



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Principal Legislative Research Analyst - Katharine Gerrity
DATE: August 08, 2013
SUBJECT: Idaho State Police - Idaho State Racing Commission

IDAPA 11.04.02 - Rules Governing Simulcasting (Docket No. 11-0402-1301)

IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances & Drug Testing of Horses (Docket No. 11-0411-1301)

1. IDAPA 11.04.02 - Rules Governing Simulcasting

The Idaho Racing Commission submits notice of temporary and proposed rule at IDAPA 11.04.02 - Rules Governing Simulcasting. According to the Commission, the rulemaking is the result of passage of HB 220 during the 2013 Legislative Session. That bill enacted Section 54-2512A, Idaho Code, and authorized historical horse wagering. The law went into effect July 1, 2013. The Commission notes that it was charged with enforcing and regulating historical horse race wagering and needed to promulgate rules to fulfill those directives.

The Commission states that the Governor determined the temporary rule was appropriate in that regulation of pari-mutuel wagering is necessary to protect public welfare, statutory amendments effective July 1, 2013 charged the Commission with promulgating rules and that historical horse race wagering confers a benefit on the Idaho Track Distribution Account, Idaho Breed Distribution Account, Idaho Public Schools and the Idaho Horse Council Youth Program. The Commission notes that negotiated rulemaking was not conducted because the rule went into effect before rules could be negotiated. The rulemaking appears to be authorized pursuant to Sections 54-2506 and 54-2512A, Idaho Code.

2. IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances & Drug Testing of Horses

The Idaho Racing Commission submits notice of temporary and proposed rule at IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances & Drug Testing of Horses. According to the Commission, the rule provides specific language to clarify whether horses with positive drug tests were eligible to have raced. The Commission notes that the rule provides clarity and specifies that when a horse is considered ineligible, the horse will be disqualified and purse money will be redistributed. The rule also provides for disciplinary measures against a trainer who is found to have committed illegal practices under

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

the statutes or rules, or both, that govern horse racing in Idaho and shall be subject to disciplinary sanctions which may be levied by a fine of up to \$2,500, license suspension or license revocation.

Negotiated rulemaking was not conducted. The Commission states that the 2013 racing season had already commenced. The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code.

cc: Idaho State Police - Idaho State Racing Commission
Frank Lamb, Executive Director