7-1-93)( )

d. Any amounts transferred from another account; (7-1-93)

e. Any amounts past due; (7-1-93)

f. Any payments or credits applied to the customer's account since the last bill; (7-1-93)

g. The total amount due; (7-1-93)

~~h.~~ Names of ~~other~~ all telephone companies or entities ~~that are not telephone companies whose~~ providing goods and services ~~are also being~~ for which the customer is billed, ~~identification of the~~ sufficient information to readily identify the goods and service(s) billed provided, and the amount(s) ~~of those billings~~ charged; (7-1-93)(    )

~~i.~~ The ~~mailing address(es) or~~ toll-free telephone number(s) available to customers ~~in the service territory~~ for answering inquiries ~~and resolving complaints~~ about ~~telephone~~ goods and services billed; (7-1-93)(    )

~~j.~~ ~~An itemization of all non-recurring charges; and~~ (7-1-93)

~~kj.~~ An itemization of ~~the following recurring charges: total local exchange service bill (mileage or zone charges and charges for extended area service may be included in the total rather than as separate items), touch tone capability, custom calling features, directory listings, wire maintenance plans, equipment leases, and governmentally imposed~~ for goods and services provided to the customer and any associated fees, taxes, surcharges or subscriber line charges. ~~All other recurring charges may be included in a miscellaneous billing category if the local exchange company explains the charges in writing pursuant to IDAPA 31.41.02.101.~~ Charges for each element of packaged services, local measured service good or service provided as part of a package under a single price, or ~~other~~ calling plans in which individual calls are ~~not~~ billed at a flat rate regardless of usage need not be separately itemized ~~if the local exchange company provides an explanation of those services pursuant to IDAPA 31.41.02.101.~~ (7-1-93)(    )

**02. MTS Bills.** In addition to the requirements of Rule 201.01, bills for MTS service must ~~itemize for all MTS calls~~ identify the number called and the date, time, duration, destination and charge for each call, unless the customer has selected a flat rate calling plan. For collect and third-party calls the MTS provider must also itemize the origin of the call. (7-1-93)(    )

**03. Billing for Other Services.** No telephone company may send demand letters or initiate collection efforts for any amount owed by a customer who subscribes to or is billed for services other than local exchange service and MTS services ~~or services~~ provided by another telephone company unless the bill separately lists those services as required by this rule. (7-1-93)(    )

**04. Customer Request for Less Detail.** Upon customer request, telephone companies may provide billing statements containing less detail than required by this rule. Telephone companies must make available without charge detailed billing information for the preceding twelve (12) months to those customers who have elected to receive less detail on monthly billing statements but subsequently request more detail. (    )

**202. DUE DATE OF BILLS -- DELINQUENT BILLS (RULE 202).**

The telephone company may require that bills for service be paid within a specified time after the billing date. ~~Except in cases covered by Rule 305, the~~ minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery of a paper or electronic bill, if bills are mailed or delivered more than three (3) days after the billing date). Upon the expiration of this time without payment, the bill may be considered delinquent. With the customer's approval, automatic monthly payments made by withdrawal from a bank account or charged to a

credit card account may take place prior to the normal due date if the customer has authorized such a payment. (7-1-99)( )

**~~203. BILLING UNDER INAPPROPRIATE RATES (RULE 203).~~**

~~**01. Rebilling Required.** If a customer was billed under an inappropriate rate, the telephone company must recalculate the customer's past billings and correctly calculate future billings based on the appropriate rate. A customer has been billed under an inappropriate rate if: (7-1-93)~~

~~**a.** The customer was billed under a rate for which the customer was not eligible; or (7-1-93)~~

~~**b.** The customer, who is eligible for billing under more than one (1) rate, was billed under a rate contrary to the customer's election, or the election was made based upon erroneous information provided by the telephone company. (7-1-93)~~

~~**02. Exceptions.** The telephone company shall not be required to adjust billings when it has acted on good faith based upon available information or when the customer was given written notice of options under the telephone company's service offerings and did not make a timely election to exercise the customer's options. The telephone company may waive rebillings for underbillings in its discretion. (7-1-93)~~

~~**03. Rebilling Period.** The period for which rebilling under this rule is allowed shall be that provided by Section 61-642, Idaho Code, (three (3) years). (7-1-93)~~

~~**04. Refunds and Additional Payments.** The telephone company shall prepare a corrected billing indicating the refund due the customer or the amount due the telephone company. A customer who has been underbilled shall be given the opportunity to make payment arrangements under Rule 312 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued. The telephone company shall promptly refund amounts overpaid by the customer unless the customer consents to a credit against future bills, except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills. (7-1-93)~~

**2043. INACCURATELY BILLED SERVICE BILLING ERRORS, BILLING UNDER INCORRECT RATES, OR FAILURE TO BILL SERVICE UNDER CORRECT RATES (RULE 2043).**

**01. Billing Errors in Preparation -- Malfunctions -- Failure to Bill.** Whenever the billing for telephone service was not accurately billed because of malfunction in billing equipment or error in preparation of bills, the telephone company shall prepare a corrected billing. If the telephone company has not billed a customer for service provided, the telephone company shall prepare a bill for the period in which service was provided and the customer was not billed. At its discretion, ~~the telephone company may waive rebilling for underbillings in its discretion~~ undercharges. (7-1-93)

**02. Billing Under Incorrect Rates.** A customer has been billed under an incorrect

rate if the customer was billed under a rate for which the customer was not eligible or the customer, who is eligible for billing under more than one (1) rate, was billed under a rate contrary to the customer's election or the election was made based upon erroneous information provided by the telephone company. If a customer is billed under an incorrect rate, the telephone company must recalculate the customer's past bills and correctly calculate future bills based on the appropriate rate. The telephone company is not required to adjust bills when it has acted in good faith based upon information provided by the customer. ( )

**023. ~~Corrections~~ Rebilling Time Period.** ( )

**a.** If the time when the ~~error in preparation or malfunction of billing equipment~~ billing error, billing under incorrect rates, or failure to bill (collectively referred to as "billing problem") began cannot be reasonably determined to have occurred within a specified billing period, the corrected billings shall not exceed the most recent six (6) months before the discovery of the ~~error or malfunction~~ billing problem. ( )

**b.** If the time when the ~~malfunction or error or failure to~~ billing problem began can be reasonably determined, and the telephone company determines the customer was overcharged, the corrected billings shall go back to that time, but ~~need~~ not to exceed three (3) years from the time the billing problem occurred as provided by Section 61-642, Idaho Code (~~three (3) years~~).  
(7-1-93)( )

**c.** If the time when the billing problem began can be reasonably determined and the telephone company determines the customer was undercharged, the company may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. The telephone company is responsible for identifying customers who have not been billed or who have been inaccurately billed. ( )

**034. ~~Refunds and Additional Payments.~~** The telephone company ~~shall prepare a corrected billing indicating the refund due the customer or the amount due the telephone company~~ must promptly calculate refund amounts overpaid by the customer and issue a credit within two (2) billing cycles. Any remaining credit balance shall be credited against future bills unless the customer, after notice from the telephone company, requests a refund and the amount is more than twenty-five dollars (\$25). The telephone company shall advise the customer of the option to have any remaining credit balance exceeding twenty-five dollars (\$25) refunded. ~~A customer who has been underbilled shall be given the opportunity to make payment arrangements under Rule 312 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued. The telephone company shall promptly refund amounts overpaid by the customer unless the customer consents to a credit against future bills, except overbillings not exceeding fifteen dollars (\$15) may be credited to future bills.~~  
(7-1-93)( )

**05. Additional Payments.** The telephone company must promptly prepare a corrected billing for a customer who has been undercharged, indicating the amount owed to the company. An unbilled or undercharged customer must be given the opportunity to make payment arrangements under Rule 310 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the

customer was not billed. ( )

**2054. BILLING PROHIBITED -- BILLING DISPUTES (RULE 2054).**

**01. Unauthorized Charges.** No ~~person~~ telephone company shall bill ~~or cause another person to bill~~ for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other goods and service(s) ~~or merchandise~~ not ordered or otherwise authorized by the customer of record. ~~Any charges for these services that appear on a customer's bill shall be removed from the customer's bill no later than two (2) billing cycles following notice to the telephone company. Disputed charges must be removed from the customer's bill within two (2) months of when customers notify the company that the customer has been unable to either contact or successfully resolve a dispute with the service or goods provider and that the charge is still in dispute.~~ A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other service(s) or ~~merchandise~~ goods not ordered or otherwise authorized by the customer of record shall ~~not~~ be considered in violation of this rule ~~if~~ unless the disputed amounts are removed from the customer's bill within two (2) billing cycles of the customer's notification to the company. (7-1-99)( )

**02. Billing Disputes.** A telephone company that bills and collects for other telephone companies or entities is responsible for either addressing billing disputes regarding unauthorized goods and services for which it bills or advising customers how to contact the providers of those goods and services. If a customer is unable to either contact or successfully resolve a dispute about unauthorized goods and services for which the telephone company bills, a credit equal to the disputed charges must be applied to the customer's account within two (2) billing cycles of the customer's notification to the company. ( )

**2065. ~~TRANSFER OF BILLS -- RESIDENTIAL SERVICE~~ RESPONSIBILITY FOR PAYMENT OF RESIDENTIAL SERVICE BILLS (RULE 2065).**

**01. Customer Defined.** For purposes of this rule, "customer" means a person whose name appears on the telephone company's regular bill for residential service or who signed a written application for residential service or another document informing the customer that he or she was assuming an obligation for payment of service. (7-1-93)

**02. Customer's Responsibility.** A customer shall not be held responsible for payment of an amount not billed for the customer's own service or through use of the customer's own credit or facilities and whose own name does not appear on the current bill or application for service, unless: (7-1-93)

a. The customer expressly accepts responsibility for payment of the other person's bill; or (7-1-93)

b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

**03. Customer Notice.** The telephone company shall provide written notice of its intent to add to the customer's bill for current service an amount owed for another person's bill; or service rendered at a former service location, if the lapse in service exceeds sixty (60) calendar

days. The notice may be provided in an electronic format with the customer's consent. ( )

**034. Contents of Notice of Transfer of Bill to Another Customer.** ~~No telephone company shall transfer any amount owed by a customer or former customer to another customer's account without notice to the latter.~~ The notice must include the following information concerning the amount the telephone company is proposing to transfer: (7-1-93)( )

- a. The name of the customer of record who owes the bill; (7-1-93)
- b. The service location and telephone number or account number involved; (7-1-93)
- c. The time over which the ~~transferred~~ bill amount was accumulated; (7-1-93)( )
- d. The amount owed; (7-1-93)
- e. The reason(s) for ~~transferring~~ adding the bill amount to the customer's ~~account~~ billing statement; (7-1-93)( )
- f. Statement that payment arrangements may be made on the amount owed; (7-1-93)
- g. A statement that the customer has a right to contest ~~the transfer with~~ the telephone company's ~~or~~ proposed action by contacting the Commission; and (7-1-93)( )
- h. The response deadline after which the bill amount will be ~~transferred~~ added to the customer's billing statement. (7-1-93)( )

**045. Opportunity to Responded-Period.** The customer ~~is entitled to~~ must be given a minimum of seven (7) calendar days from the date of its proposed action to respond to the ~~transfer~~ telephone company notice. (7-1-93)( )

**05. Transfer of Bills for Customers Who Move.** ~~The telephone company is not required to notify a customer of its intent to transfer an amount owed if that customer remains a customer named on the bill and moves to another location within that telephone company's service territory and the lapse in service does not exceed sixty (60) days.~~ (7-1-93)

**~~207. BILLING FOR OTHER SERVICES (RULE 207).~~**

~~Telephone company bills for other services shall contain the mailing address(es) or toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about the services billed, sufficient information to readily identify the service provider, the services rendered, the associated specific charges for which the bill is tendered. Notwithstanding any contractual or regulatory provisions to the contrary, no telephone company shall be required to bill its customers on behalf of any person who fails to submit to the telephone company the information necessary to enable it to comply with this rule.~~ (7-1-99)

**2086. -- 299. (RESERVED).**

**DENIAL, RESTRICTION, AND TERMINATION OF SERVICE  
RULES 300 THROUGH ~~400~~ 399**

~~300. (RESERVED).~~

**3010. REQUIREMENTS EXPLANATION FOR AND CONTENTS OF NOTICE OF DENIAL OF A SERVICE TO A CUSTOMER (RULE 3010).**

If a telephone company intends to deny ~~an available~~ service to ~~an applicant~~ a customer under Rule 301, the telephone company must ~~give the applicant written~~ provide an explanation of its ~~refusal to serve. The explanation must state:~~ to the customer stating the reasons for the telephone company's refusal to provide service and the necessary action(s) to be taken to receive service. In the event of a dispute, the customer must be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (7-1-93)( )

~~01. The Reasons for Denial of the Service. (7-1-93)~~

~~02. Actions of Applicant. Actions the applicant may take to receive the telephone company's service; and (7-1-93)~~

~~03. Filing Complaint. That an informal or formal complaint concerning denial of the service may be filed with the telephone company or the Commission. (7-1-93)~~

**3021. GROUNDS FOR DENIAL OR TERMINATION OF LOCAL EXCHANGE SERVICE WITH PRIOR NOTICE (RULE 3021).**

A telephone company may deny or terminate local exchange service to a customer ~~or applicant~~ without the customer's ~~or applicant's~~ permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (3-30-01)( )

**01. Customer Did Not Pay Undisputed ~~Delinquent~~ Bills.** ~~The customer or applicant did not pay~~ With respect to undisputed ~~delinquent bills for local exchange services or paid a delinquent bill for local exchange services with any dishonored check.~~ past due bills for local exchange service, the customer: (1-1-95)( )

**a.** Failed to pay; ( )

**b.** Paid with a dishonored check; or ( )

**c.** Made an electronic payment drawn on an account with insufficient funds. ( )

**02. Customer Failed to Make a Security Deposit.** The customer ~~or applicant~~ failed to make a security deposit, when one is required. (3-30-01)( )

**03. Customer Failed to Abide by Terms.** The customer ~~or applicant~~ failed to abide by the terms of a payment arrangement. (7-1-93)( )

~~**04. Customer Misrepresented Identity.** The customer or applicant misrepresented the customer's or applicant's identity for the purpose of obtaining telephone service. (7-1-93)~~

**054. Customer Is Willfully Wasting or Interfering with Service.** The telephone company determines as prescribed by relevant state or other applicable standards that the



customer ~~or applicant~~ is willfully wasting or interfering with service through improper equipment or otherwise. (7-1-93)( )

**065. Customer Is ~~Using Service(s) for Which the Customer or Applicant Did Not Apply a Minor.~~** The customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (7-1-93)( )

**06. Obligation to Connect Service.** Nothing in this rule requires the telephone company to connect service for a customer who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years. ( )

**3032. GROUNDS FOR DENIAL OR TERMINATION OF A SERVICE, WITHOUT PRIOR NOTICE (RULE 3032).**

A telephone company may deny or terminate a service or all services without prior notice to the customer ~~or applicant~~ and without the customer's ~~or applicant's~~ permission for ~~one (1) or more~~ any of the following reasons: (7-1-93)( )

**01. Dangerous Condition.** A condition immediately dangerous or hazardous to life, physical safety, or property exists, or it is necessary to prevent a violation of federal, state or local safety or health codes. (7-1-93)

**02. Ordered to Terminate Service.** The telephone company is ordered to terminate service by any court, the Commission, or any other duly authorized public authority. (7-1-93)

**03. Illegal Use of Services-~~Obtained Illegally.~~** The service(s) was (were) obtained, diverted or used without the authorization or knowledge of the telephone company. (7-1-93)( )

**04. Customer Unable to Be Contacted.** The telephone company has tried diligently to meet the notice requirements of Rule 3043, but has been unsuccessful in its attempt to contact the customer-~~affected~~. (7-1-93)( )

**05. Misrepresentation of Identity.** ~~The customer has misrepresented the customer's identity for purposes of obtaining telephone service and has no or an inadequate security deposit on file with the company and has an outstanding bill exceeding one hundred (\$100) dollars. The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status.~~ (7-1-93)( )

**3043. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 3043).**

**01. Seven-Day Initial Notice.** If the telephone company intends to terminate local exchange service under Rule 3021, it must send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. Written notice may be provided by electronic mail (i.e. e-mail) if the customer is billed electronically and separately consents in writing to receiving electronic notification. This written notice must contain the information required by Rule 3064. (3-30-01)( )

**02. ~~Twenty-Four Hour~~ Final Notice.** At least twenty-four (24) hours before actual termination, the telephone company must diligently attempt to contact the customer *affected* to apprise the customer of the proposed action and the steps ~~to~~ the customer must take to avoid or delay termination. This oral notice must contain the same information required by Rule 3064. (3-30-01)( )

**03. Additional Notice.** If the telephone company has not terminated service within twenty-one (21) days after the proposed termination date as specified in a *written* notice, the telephone company must again provide notice under Rules 3043.01 and 3043.02 if it still intends to terminate service. (3-30-01)( )

**04. Failure to Pay—~~Payment with Dishonored Check.~~** No additional notice of termination is required if, upon receipt of a termination notice: (3-30-01)( )

**a.** The customer makes a payment arrangement and subsequently fails to keep that arrangement; ~~or~~ (3-30-01)( )

**b.** The customer tenders payment with a dishonored check; or (7-1-99)( )

**c.** Makes an electronic payment drawn on an account with insufficient funds. ( )

**305. (RESERVED).**

**3064. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (RULE 3064).**

**01. Contents of Notice.** The written, *electronic* or oral notice of intent to terminate local exchange service required by Rule 3043 must state: (1-5-95)( )

**01a. ~~The Reasons.~~** The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (7-1-93)( )

**02b. ~~Actions.~~** Actions the customer may take to avoid termination; (7-1-93)( )

**03c. ~~Certificate of Serious Illness or Medical Emergency.~~** That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 3086; (1-5-95)( )

**04d. ~~Complaint May be Filed.~~** That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's mailing address, Internet address, and telephone number must be given to the customer); (7-1-99)( )

**05e. ~~Telephone Company Willing to Make Payment Arrangements.~~** That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); and (7-1-99)( )

~~06f. **Partial Payments.** What amount must be paid in order to avoid termination of local exchange service and ~~that for purposes of disconnection,~~ partial payments will be applied toward past due charges for local exchange service ~~charges~~ first, ~~unless the customer requests otherwise, and that charges for services other than local exchange services cannot be used as a basis for disconnection.~~~~ (7-1-99)( )

**3075. TERMINATION OF LOCAL EXCHANGE SERVICE -- MAINTENANCE OF RECORDS (RULE 3075).**

Each telephone company shall maintain for three months clear, written records of the oral notices to terminate local exchange service required by Rule 3043.02 showing dates and telephone company employees giving the notices. (1-5-95)( )

**3086. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 3086).**

**01. Medical Certificate -- Postponement of Termination of Local Exchange or MTS Long-Distance Services.** A telephone company offering local exchange or MTS long-distance service between a residential customer and the customer's nearest community providing necessary medical facilities or services must postpone termination of local exchange or MTS long-distance service to a residential customer for thirty (30) calendar days from the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. The certificate must contain the following information: (4-6-05)( )

**a.** A statement that the customer, a member of the customer's family, or other permanent resident of the premises where service is provided, is seriously ill or has a medical emergency or will become seriously ill or may have a medical emergency because of termination of service; and that termination of local exchange service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (4-6-05)( )

**b.** If the customer requests that termination of MTS long-distance service be postponed, a statement that termination of MTS long-distance service would impair the customer's ability to communicate with necessary medical facilities or services. (4-6-05)( )

**c.** The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer. (4-6-05)

**d.** The name, title, and signature of the person certifying the serious illness or medical emergency. (4-6-05)

**02. Restoration of Service.** If local exchange or MTS long-distance service has already been terminated when the medical certificate is received, the appropriate service shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer shall receive local exchange and necessary MTS long-distance services for thirty (30) calendar days from the telephone company's receipt of the certificate. (4-6-05)( )

**03. Second Postponement.** The telephone company ~~must~~ may postpone termination of local exchange and necessary MTS long-distance service for an additional thirty (30) days upon receipt of a second certificate stating that the serious illness or medical emergency still exists; ~~unless during the period of the first certificate excessive or unwarranted MTS calls were incurred~~

~~and not paid or the customer refused to enter into payment arrangements.~~ (4-6-05)( )

**04. Verification of Medical Certificate.** The telephone company may verify the authenticity of the certificate and may refuse to delay termination of service if the certificate is a forgery or is otherwise fraudulent. (7-1-93)

**05. Obligation to Pay.** Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. (4-6-05)

**3097. MEDICAL FACILITIES -- SHELTER CARE (RULE 3097).**

Where local exchange or ~~MTS is~~ long-distance services are provided to a customer known by the telephone company to be or identifying itself as a medical care facility, including a hospital, medical clinic with resident patients, nursing home, intermediate care facility or shelter care facility, notice of pending termination shall be provided to the Commission and to the State Department of Health and Welfare as well as to the customer. Upon request from the Commission, a delay in termination of no less than seven (7) calendar days from the date of notice shall be allowed so that action may be taken to protect the interests of the facility's residents.

(1-1-95)( )

**3408. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 3408).**

**01. Termination Prohibited.** No customer shall be given notice of termination of local exchange services nor shall the customer's local exchange service be terminated if the unpaid bill for local exchange service cited as grounds for termination is: (1-1-95)( )

~~01a. Less Than Fifty Dollars. The customer's unpaid bill cited as grounds for termination is~~ Less than fifty thirty (\$530) dollars.; (7-1-99)( )

~~02b. Telephone Service to any Other Customer or Former Customer. The unpaid bill cited as grounds for termination is~~ fFor telephone service provided to any other customer or former customer (unless that customer has a legal obligation to pay the other bill) or for ~~any other~~ a class of service: (business or residential) other than the one to which the customer currently subscribes; (1-1-95)( )

~~03c. Results From the Purchase of MTS and Other Services. The unpaid bill cited as grounds for termination of service results from the purchase of~~ For MTS and or other goods and services, including but not limited to: provided by the telephone company or for which the telephone company bills; (1-1-95)( )

~~a. Directory advertising;~~ (1-1-95)

~~b. Information services, operator services or other services not provided by local exchange companies;~~ (1-1-95)

~~e. Leased or purchased customer premises equipment or other merchandise; or~~ (1-1-95)

**d.** ~~Inside wire maintenance.~~ For service provided four (4) or more years ago unless the customer made a payment on the bill within the past four (4) years, or the customer signed a written payment agreement and then failed to pay; (3-30-01)( )

**e.** The subject of an informal or formal complaint filed with the Commission; or ( )

**f.** Is at issue in a case pending before a court in the state of Idaho unless termination is authorized by court order. ( )

~~**04. Other Person Has an Unpaid Balance for Service.** The customer lives at a residence where another person lives and the other person has an unpaid balance for service, except when the customer has a legal obligation to pay the other persons's bill. (1-1-95)~~

**~~31109. RESTRICTIONS ON TERMINATION OF LOCAL EXCHANGE SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 31109).~~**

**01. When Termination Not Allowed.** Unless the customer affected has consented in writing, local exchange service shall not be terminated on any Friday after twelve noon or on any Saturday, Sunday, legal holidays recognized by the state of Idaho, or after twelve noon on any day immediately before any legal holiday, or at any time when the telephone company's business offices are not open for business, except as authorized by Rules ~~3032.01~~ and ~~3032.02~~, or for non-residential customers, as authorized by any Subsection of Rule ~~3032~~. Local exchange services may be terminated only between the hours of 8 a.m. and 4 p.m., except as authorized by Rules ~~3032.01~~ and ~~3032.02~~. (1-1-95)( )

**02. Personnel to Authorize Reconnection.** Each telephone company providing local exchange service shall have personnel available after the time of termination who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the telephone company's satisfaction. Customers may be asked to pay reconnection fees before restoration of service. (1-1-95)

**03. Service to Persons Not Customers.** If local exchange service is provided to a residence and the account is in the name of one who does not reside there, the telephone company, prior to termination, shall notify the person(s) receiving service and afford the person(s) a reasonable opportunity to negotiate directly with the telephone company to purchase service in the resident's(s') own name(s). (1-1-95)

**04. No Termination While Complaint Pending.** Except as authorized by order of the Commission or of the Judiciary, local exchange service shall not be terminated for failure to pay amounts in dispute while a complaint over that telephone service filed pursuant to Rule ~~4021~~ is pending before this Commission or while a case placing at issue payment for that telephone service is pending before a court in the state of Idaho. (1-1-95)( )

**~~3120. PAYMENT ARRANGEMENTS (RULE 3120).~~**

**01. Arrangements Allowed.** When a customer cannot pay a bill in full, the telephone

company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill will be paid. (7-1-93)

**02. Reasonableness.** In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history and length of service, and the amount of time and reasons why the debt is outstanding. (7-1-93)

**03. Application of Payment.** Payments are to be applied first to the undisputed past due balance owed by the customer for local exchange services, ~~and associated installation charges, taxes, and surcharges, unless the customer designates otherwise.~~ (7-1-99)

~~**04. Notice of Allocation Procedures.** The telephone company shall notify customers of its procedures for allocating partial payments in its annual summary of these rules given pursuant to Rule 602.01 and in its written seven-day notice sent pursuant to Rule 304.01. In discussing or negotiating payment arrangements, the local exchange telephone company shall advise the customer what amount of payment the customer must allocate to local exchange service or to MTS long-distance service or other goods and services in order to prevent the termination of or restriction of access to retain those goods and services. ~~If the telephone company successfully contacts the customer pursuant to the requirements of Rule 304.02, the company shall likewise advise the customer of the amounts that the customer must allocate to local exchange service and/or MTS services or other services to avoid termination of those services.~~ (7-1-99)( )~~

**054. Second Arrangement.** If a customer fails to make the payment ~~agreed upon~~ by the agreed due date that it is due, the telephone company may, but is not obligated to, enter into a second arrangement. (1-1-95)( )

**065. When Arrangement Not Binding.** No payment arrangement binds a customer if it requires the customer to forego any right provided for in these rules. (1-1-95)

~~**313. (RESERVED).**~~

**3141. DENIAL, RESTRICTION, MODIFICATION, OR TERMINATION OF MTS LONG-DISTANCE SERVICE OR OTHER SERVICES (RULE 3141).**

**01. Compliance.** Telephone companies regulated under Title 61, Idaho Code, providing MTS long-distance or other services must comply with Rules 3010, 3032, ~~Subsections 31109.03, and 31109.04, and Rule 3120~~ in connection with denial, restriction, modification, or termination of those services. Telephone companies providing MTS long-distance or other services must provide reasonable notice before terminating or restricting access to such services, except as provided by Rule 3032. Telephone companies providing MTS long-distance services must provide reasonable notice before modifying a customer's existing service. Nothing in this rule abrogates customers' rights under those telephone companies' tariffs or filings, written agreements with customer, or obligations otherwise imposed by statutory or common law. (7-1-99)( )

**02. Failure to Pay.** A customer's failure to pay for undisputed MTS long-distance

charges billed by the local exchange company may result in loss of 0+ or 0- and 1+ dialing access to *MTS* long-distance services until such time as the customer pays the undisputed charges and any applicable reconnection charges, *if any*. (7-1-99)( )

**03. Loss of Services.** Customer failure to pay undisputed charges for other services may result in loss of those services. (1-1-95)

**312. CESSATION OF SERVICE IN A SERVICE AREA (RULE 312).**

**01. Single Local Service Provider.** A telephone company that intends to terminate a service regulated under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is the only eligible telecommunications carrier, must comply with the following: ( )

**a.** Petition the Commission for authority to terminate the service at least ninety (90) days before the company intends to terminate the service. If the Commission does not deny the petition or set it for hearing within ninety (90) days after receiving the petition, it shall be deemed approved; ( )

**b.** Mail a notice to each affected customer and to each telecommunications provider affected by the proposed cessation no later than ten (10) days after filing its petition with the Commission. ( )

**c.** Include with its petition a copy of the notice to customers and the number of customers affected by the proposed cessation; ( )

**d.** Demonstrate that the termination will not deprive the public of necessary telephone services; ( )

**e.** Obtain Commission approval before transferring customers to other telecommunications providers. ( )

**02. Competitive Local Service Provider.** A local exchange company that intends to terminate local exchange service that is not subject to regulation under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is not the only eligible telecommunications carrier, must comply with the following: ( )

**a.** Provide notice to the Commission and each affected customer at least forty-five (45) days prior to the proposed termination of service; ( )

**b.** Inform the Commission of the number of customers and the other providers affected by the proposed termination, and the company's plan to ensure that all customers served by the company will continue to be served; ( )

**c.** The telecommunications company may, after complying with this rule, transfer customers to another telecommunications provider without obtaining affirmative approval from affected customers if the following conditions are satisfied: ( )

i. The company terminating service has a written commitment from another provider to accept all of the exiting company's customers within the receiving company's service area; ( )

ii. All affected customers are notified at least forty-five (45) days in advance that they may apply to another telecommunications company for the service that is being terminated, and that if they do not obtain service from another provider, then the exiting company will automatically transfer them to the receiving company. ( )

iii. The receiving company may provide service to the terminating company's customers for up to forty-five (45) days without the affected customer applying for service from the receiving company. If the affected customers do not apply for service from or otherwise affirm an agreement to be served by the receiving company within forty-five (45) days, the receiving company may discontinue service. ( )

**3153. -- ~~400399~~. (RESERVED).**

## **COMPLAINT PROCEDURE**

### **RULES 400 THROUGH 499**

#### **4040. COMPLAINT TO TELEPHONE COMPANY (RULE 4040).**

**01. Subject Matter.** A customer ~~or applicant~~ for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, ~~MTS, operator and directory assistance services, or~~ other services. ~~The customer or applicant may request a conference with the telephone company, but this provision does not affect any statute of limitation that might otherwise apply.~~ Complaints to the telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint ~~or request for conference~~, the customer ~~or applicant~~ shall state the customer's ~~or applicant's~~ name, service address, telephone number and the general nature of the complaint. (7-1-93)( )

~~**02. Obligations for Billing Disputes.** A local exchange company that bills and collects for other entities is responsible for either addressing complaints for all services and merchandise billed or for providing the customer with the mailing address(es) or toll-free telephone numbers so the customer may contact the supplier of services or merchandise billed. If the customer informs the LEC that another company's charge is disputed, the LEC must stop any payment allocations to the disputed charge. The disputed charge must be permanently removed from the LEC's bill no later than two (2) billing cycles following the billing cycle during which the complaint is registered unless the customer agrees to pay the disputed bill prior to that time.~~ (7-1-99)

**032. Conference Company Investigation.** Upon receiving a complaint ~~or a request for~~



*conference*, the telephone company shall promptly, thoroughly and completely investigate the complaint, confer with the customer ~~or applicant~~ when requested, and notify the customer ~~or applicant~~ of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification shall advise the customer ~~or applicant~~ that the customer ~~or applicant~~ may request the Commission to review the telephone company's proposed disposition of the complaint. (7-1-93)( )

**043. Service Maintained.** The telephone company shall not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint. (7-1-93)

**4021. REVIEW BY COMMISSION (RULE 4021).**

**01. Informal Review.** The Commission has authority to investigate and resolve complaints made by subscribers to telecommunication services that concern the quality and availability of local exchange service, or whether price and conditions of service are in conformance with filed tariffs or price lists, deposit requirements for such service or disconnection of such service. If a customer ~~or applicant~~ who has complained to a telephone company is dissatisfied with a telephone company's proposed disposition of the complaint, the customer ~~or applicant~~ may request the Commission to review informally the disputed issue and the telephone company's proposed disposition of the complaint. The Commission may consider complaints regarding any telephone services, ~~whether subject to rate regulation or not over which the Commission has authority.~~ (7-1-93)( )

**02. Procedure on Review.** The Commission will process these requests as informal complaints pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq. Telephone service shall not be terminated nor shall termination be threatened by notice or otherwise in connection with the subject matter of the complaint while the complaint is pending before the Commission so long as the customer continues to pay all amounts not in dispute, including current telephone bills. Upon request by any party, the parties and a representative of the Commission shall be required to meet and confer. (7-1-93)

**03. Rights Protected.** No customer ~~or applicant~~ shall be denied the opportunity to file a complaint with the Commission. (7-1-93)( )

**04. Formal Complaints.** Formal complaints may be filed according to the Commission's Rules of Procedure, IDAPA 31.01.01.000, et seq. (7-1-93)

**4032. RECORD OF COMPLAINTS (RULE 4032).**

**01. Recordkeeping.** Each telephone company must keep a record of written complaints and requests for conferences pursuant to Rules ~~4010~~ and ~~4021~~. These records must be retained for a minimum of one year at the office of the telephone company where the complaints were received ~~or conferences held~~. These written records are to be readily available upon request by the complaining customer ~~or applicant~~, the customer's ~~or applicant's~~ agent possessing written authorization, or the Commission. The records must note whether the customer was advised as required by Rule ~~4010~~.03 that the customer ~~or applicant~~ may request the Commission to review the telephone company's proposed disposition of the complaint. (7-1-93)( )

**02. Reporting.** When previously ~~directed~~ requested by the Commission, a telephone company must submit a report to the Commission that states and classifies the number of complaints made to the telephone company pursuant to Rules ~~4070~~ and ~~4021~~ and the general subject matter of the complaints. (7-1-93)( )

**4043. RESPONSES TO INFORMAL COMPLAINTS (RULE 4043).**

Within ten (10) business days of receiving notification from the Commission that an informal complaint involving the company has been filed with the Commission, telephone companies must either respond orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (7-1-99)

**4054. -- ~~500499~~. (RESERVED).**

**QUALITY OF SERVICE**  
**RULES ~~5040~~ THROUGH ~~600599~~**

**5040. QUALITY OF SERVICE (RULE 5040).**

**01. Service Standards.** Each telephone company providing local exchange service pursuant to Title 61 or Title 62, Idaho Code, as applicable, and each eligible telecommunications carrier (ETC) is required to employ prudent management and engineering practices to ensure that customers receive the best quality of service practicable. Each telephone company is required to adopt and pursue a maintenance program aimed at achieving efficient operation of its systems to render safe, adequate and uninterrupted service. These programs must include guidelines for keeping all plant and equipment in good repair, including the following: (7-1-93)( )

**a.** Broken, damaged or deteriorated equipment must be promptly repaired or replaced; and (7-1-93)

**b.** Transmission problems (including induction, cross-talk, or other poor transmission on any line) must be promptly corrected when located or identified. (7-1-93)

**02. Service Outage.** If a customer's local telephone service quality deteriorates to such an extent that the customer cannot make local calls or cannot receive local calls or cannot use the service for voice grade communication because of cross-talk, static or other transmission problem, the telephone company must respond to a customer's report of such a "service outage" in accordance with Rule ~~5032~~. Customer's bills must be appropriately and automatically credited pursuant to the terms of Rule ~~5032~~. (7-1-93)( )

**5021. RESPONSE TO SERVICE OUTAGE (RULE 5021).**

**01. Receipt and Recording of Reports.** Each telephone company providing local exchange service ~~pursuant to Title 61, Idaho Code,~~ shall provide for the receipt of customer

trouble reports at all hours and make a full and prompt investigation of and response to all reports. The telephone company shall maintain an accurate record of trouble reports made by its customers. This record shall include accurate identification of the affected customer or service ~~affected~~, the time, date and nature of the report, the action taken to clear the trouble or satisfy the customer, and the date and time of trouble clearance or other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within two (2) years of the date of the record. (3-30-01)( )

**02. Repair Commitments.** Commitments to customers for repair service shall be set in accordance with Rule 5032. Each telephone company shall make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. Failure to meet a repair commitment does not relieve the telephone company of the credit provisions in Rule 5032.01, unless the customer fails to keep an appointment the customer agreed to when the original commitment was made. (7-1-93)( )

**5032. REPAIR SERVICE STANDARDS (RULE 5032).**

**01. Restoration of Service.** When a telephone company providing local exchange service ~~pursuant to Title 61, Idaho Code~~, is informed by a customer of a service outage as described in Rule 5040.02, the telephone company must: (7-1-99)( )

**a.** Restore service within sixteen (16) hours after the report of the outage if the customer notifies the telephone company that the service outage creates an emergency for the customer; or (7-1-93)

**b.** Restore service within twenty-four (24) hours after the report of the outage if no emergency exists, except that outages reported between noon on Saturday and 6 p.m. on the following Sunday must be restored within forty-eight (48) hours or by 6 p.m. on the following Monday, which ever is sooner. If the telephone company does not restore service within the times required by this Rule the telephone company must credit the customer's account for an amount equal to the monthly rate for one (1) month of basic local exchange service. (7-1-93)

**02. Extenuating Circumstances.** Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone company is not required to provide the credit referred to in Rule 5032.01 as long as it uses reasonable judgment and diligence to restore service, giving due regard for the needs of various customers ~~and the requirements of the telecommunications service priority (TSP) program ordered in FCC Docket 88-341 (47 C.F.R. Part 64 Appendix A)~~. When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to provide to that customer the credit referred to in Rule 5032.01. (7-1-99)( )

**03. Compliance Standard.** Each month at least ninety percent (90%) of out-of-service trouble reports shall be cleared in accordance with Rules 5032.01 and 5032.02. The telephone company shall keep a monthly service record as described in Rule 5021.01 and shall

notify the Commission ~~whenever~~ if the record indicates the ninety percent (90%) level has not been met for a period of three (3) consecutive months. (7-1-99)( )

5043. -- ~~600599~~. (RESERVED).

MISCELLANEOUS PROVISIONS  
RULES ~~6040~~ THROUGH ~~700699~~

~~601. DIRECTORIES AND CUSTOMER LISTINGS (RULE 601).~~

~~01. Directory Provided. Each local exchange company must annually provide to all customers without charge at least one (1) local exchange directory per access line. The directory must include:~~ (7-1-93)

~~a. The name, address and telephone number of each customer subscribing to local exchange service for that directory's exchanges, excluding public pay telephones and names, addresses or telephone numbers omitted at the customer's request;~~ (7-1-93)

~~b. The name, address and toll-free telephone number(s) of the local exchange company; and~~ (7-1-93)

~~e. The name, address and telephone number of the Commission, together with a statement that if a dispute cannot be resolved directly with the telephone company, a complaint may be filed with the Commission.~~ (7-1-93)

~~02. Listing. Each customer who wishes the customer's name, address or telephone number to be listed in the white pages of the directory must be given one (1) free listing in the customer's local exchange directory for each account.~~ (7-1-93)

~~6020. SUMMARY OF RULES INFORMATION TO CUSTOMERS (RULE 6020).~~

~~01. Local Exchange Companies. Each telephone company providing local exchange service is required to make available to its customers a summary of these rules approved by the Commission. This summary must be provided to customers at least once each year and provided to each new customer upon commencement of service. This summary may be included at least once a year in a regular mailing of the telephone company's bill or printed in the telephone directory in the informational section preceding the white page listings. If the summary is contained in the telephone directory, giving the customer the directory and calling the customer's attention to the summary of the rules contained in the directory satisfies this requirement.~~  
Required Information. Each telephone company providing local exchange service must make the following information available to its customers: (7-1-93)( )

~~a. A summary of the general terms and conditions under which service is provided, referring to these rules as appropriate;~~ ( )

~~b. A clear and concise explanation of;~~ ( )

- i. All the goods and services for which the customer is billed, including those goods and services provided as part of a package offered by the telephone company; ( )
- ii. All recurring charges associated with individual goods and services or package of goods and services for which the customer is billed; ( )
- iii. Any early termination fees that apply if the customer terminates service prior to the end of a service agreement or contract period; ( )
- iv. The telephone company's dispute resolution procedures and a statement that an informal or formal complaint may be filed with the Commission; and ( )
- v. If the customer subscribes to non-published service, the circumstances under which the telephone company will release information about the customer or the customer's service and to whom it will be released. ( )

**02.** ~~All Telephone Companies.~~ ~~All telephone companies must make a summary of the kind described in Subsection 602.01 available in their local offices and to each of their customers requesting a summary.~~ **When and How Information Provided.** Information must be provided to customers in writing upon initiation of service and whenever a material change in the terms and conditions of service or charges for goods and services takes place. Information provided upon initiation of service may be separately mailed or included with the paper or electronic billing statement delivered to the customer. Subsequent notices may be made by separate mailing, included with a billing statement or, with the customer's consent, by electronic notice with reference to information contained on the telephone company's website. (7-1-93)( )

**6031. ACCESS TO EMERGENCY SERVICES (RULE 6031).**

In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company shall provide access to those services to all its customers. (7-1-99)

**6042. REQUEST FOR TELEPHONE COMPANY RECORDS (RULE 6042).**

**01. General Rule.** If any telephone company subject to these rules is directed by ~~legal process or otherwise~~ subpoena or court order to disclose customer records, as soon as practical, it must notify the customer what records were requested and of the company's response to the request. In no case shall the reasonable period of time under this rule exceed two (2) business days after deciding ~~whether~~ to abide by that request. (7-1-93)( )

**02. Exceptions.** This rule does not apply: (7-1-93)

~~a.~~ ~~If a judge of a court of competent jurisdiction has ordered a telephone company not to disclose that it has complied with a summons court order or subpoena to turn over a customer's telephone records (the telephone company is excused from complying with this rule so long as the judicial order is in effect);~~ (7-1-93)( )

~~b.~~ ~~If a grand jury, officers participating before a special inquiry judge or officers participating in any other investigation required by law to be secret and confidential order a~~

~~telephone company not to disclose that it has complied with a summons or subpoena to turn over a customer's telephone records (the telephone company is excused from complying with this rule until it has been notified to the contrary); or~~ (7-1-93)

~~e. If federal or state law enforcement agencies or officers who have been granted the authority of summons or subpoena by statute or rule when the agency or officer certifies in writing that disclosure could impede an investigation and thereby interfere with the enforcement of the law (a certification shall be made for no more than ninety (90) days, but re-certification at the expiration of each ninety (90) day period is allowed).~~ (7-1-93)

~~03. **Definition of Records.** The term "records" used in this rule refers to records of message telecommunications service and local calls (if available).~~ (7-1-93)

**6053. AUTOMATIC RECORDING (RULE 6053).**

Certain federal, state or local agencies have been permitted by rule or tariff approved by or filed with the Federal Communications Commission or this Commission to automatically record all telephone conversations on certain lines of the agency. This automatic recording is allowed for security, safety or public interest purposes. Release of telephone conversations automatically recorded by such a government agency for purposes unrelated to security, safety or the public interest is expressly prohibited under the authority of rules or tariffs authorizing automatic recording of conversations. This rule does not preclude the records' release pursuant to independent judicial, executive, legislative, or other order or authorization for release of such conversations, or upon consent of all parties whose conversations were recorded. (7-1-93)

**604. PUBLIC NOTICE (RULE 604).**

Telephone companies must give "public notice" of all proposed changes in rates as required by Section 62-606, Idaho Code. Public notice must be reasonably designed to call affected customers' attention to the proposed changes in rates. Legal advertisements alone will not be considered adequate public notice. Individual notice to all customers affected will always constitute public notice. Notices of rate increases must be provided to individual customers at least ten (10) days before change is effective. ( )

**605. TELEPHONE SOLICITATIONS (RULE 605).**

Each telephone company providing local exchange service must summarize the provisions of Sections 48-1001 et seq., Idaho Code, in an annual insert in a billing statement mailed to customers or by conspicuous publication in the consumer pages of the local telephone directory. Local exchange companies may meet the requirements of this notice by publishing the following explanation or one (1) substantially similar: ( )

**IMPORTANT NOTICE CONCERNING PURCHASE  
OF GOODS AND SERVICES BY TELEPHONE**

You have important rights under the Idaho Telephone Solicitation Act. Under this Act it is illegal for persons attempting to sell you goods or services by telephone (telephone solicitors):

- To intimidate or harass you in connection with the attempted sale.
- To refuse to hang up and free your telephone line immediately once you request them to do so.
- To misstate the price, quality, or availability of goods or services, or to fail to reveal all material terms relating to the sale of goods or services.
- To advertise, represent or imply that they have the endorsement of any government office or agency when they do not.
- To advertise, represent or imply that they have a valid registration number with the Attorney General when they do not.
- To use any unfair method of competition or unfair or deceptive practice.

Any person not yet eighteen (18) years old who purchases goods or services pursuant to a telephone solicitation may cancel the purchase within a reasonable time after the purchase is made. No parent or legal guardian having custody of a person not yet eighteen (18) years old is liable for the purchase of goods or services by a person not yet eighteen (18) years old pursuant to telephone solicitation.

When you agree to purchase goods or services over the telephone, you may have a right to reconsider and cancel your agreement for three (3) business days after receiving a written confirmation of the sale.

A person whose rights are violated by telephone solicitors may have the right to declare a contract of purchase null and void or invoke other remedies under the Idaho Consumer Protection Act.

If you believe that a telephone solicitor has done any unlawful acts, you may contact the Attorney General's Office for assistance and information at: 1 (800) 432-3545 (toll-free) or 334-2424 (Boise area).

( )

**606. INFORMATION, PRICE LISTS OR TARIFFS FOR NON-LOCAL EXCHANGE SERVICE (RULE 606).**

**01. Information to be Filed.** All telephone corporations, except mutual nonprofit or cooperative corporations, that did not on January 1, 1988, hold a certificate of public convenience and necessity issued by the Commission and that do not provide basic local exchange service are required by Section 62-604(1)(b), Idaho Code, to file a notice with this Commission before offering services in Idaho. The notice must contain the following information: ( )

**a.** The name of the telephone corporation and the business name of the telephone corporation if it does business under an assumed business name; ( )

**b.** The United States and electronic (if available) mailing addresses of the principal place of business of the telephone corporation, and, if there is a principal place of business in Idaho, the addresses of the principal place of business in Idaho; ( )

**c.** An agent in Idaho for service of process by the Commission in the state of Idaho including the agent's United States and electronic (if available) mailing addresses; ( )

**d.** A description of the telecommunication services offered by the telephone corporation and a map of the area(s) served by the telephone corporation or in which the telephone corporation offers or intends to offer service; ( )

**e.** Address(es) and toll-free telephone number(s) for personnel responsible for handling consumer inquiries, complaints, etc., by the public; and ( )

**f.** Name(s), United States mail and electronic (if available) addresses, and telephone number(s) of person(s) designated as a contact for the Commission Staff in resolving consumer complaints, responding to consumer inquiries, and answering matters concerning rates and price lists or tariffs. These notices must be updated at least annually, between December 1 and December 31 each year, and whenever there is a change in the telephone corporation's name, address, or agent for service of process. ( )

**02. Service.** Notices, orders, rules, complaints and other documents issued by the Commission may be served by United States or electronic mail on the agent for service of process listed pursuant to this rule. This service constitutes due and timely notice to the telephone corporation, and no further service is necessary to bind the telephone corporation. Telephone corporations obligated by statute to file the notice required by this rule, but failing to do so, are bound by the Commission's motions, orders, rules, complaints and other documents upon their filing with the Commission Secretary. ( )

**607. PRICE LISTS OR TARIFF FILINGS (RULE 607).**

**01. Price Lists or Tariffs.** All telephone corporations subject to the Telecommunications Act of 1988 are required by Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, to file for informational purposes price lists or tariffs that reflect the availability, price, terms and conditions of all telecommunication services not offered under Title 61 of the Idaho Code. The price lists or tariffs



- must: ( )
- a.** Contain a title page identifying the telephone corporation; ( )
  - b.** Show on each page the name of the company, the date of issuance and an effective date for their rates; ( )
  - c.** Contain a table of contents; ( )
  - d.** Number pages and paragraphs describing the services; ( )
  - e.** Show when pages or services have been cancelled or revised; and ( )
  - f.** Provide a mechanism (e.g., page revision numbers) for tracing additions, deletions or amendments to the price list or tariff. The price lists or tariffs must include schedules of rates for each type of service generally made available to subscribers, showing the effective date of all rates and charges and listing any rules and regulations associated with provision of the services. Surcharges, discounts, hours of availability, minimum service periods, and other conditions of service must be detailed. ( )

**02. Changes to Price Lists or Tariffs.** When required by Section 62-606, Idaho Code, changes to price lists or tariffs are effective not less than ten (10) days after filing with the Commission and giving public notice to affected customers except for charges for non-recurring services quoted directly to the customer when an order is placed or price reductions, both of which may take effect immediately with filing. Changes to price lists or tariffs must be accompanied by a letter of transmittal stating how affected customers received notice of the changes to price lists or tariffs. See Rule 604. ( )

**03. Tracking Price Lists or Tariffs.** Each revision to a price list or tariff must be accompanied by a cover letter summarizing the changes to the price list or tariff, specifically referring to existing tariff pages affected by the new price list or tariff and stating whether new pages replace, are in addition to, or delete existing pages. The Commission Secretary may adopt a system to number each company's changes to its price lists or tariffs. ( )

**608. FORM AND NUMBER OF COPIES OF PRICE LIST OR TARIFF (RULE 608).** Price lists or tariffs filed pursuant to Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, must have a blank space approximately three by one and one-half inches (3" x 1-1/2") square provided for the Commission's filing stamp in the upper right or lower right corner of each schedule filed. An original and three (3) copies of the price list or tariff must be filed with the Commission. The Commission stamps its indication that the price list or tariff has been filed in the space provided on each copy of the price list or tariff, placing the original in its files and returning one copy to the telephone corporation. ( )

**6069. -- ~~700699~~. (RESERVED).**

**SLAMMING PROVISIONS**  
**RULES ~~7040~~ THROUGH ~~800799~~**

**7040. THE UNAUTHORIZED CHANGE OF A CUSTOMER'S TELEPHONE COMPANY (RULE 7040).**

Local exchange companies and interexchange carriers are prohibited from submitting or executing an unauthorized change in a customer's selection of a provider of local or long distance telephone service. This practice is commonly referred to as "slamming." The Commission will administer the Federal Communications Commission's regulations regarding slamming.

(3-15-02)

**7021. ADOPTION OF FEDERAL SLAMMING REGULATIONS (RULE 7021).**

The Commission adopts the slamming regulations promulgated by the Federal Communications Commission and found at Sections 64.1100 through 64.1170 and 64.1190, Title 47, Code of Federal Regulations (October 1, 2004). Local exchange companies and interexchange carriers shall comply with applicable provisions of the federal regulations adopted by reference except as modified in Rule 7032.

(4-6-05)( )

**7032. STATE PROCEDURES (RULE 7032).**

The federal slamming procedures incorporated by reference in Rule 7021 are modified as follows:

(3-15-02)( )

**01. Form.** Complaints regarding an unauthorized carrier change may be filed with the Commission in person, by mail, by e-mail, or by telephone. E-mail complaint forms may be found at [www.puc.idaho.gov](http://www.puc.idaho.gov). A copy of the telephone bill(s) in dispute and other relevant evidence shall be provided to the Commission by the complaining party. The slamming complaint shall include the following information:

(3-15-02)

- a. Name, address and telephone number of complainant; (3-15-02)
- b. Name/identity of the alleged slamming carrier; (3-15-02)
- c. Name of the previous authorized carrier; (3-15-02)
- d. Name of the billing entity; (3-15-02)
- e. Date the alleged slamming occurred; (3-15-02)
- f. Whether the customer has been restored to the preferred carrier; (3-15-02)
- g. Whether the customer has paid any or all of the disputed charges; (3-15-02)
- h. Efforts in attempting to resolve the alleged slamming; and (3-15-02)
- i. Whether the customer was charged for changing carrier(s). (3-15-02)

**02. Procedure.** The Commission's Consumer Assistance Staff shall be responsible for resolving slamming complaints under the Commission's informal complaint procedures in IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Rules 21 through 24. Not later than twenty-one (21) calendar days after notification of a slamming complaint, the alleged unauthorized carrier shall provide to the Consumer Assistance Staff a copy

of any valid proof of verification of the carrier change and any other evidence relevant to the complaint. Use of the Commission's informal complaint procedures are mandatory. (3-15-02)

**03. Written Determination.** When its informal investigation is complete, the Consumer Assistance Staff shall issue a written determination to the customer, alleged unauthorized carrier, and the authorized carrier. (3-15-02)

**04. Appeal of Staff Determination.** A customer or carrier aggrieved by the Consumer Assistance Staff's determination of a slamming complaint may file a formal complaint with the Commission pursuant to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Rule 54. An appeal of Staff's determination shall be filed with the Commission Secretary within twenty-one (21) calendar days of the Staff's written determination. An aggrieved party's failure to file a formal complaint shall constitute a waiver or abandonment of the slamming complaint. (3-15-02)

**7043. -- 999. (RESERVED).**

# IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

## 31.41.02 - INFORMATION TO CUSTOMERS OF TELEPHONE COMPANIES

### DOCKET NO. 31-4102-0901 (CHAPTER REPEAL)

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

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 the Idaho Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-507, 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 to repeal the chapter was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 301.**

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the repeal of this chapter, contact Weldon B. Stutzman, Deputy Attorney General, at (208) 334-0318.

DATED this 13th day of November, 2009.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:  
472 W Washington  
Boise, Idaho 83702-5918

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission proposes to repeal its Utility Customer Information Rules. This action is authorized pursuant to Sections 61-507, 62-605, 62-606, and 62-615, 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 21, 2009.

The hearing site 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 Commission's address below.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for repealing IDAPA 31.41.02.

**Changes in federal and state law since 1996 make it possible to eliminate some of the rules in IDAPA 31.41.02 and move the remainder to the IPUC's Telephone Customer Relations Rules, IDAPA 31.41.01 et seq.**

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

There are no fees associated with this proposed rulemaking.

**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 fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was conducted through a public workshop on July 28, 2009, and by written comments received by electronic mail. Members of the public and representatives of at least seven (7) telecommunications companies participated in the informal negotiated rulemaking process.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the rescission of these rules, contact Weldon Stutzman, Deputy Attorney General, at (208) 334-0318.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2009.

DATED this 28th day of August, 2009.

***IDAPA 31.41.02 IS BEING REPEALED IN ITS ENTIRETY.***

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.42.01 - THE IDAHO PUBLIC UTILITIES COMMISSION RULES FOR TELEPHONE CORPORATIONS SUBJECT TO THE RULES OF THE IDAHO PUBLIC UTILITIES COMMISSION UNDER THE TELECOMMUNICATIONS ACT OF 1988 (THE TITLE 62 TELEPHONE CORPORATION RULES)

DOCKET NO. 31-4201-0901 (CHAPTER REPEAL)

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

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 the Idaho Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-507, 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 to repeal the chapter was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 302.**

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the repeal of this chapter, contact Weldon B. Stutzman, Deputy Attorney General, at (208) 334-0318.

DATED this 13th day of November, 2009.

Jean D. Jewell, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission proposes to repeal its Utility Customer Information Rules. This action is authorized pursuant to Sections 61-507, 62-605, 62-606, and 62-615, 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 21, 2009.

The hearing site 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 Commission's address below.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for repealing IDAPA 31.42.01.

**Changes in federal and state law since 1996 make it possible to eliminate some of the rules in IDAPA 31.42.01 and move the remainder to the IPUC's Telephone Customer Relations Rules, IDAPA 31.41.01 et seq.**

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

There are no fees associated with this proposed rulemaking.

**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 fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was conducted through a public workshop on July 28, 2009, and by written comments received by electronic mail. Members of the public and representatives of at least seven (7) telecommunications companies participated in the informal negotiated rulemaking process.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the rescission of these rules, contact Weldon Stutzman, Deputy Attorney General, at (208) 334-0318.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2009.

DATED this 28th day of August 2009.

***IDAPA 31.42.01 IS BEING REPEALED IN ITS ENTIRETY.***

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

**38.03.01 - RULES GOVERNING GROUP INSURANCE**

**DOCKET NO. 38-0301-0901 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section 67-5761(1)(b), 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 423 through 429.**

**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 cost of the 2-year supplemental reimbursement for individuals in the Medicare prescription drug gap will be \$400,000 per year (for a total of \$800,000), plus administrative expenses related to handling claims for reimbursement. It is estimated that the change to requiring part time employees to work 20 hours per week or more for five (5) consecutive months will save the State approximately \$150,000 per year. These rules also incorporate recent legislative changes regarding the retiree eligibility and recent plan design changes which achieve an estimated savings of \$9.9 million per year; plus the pro-rata contribution changes for part-time employees, effective in November 2009, which will further save the State approximately \$5.9 million per year.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cynthia Ness, Employee Benefits Program Manager, Office of Group Insurance, Department of Administration at (208) 332-1865.

DATED this 29th day of October, 2009.

Melissa Vandenberg  
Deputy Attorney General  
Department of Administration  
650 W. State Street, Room 100  
P.O. Box 83720

Boise, ID 83720-0003  
Ph: (208) 332-1832  
Fax: (208) 334-2307



***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED 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 67-5761(1)(b), 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 21, 2009.

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:

**These new Group Insurance rules will establish State employee and retired State employee eligibility requirements and the two year supplemental reimbursement for individuals in the Medicare prescription drug gap.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There are no fees or charges being imposed through this rulemaking.

**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 cost of the 2-year supplemental reimbursement for individuals in the Medicare prescription drug gap will be \$400,000 per year (for a total of \$800,000), plus administrative expenses related to handling claims for reimbursement. It is estimated that the change to requiring part-time employees to work 20 hours per week or more for five (5) consecutive months will save the State approximately \$150,000 per year. These rules also incorporate recent legislative changes regarding the retiree eligibility and recent plan design changes which achieve an estimated savings of \$9.9 million per year; plus the pro-rata contribution changes for part-time employees, effective in November 2009, which will further save the State approximately \$5.9 million per year.**

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because this rulemaking is being done to implement the statutory requirements of 67-5761(1)(b), Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cynthia Ness, Employee Benefits Program Manager, Office of Group Insurance, Department of Administration at (208) 332-1865.

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 28, 2009.

DATED this 28th day of August, 2009.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 38**  
**TITLE 03**  
**CHAPTER 01**

**38.03.01 - RULES GOVERNING GROUP INSURANCE**

**000. LEGAL AUTHORITY.**

The following rules are promulgated in accordance with Sections 67-5761(1)(b), Idaho Code.

( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 38.03.01, "Rules Governing Group Insurance."

( )

**02. Scope.** Pursuant to Section 67-5761, Idaho Code, these rules set forth eligibility for the state of Idaho's group insurance, and eligibility and procedures for reimbursing a Medicare-eligible retiree for his out-of-pocket expenses for prescription medications when he has exceeded the initial Medicare prescription medication coverage amount.

( )

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department of Administration may have written statements that pertain to the interpretation of these rules or to the documentation of compliance with these rules. Any such documents are available for public inspection and copying at the office of this agency, with the exception of those documents that are exempt from disclosure pursuant to Section 9-340, et. seq., Idaho Code, and the Health Insurance Portability Accountability Act.

( )

**003. ADMINISTRATIVE APPEALS.**

The provisions found in Section 040 of these rules shall govern administrative appeals of the director's denial to the Group Insurance Advisory Committee.

( )

**004. EXEMPTION FROM ATTORNEY GENERAL'S ADMINISTRATIVE PROCEDURE RULES FOR CONTESTED CASES.**

Pursuant to Section 67-5206(5), Idaho Code, except as provided in these rules, the procedures contained in Subchapter B, "Contested Cases," of the rules promulgated by the attorney general as IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." Sections 100 through 799, do not apply to appeals from denied petitions. ( )

**005. REASONS FOR EXEMPTION FROM ATTORNEY GENERAL'S ADMINISTRATIVE PROCEDURE RULES.**

To prevent unnecessary delays and increased costs in the determination of whether a Medicare-eligible retiree or his Medicare-eligible dependent is eligible to receive reimbursement of out-of-pocket expenses for prescription medications, the rules of procedure in this chapter are adopted to promote the speedy resolution of appeals from denied petitions. ( )

**006. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. ( )

**007. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS.**

The Office of Group Insurance is located at 650 W. State Street, Boise, Idaho 83702-5936. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0035. Office hours are 8 a.m. to 5 p.m., Monday through Friday. ( )

**008. PUBLIC RECORDS ACT COMPLIANCE.**

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ( )

**009. -- 010. (RESERVED).**

**011. DEFINITIONS.**

**01. Child.** Child includes a natural child, stepchild, adopted child or child in the process of adoption from the time placed with the eligible active employee or eligible retiree. The term also includes a child legally dependent upon the eligible active employee, the eligible active employee's spouse, the eligible retiree or the eligible retiree's spouse for support where a normal parent-child relationship exists with the expectation that the eligible active employee or eligible retiree will continue to rear that child to adulthood. The definition does not include a child where one or both of that child's natural parents live in the same household with the eligible active employee or eligible retiree, as a parent-child relationship is not deemed to exist even though the eligible active employee, eligible retiree or their spouses provide support. ( )

**02. Date of Hire.** The first day an individual begins work for the state or his employer. ( )

**03. Director.** The director of the Department of Administration. ( )

**04. Eligible Active Employee.** An officer or employee of a state agency, department or institution, including a state official, elected official or employee of another governmental entity which has contracted with the state of Idaho for group insurance coverage, who is working

twenty (20) hours or more per week, and whose term of employment is expected to exceed five (5) consecutive months. ( )

**05. Eligible Dependent of an Eligible Active Employee.** An eligible dependent of an eligible active employee who is enrolled in group insurance, is a person who is any of the following: ( )

**a.** The spouse of an eligible active employee. ( )

**b.** An unmarried child under the age of twenty-one (21) of an eligible active employee or an eligible active employee's spouse. ( )

**c.** An unmarried child under the age of twenty-five (25) who is legally dependent upon the eligible active employee or the eligible active employee's spouse for support where a normal parent-child relationship exists with the expectation that the eligible active employee will continue to rear that child to adulthood, and is eligible to be claimed as a dependent on the eligible active employee's most recent United States Individual Income Tax return. ( )

**06. Eligible Dependent of an Eligible Retiree.** An eligible dependent of an eligible retiree who is enrolled in group insurance, is a person who is any of the following: ( )

**a.** The non-Medicare-eligible spouse of an eligible retiree. ( )

**b.** An unmarried child under the age of twenty-one (21) of an eligible retiree or an eligible retiree's spouse. ( )

**c.** An unmarried child under the age of twenty-five (25) who is legally dependent upon the eligible retiree or the eligible retiree's spouse for support where a normal parent-child relationship exists with the expectation that the eligible retiree will continue to rear that child to adulthood, and is eligible to be claimed as a dependent on the eligible retiree's most recent United States Individual Income Tax return. ( )

**07. Eligible Retiree.** A person who is any of the following: ( )

**a.** An officer or employee of a state agency, department or institution, including state and elected officials, who retired on or before June 30, 2009, and who is not Medicare eligible. ( )

**b.** An officer or employee of a state agency, department or institution, including state and elected officials, who meets all of the following: ( )

**i.** He retires after June 30, 2009, and retires directly from state employment. ( )

**ii.** He is not Medicare eligible. ( )

**iii.** He was hired on or before June 30, 2009, or has at least twenty thousand eight hundred (20,800) credited state service hours on or before June 30, 2009, is reemployed, reelected or reappointed after June 30, 2009, and accrues an additional six thousand two hundred forty

(6,240) continuous credited state service hours. ( )

c. A person receiving benefits from a state of Idaho retirement system who has at least ten (10) years or twenty thousand eight hundred (20,800) credited state service hours in a state of Idaho retirement system, and who is not Medicare eligible. ( )

**08. Group Insurance.** Medical, dental, vision, life, disability and other types of insurance coverage provided through a carrier who has contracted with the Office of Group Insurance to provide such insurance to eligible active employees, eligible retirees and their dependents. ( )

**09. Health Care Coverage.** Medical insurance coverage provided through a carrier who has contracted with the Office of Group Insurance to provide medical insurance to eligible active employees, eligible retirees and their dependents. ( )

**10. Medicare Coverage Gap.** Under a Medicare-supplement plan, there is a gap in coverage for prescription medications between the initial coverage limit (two thousand seven hundred dollars (\$2,700) in 2009) and the catastrophic coverage threshold (four thousand three hundred fifty dollars (\$4,350) in 2009). Within this gap, the Medicare recipient pays one hundred percent (100%) of the cost of prescription medications before catastrophic coverage begins. ( )

**11. Medicare Eligible.** A person who is age sixty-five (65) or older and qualifies to receive Medicare. ( )

**012. -- 019. (RESERVED).**

**020. ELIGIBILITY FOR GROUP INSURANCE.**

**01. Group Insurance Eligibility.** The following individuals who meet the eligibility criteria are qualified to apply for and receive group insurance coverage from the state of Idaho: ( )

a. Eligible active employees. ( )

b. Eligible dependents of an eligible active employee. ( )

**02. Health Care Coverage Eligibility.** The following individuals who meet the eligibility criteria are qualified to apply for and receive health care coverage from the state of Idaho. ( )

a. Eligible retirees. ( )

i. An eligible retiree must enroll in health care coverage from the state of Idaho within sixty (60) calendar days of the date of retirement to be eligible for continuous health care coverage. ( )

b. Eligible dependents of an eligible retiree. ( )

**03. Eligible Retiree or Eligible Retiree's Dependent as Late Enrollee.** If an eligible retiree does not enroll in health care coverage from the state of Idaho within sixty (60) calendar days of the date of his retirement, or does not enroll his dependent in health care coverage from the state of Idaho within sixty (60) calendar days of the date of his retirement, the eligible retiree or his dependent may be eligible for health care coverage as a late enrollee. Late enrollees are not eligible for continuous health care coverage. ( )

**04. Other Eligibility.** All other eligibility criteria not found in these rules are set forth in the contracts between the Office of Group Insurance and the group insurance carriers. An individual is not eligible for group insurance or health care coverage unless he meets the eligibility criteria set forth in these rules and the eligibility criteria set forth in the contract between the respective carrier and the Office of Group Insurance. ( )

**021. -- 029. (RESERVED).**

**030. EXCEPTIONS TO ELIGIBILITY.**

**01. Dual Eligibility.** Neither an eligible active employee's spouse nor an eligible retiree's spouse is eligible for group insurance or health care coverage if that spouse is an eligible active employee or an eligible retiree and is enrolled in group insurance or health care coverage. ( )

**02. Dual Eligibility of a Dependent Child.** An eligible dependent child is eligible for group insurance under one or the other parent's group insurance policy, but not both, where both parents are eligible active employees, eligible retirees or are an eligible active employee and an eligible retiree. ( )

**031. EFFECTIVE DATE OF COVERAGE.**

Once the eligible active employee or eligible retiree has enrolled himself and his dependents in group insurance and eligibility has been established, the effective dates of group insurance coverage is governed by the contracts between the respective carrier and the Office of Group Insurance. ( )

**032. LOSS OF ELIGIBILITY.**

**01. Eligible Active Employee Separation.** An eligible active employee and his dependents are no longer eligible for group insurance when the employee separates employment. An employee or former employee may be qualified to extend group insurance coverage after separation under provisions of federal and state law. ( )

**02. Unmarried Dependent Child At or Over Age Twenty-Five.** An unmarried child under the age of twenty-five (25) who is legally dependent upon the eligible active employee or eligible retiree for support where a normal parent-child relationship exists with the expectation that the eligible employee or eligible retiree will continue to rear that child to adulthood, and is eligible to be claimed as a dependent on the eligible active employee's or eligible retiree's most recent United States Individual Income Tax return, is no longer eligible for group insurance at the end of the calendar month the child becomes twenty-five (25) years old. ( )

**03. Retiree Becomes Medicare Eligible.** A retiree is no longer eligible for health care coverage when the retiree becomes Medicare eligible. A Medicare-eligible retiree's dependent spouse, who is not Medicare eligible, and eligible dependent children, remain eligible for health care coverage until the spouse becomes Medicare eligible. ( )

**04. Retiree's Dependent Spouse Becomes Medicare Eligible.** A retiree's dependent spouse and other dependents are no longer eligible for health care coverage when the retiree's dependent spouse becomes Medicare eligible. ( )

**033. ELIGIBILITY FOR RETIREE SUBSIDY OF ONE HUNDRED FIFTY-FIVE DOLLARS.**

**01. Eligible Retiree Monthly Subsidy.** An eligible retiree enrolled as a retiree for health care coverage and who is not Medicare eligible, shall receive a one hundred fifty-five dollars (\$155) subsidy per month toward his health care coverage premiums at the end of the month the eligible retiree becomes Medicare eligible. ( )

**a.** An eligible retiree enrolled as a dependent is not entitled to receive a one hundred fifty-five dollars (\$155) subsidy per month. ( )

**b.** The subsidy will be paid by the state of Idaho to the Office of Group Insurance to offset the cost of the monthly premiums charged to the eligible retiree for health care coverage, and at no time will the subsidy be paid directly to the eligible retiree. ( )

**034. -- 039. (RESERVED).**

**040. MEDICARE PRESCRIPTION MEDICATION REIMBURSEMENT PROGRAM.**

Effective January 1, 2010 through December 31, 2011, any Medicare-eligible retiree or his Medicare-eligible dependent spouse, who is no longer eligible for health care coverage due to Medicare eligibility, may petition the director for reimbursement of prescription medications up to, but not to exceed, two thousand dollars (\$2,000) per calendar year, per Medicare-eligible retiree and per Medicare-eligible dependent spouse. ( )

**01. Eligibility for Medicare Prescription Medication Reimbursement.** If an eligible retiree or his eligible dependent spouse meet the following conditions, he can request reimbursement for his respective out-of-pocket expenses for prescription medications. Each individual must meet all criteria each calendar year: ( )

**a.** The Medicare-eligible retiree or his Medicare-eligible dependent spouse has met or exceeded the initial Medicare coverage limit for prescription medication expenses under his Medicare-supplement plan. ( )

**b.** The Medicare-eligible retiree or his Medicare-eligible dependent spouse is in the Medicare coverage gap, and has paid two thousand dollars (\$2,000) or more out of pocket for prescription medications. ( )

**c.** The Medicare-eligible retiree's or his Medicare-eligible dependent spouse's total

out-of-pocket prescription medication expenses have not exceeded the Medicare catastrophic coverage threshold. ( )

**02. Deadline to Request Reimbursement from the Director.** A Medicare-eligible retiree or his Medicare-eligible dependent spouse must submit a petition and a request for reimbursement to the director on or before March 31 of each year for the petition and request to be considered timely. ( )

**a.** All reimbursement requests for 2010 out-of-pocket prescription medication expenses must be received on or before March 31, 2011, and requests for 2011 out-of-pocket prescription medication expenses must be received on or before March 31, 2012, to be considered. Petitions and reimbursement requests received after March 31, 2011 (for 2010 expenses), and March 31, 2012 (for 2011 expenses), will be denied for being untimely. ( )

**03. Contents of the Petition and Reimbursement Requests.** The Medicare-eligible retiree's or Medicare-eligible dependent spouse's petition and reimbursement request shall specifically state the reasons why the director should grant the Medicare-eligible retiree's or the Medicare-eligible dependent spouse's petition and reimbursement request, including but not limited to evidence that the petitioner has met all of the eligibility criteria above. ( )

**a.** Reimbursement requests must include all of the following information on an itemized receipt or statement: ( )

i. Date of service. ( )

ii. Description of prescription medication. ( )

iii. Total amount of expenses. ( )

iv. Patient name. ( )

v. Any amount covered by other insurance, if applicable. ( )

**04. Director's Review of the Petition and Reimbursement Request.** The director shall review the petition and reimbursement request, and may ask for additional information or documentation from the petitioner to assist the director in reaching a decision on the petition and reimbursement request. ( )

**05. Director's Decision of the Petition and Reimbursement Request.** The director shall approve or deny the petition and reimbursement request, and shall provide reasons for any denial within ten (10) business days after receipt of the petition or the receipt of requested information or documentation, whichever is later. ( )

**06. Appeal of Denial.** A petitioner may appeal the director's denial within thirty (30) days of the denial. The appeal shall state the reasons why the director's decision is in error. The appeal shall be reviewed by the Group Insurance Advisory Committee within thirty (30) calendar days of receipt of the appeal. ( )



**a.** The Group Insurance Advisory Committee may review the appeal and make a decision on the basis of the information and documentation provided by the Medicare-eligible retiree or his Medicare-eligible dependent spouse, may request additional information or documentation, and may take written or oral testimony. ( )

**b.** The Group Insurance Advisory Committee shall issue a written decision on the Medicare-eligible retiree's or his Medicare-eligible dependent spouse's appeal within ninety (90) days of the date of the appeal. ( )

**c.** The Group Insurance Advisory Committee shall deny any appeal for any of the following reasons: ( )

i. The individual is not Medicare eligible. ( )

ii. The individual has not yet retired from state employment. ( )

iii. The Medicare-eligible retiree or the Medicare-eligible dependent spouse has not met all of the criteria described in Subsection 040.01 of these rules. ( )

iv. The appeal is untimely or the original petition was submitted untimely. ( )

**07. Subsequent Reimbursement Requests After Approval of Petition.** A Medicare-eligible retiree or his Medicare-eligible dependent spouse, whose petition for prescription medication reimbursement has been approved by the director, may submit subsequent requests for reimbursement to the Office of Group Insurance, until the individual has received two thousand dollars (\$2000) for reimbursed prescription medication, per calendar year, under these rules. ( )

**08. Reimbursement Considered Taxable Income.** Any reimbursed prescription medication expenses by and through these rules are considered taxable income to the reimbursed party. ( )

**041. -- 049. (RESERVED).**

**050. CHANGES TO ELIGIBILITY RULES.**

Changes, modifications or amendments to these rules that affects an individual's eligibility shall not be effective until those changes, modifications or amendments are included in the contract between the respective carrier and the Office of Group Insurance. ( )

**051. -- 054. (RESERVED).**

**055. NO RIGHTS OR BENEFITS CREATED.**

Nothing contained in these rules creates additional group insurance coverage, policy, contract or benefits, nor does it create any vested right or benefit for any employee, retiree or their dependents. ( )

**056. -- 999. (RESERVED).**

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**  
**38.04.04 - RULES GOVERNING CAPITOL MALL PARKING**  
**DOCKET NO. 38-0404-0901 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section 67-5708, Idaho Code, and Senate Concurrent Resolution 135 (1976).

**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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 430.**

**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:

There is no fiscal impact to the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tim Mason, Administrator, Division of Public Works, Department of Administration at (208) 332-1911.

DATED this 29th day of October, 2009.

Melissa Vandenberg  
Deputy Attorney General  
Department of Administration  
650 W. State Street, Room 100  
P.O. Box 83720, Boise, ID 83720-0003  
Ph: (208) 332-1832 / Fax: (208) 334-2307

***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED 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) 67-5708, Idaho Code, and Senate Concurrent Resolution 135 (1976).

**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 21, 2009.

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:

**Repeals existing Capitol Mall Parking rules. The repealed rules are being replaced by new rules.**

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

There are no fees or charges being imposed through this rulemaking.

**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 fiscal impact to the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the feasibility issue of reaching a consensus on parking rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tim Mason, Administrator, Division of Public Works, Department of Administration at (208) 332-1911.

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 28, 2009.

DATED this 28th day of August, 2009.

***IDAPA 38.04.04 IS BEING REPEALED IN ITS ENTIRETY.***

## **IDAPA 40 - COMMISSION ON THE ARTS**

### **40.01.01 - RULES OF THE IDAHO COMMISSION ON THE ARTS**

**DOCKET NO. 40-0101-0901**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, 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 rule. The action is authorized pursuant to Section 67-5605, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 466 through 471.**

**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 the proposed rule, contact Michael Faison, Executive Director, (208) 334-2119, ext. 29.

DATED this 29th day of October 2009.

Michael Faison  
Executive Director  
Idaho Commission on the Arts  
The Warden's Residence  
2410 Old Penitentiary Rd. N.  
Boise, ID 83712  
Phone: (208) 334-2119, ext. 29  
Fax: (208) 334-2488

***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED 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 67-5605, 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 21, 2009.

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 proposed rule changes are necessary to revise program deadlines, broaden the artists and art organizations eligible to apply for grants, and allow the award of grants to on-going projects and programs. The proposed rule changes revise deadline dates for consistency, identify eligible artists and art organizations, and provide that ongoing projects and programs are eligible for grants.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Michael Faison, Executive Director, (208) 334-2119, ext. 29.

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 28, 2009.

DATED this 28th day of August, 2009.

*THE FOLLOWING IS THE TEXT OF THE PENDING RULE*

**201. FUNDING LIMITATIONS.**

The Commission will not provide funding for the activities, costs, or projects set forth in this Section. (4-6-05)

**01. Excluded Applications.** The Commission will exclude applications for the following from consideration for a grant or award: (4-6-05)

- a.** Establishment of or contributions to an endowment; (4-6-05)
- b.** Fund-raising projects that do not raise funds for the arts; (4-6-05)
- c.** Prizes, scholarships, or free tickets; (4-6-05)
- d.** Projects or programs to generate or attract audiences; (4-6-05)
- e.** The offsetting of personal or organizational debts; (4-6-05)
- f.** Activities that are primarily promotional or created for mass distribution including, but not limited to, duplication of compact disks, creation of portfolios, private gallery announcements, self-published books, flyers, brochures, or Internet sites; (5-8-09)
- g.** Student exhibitions, anthologies, publications, or performances, unless those activities document an arts education grant; (4-6-05)
- h.** Costs associated with any degree or professional certification including, but not limited to, tuition, fees, or teaching materials; (5-8-09)
- i.** Projects or activities already completed or documentation of previously completed projects; (5-8-09)
- j.** Projects that are primarily recreational, therapeutic, vocational, rehabilitative, or religious; (4-6-05)
- k.** Projects restricted to an organization's membership; (4-6-05)
- l.** Costs for ~~recurring activities or~~ consecutive attendance at annual activities that are routinely within an arts organization's budget including, but not limited to, conferences of the National Assembly of State Arts Agencies, Americans for the Arts, American Folklore Society, or the Western Arts Alliance; (~~5-8-09~~)(\_\_\_\_)
- m.** Pageants, festivals, or celebrations unrelated to arts, ethnic, or cultural activities; (4-6-05)
- n.** Journalism; (4-6-05)

- o.** Historical or academic documentary film that does not demonstrate significant artistic emphasis, consideration, and distinction; (5-8-09)
- p.** Scholarly or academic works; (4-6-05)
- q.** Lobbying expenses or political activities; (4-6-05)
- r.** Hospitality expenses including, but not limited to, food and drink; (4-6-05)
- s.** Capital expenditures for individuals; or (4-6-05)
- t.** Writing intended for youth. (4-6-05)

**202. APPLICANTS.**

**01. Categories of Applicants.** Applicants must fall within one (1) of the following categories: (4-6-05)

**a.** An individual artist or arts administrator meeting the criteria set forth in Subsection 202.02, of this rule, who is submitting an application based solely on the applicant's work. (4-6-05)

**b.** An organization meeting the criteria set forth in Subsection 202.03 of this rule. (4-6-05)

**c.** A collaboration of individual artists where the majority of the artistic effort is that of the primary individual. The application must identify the primary individual as the applicant and the applicant must sign the application, meet the criteria set forth in Subsection 202.02 of this rule, and accept all legal and contractual obligations of the program. The Commission will consider the applicant as submitting the application and receiving the program award for the purposes of the exclusions related to the number of applications and program awards in this section. (4-6-05)

**02. Requirements for Individuals.** If the applicant is an individual, the applicant must: (4-6-05)

**a.** Be a citizen of the United States or a permanent legal resident or a refugee. (4-6-05)

**b.** Be a resident of the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)

**c.** Be over the age of eighteen (18) before the date of the application, unless the applicant is an apprentice. (5-8-09)

**03. Requirements for Organizations.** If the applicant is an organization, the applicant must: (4-6-05)

a. Have been operating in the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)

b. Be a school, unit of local, county, tribal, or state government, or an organization determined to be tax exempt by the United States Internal Revenue Service whose primary purpose is the production, presentation, or support of the arts. (4-6-05)

i. Unincorporated ~~Organizations that have applied for a tax exempt status determination and have not received the determination~~ may submit an application through another tax-exempt organization as its designated fiscal agent. Service as a fiscal agent does not exclude an organization from applying for programs on behalf of the organization serving as a fiscal agent. (4-6-05)( )

ii. Tax-exempt organizations must have an independent board of directors empowered to formulate policies and be responsible for the governance and administration of the organization, its programs, and its finances. (4-6-05)

c. Compensate artists and arts administrators at no less than the legal minimum wage or in accordance with a written agreement. (4-6-05)

**04. Application and Funding Limits.** An applicant shall submit no more than one (1) application per program each fiscal year. Applicants under the QuickFund\$ programs may submit one (1) QuickFund\$ application per application deadline and shall receive funds under no more than one (1) QuickFund\$ grant each fiscal year. (4-6-05)

**(BREAK IN CONTINUITY OF SECTIONS)**

**301. QUICKFUND\$.**

QuickFund\$ provides grants to support new or exemplary arts projects, activities, or professional development for individuals working in all disciplines and for the professional growth of arts administrators. QuickFund\$ grants are available to individuals for professional development and QuickProjects. (4-6-05)

**01. QuickFund\$ -- Professional Development.** QuickFund\$ for professional development provides reimbursement to artists for gatherings where they will teach or learn from their peers and to arts administrators for attending a conference, seminar, workshop, or other form of career advancement training. The Commission will not accept QuickFund\$ for professional development applications: (4-6-05)

a. For the same event or opportunity from more than one (1) member or staff of a single organization with a budget over fifty thousand dollars (\$50,000). (4-6-05)

b. For the same event or opportunity from more than two (2) members or staff of a single organization with a budget under fifty thousand dollars (\$50,000). (4-6-05)



c. For attendance at the same event or opportunity that was the subject of award to the applicant in the prior fiscal year. (5-8-09)

d. From an applicant who has received a QuickFund\$ grant in the same fiscal year. (4-6-05)

**02. QuickFund\$ -- QuickProjects.** QuickProjects provides support for activities that allow an applicant to develop significant and specific projects or new works that will be shared with the public. (4-6-05)

**03. QuickFund\$ -- Evaluation Criteria.** QuickFund\$ grant applications for individuals are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the feasibility of the project or activity, and the opportunity for artistic growth from the activity or project. The Commission may give preference to applicants who have not previously received funds through a Commission program. (5-8-09)

**04. QuickFund\$ -- Matching Contributions.** Applicants for a QuickProjects grants must provide cash contributions equaling one-third (1/3) of the requested funds. Applicants for professional development must provide cash contributions equaling the requested funds. (4-6-05)

**05. QuickFund\$ -- Application Requirements.** Applicants for QuickFund\$ for individuals shall submit an application form, a resume, an artist statement, and work samples appropriate to the applicant. Artist statements are not required for writers or arts administrators. (4-6-05)

**06. QuickFund\$ -- Application Deadlines.** QuickFund\$ applications must be postmarked or hand delivered to the Commission on or before the ~~first~~ second Monday of March, June, September, or December. (4-6-05)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**304. TRADITIONAL ARTS APPRENTICESHIPS.**

The Traditional Arts Apprenticeships program supports a learning partnership between a master and an apprentice. (4-6-05)

**01. Traditional Arts Apprenticeships - Funding Limitations and Requirements.** (4-6-05)

a. The traditional art practiced by the master must represent a shared cultural tradition of the apprentice. (4-6-05)

b. Applicants younger than eighteen (18) years of age are allowed to apply as apprentices when their artistic traditions are typically passed down to persons under eighteen (18).

(5-8-09)

**c.** A master may train more than one (1) apprentice where the traditional art is traditionally practiced by a group or taught or passed down in a group. (4-6-05)

**d.** A master may reside outside of Idaho if the ethnic or cultural group represented by the traditional art extends beyond Idaho. (4-6-05)

**02. Traditional Arts Apprenticeships -- Evaluation Criteria.** Traditional arts apprenticeships applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the community recognition accorded to the master, the benefit to the applicant and the public from the apprenticeship, and the feasibility of the applicant's proposal. The Commission may give preference to traditional art forms with few practicing artists. (5-8-09)

**03. Traditional Arts Apprenticeships -- Length of Apprenticeships.** The length of an apprenticeship under the traditional arts apprenticeships program shall not exceed ten (10) months. The Commission, in its sole discretion, may grant an extension of the length of an apprenticeship upon receipt of a written request submitted prior to the expiration of the length of the originally awarded apprenticeship. (4-6-05)

**04. Traditional Arts Apprenticeships -- Work Plan.** The master and the applicant shall cooperatively develop a work plan for the apprenticeship. The work plan shall include the meeting schedule, meeting locations, and the materials needed for the apprenticeship. The work plan should consider the availability of seasonal materials and the preparation of materials prior to use. (4-6-05)

**05. Traditional Arts Apprenticeships -- Instructional Fees.** Traditional arts apprenticeships awards shall include payment of an hourly instructional fee at a rate determined by the Commission to the master for the number of instructional hours approved by the Commission. (4-6-05)

**06. Traditional Arts Apprenticeships -- Application Requirements.** Applications for traditional arts apprenticeships award shall submit: an application form; a work plan; two (2) to three (3) letters of support from community members that describe the applicant's artistic contributions to the community and how the applicant's traditional art relates to the master's and the applicant's shared artistic heritage; and work samples appropriate to the applicant and the master. Applicants are also encouraged to submit the master's resume. (5-8-09)

**07. Traditional Arts Apprenticeships -- Application Deadlines.** Traditional arts apprenticeships applications must be postmarked or hand delivered to the Commission on or before the last business day of ~~March~~ January. ~~(5-8-09)~~(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. QUICKFUND\$ FOR ORGANIZATIONS.**

QuickFund\$ grants provide timely assistance to arts organizations for professional advice or training, *pilot* arts projects, ~~projects essential to the initial growth of an organization, or new and arts programs. The Commission will not award QuickFund\$ grants for arts programs, arts events, or aspects of arts events that occur annually or that exceed the term of the award. QuickFund\$ grants are available to organizations for QuickProjects and training and advice.~~ (5-8-09)( )

**01. QuickFund\$ -- QuickProjects.** QuickProjects provides funds for *pilot* arts projects, ~~projects essential to the initial growth of an organization, or new and~~ programs of organizations that do not receive support through the Public Programs in the Arts or Entry Track Grant program. (4-6-05)( )

**02. QuickFund\$ -- Training and Advice.** Training and advice awards provide funds for management consultancies and artistic consultancies. Management consultancies address aspects of the organization's operations such as fund-raising, technology, marketing, public relations, organizational development, audience development, long-range planning, program development, accessibility planning, and board or financial management. Artistic consultancies address aspects of the organization's arts projects such as voice instruction, lighting design, exhibition design, or conservation studies. (4-6-05)

**03. QuickFund\$ -- Evaluation Criteria.** QuickFund\$ grant applications from organizations are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the applicant's management capacity, and the access and involvement of the community in the project or activity. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. The Commission may give preference to applicants whose annual operating budget is less than fifty thousand dollars (\$50,000) and to applicants who have not previously received funds from a Commission program. (5-8-09)

**04. QuickFund\$ -- Matching Contributions.** The applicant must provide matching contributions equaling the requested funds. (4-6-05)

**05. QuickFund\$ -- Application Requirements.** Applicants for QuickFund\$ for organizations shall submit an application form; the resumes of key consultants, artists, or personnel; a list of the current board of directors of the organization with affiliation and contact information; an Internal Revenue Service tax determination letter, if applicable; and work samples reflecting prior projects or as applicable to the project or activity that is the subject of the application. Applicants should also submit no more than five (5) documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. (4-6-05)

**06. QuickFund\$ -- Application Deadlines.** QuickFund\$ applications must be postmarked or hand delivered to the Commission on or before the second Monday of March, June, September, or December. (5-8-09)