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IDAPA 11
TITLE 04
CHAPTER 13

11.04.13 - RULES GOVERNING THE IDAHO STATE RACING COMMISSION

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. (5-8-09)

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 11.04.13, "Rules Governing the Idaho State Racing Commission." (5-8-09)

02. Scope. These rules govern the Idaho State Racing Commission. (5-8-09)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations for these rules. (5-8-09)

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal Racing Commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (5-8-09)

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (5-8-09)

005. 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. (5-8-09)

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. (5-8-09)

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (5-8-09)

04. Telephone Number. The telephone of the office is (208) 884-7080. (5-8-09)

05. Fax Number. The facsimile number of the office is (208) 884-7098. (5-8-09)

06. Website. The Racing Commission's website at http://www.isp.idaho.gov/race. (5-8-09)

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. (5-8-09)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Advance Deposit Wagering. A form of pari-mutuel wagering in which a natural person may deposit money in an account with a advanced deposit wagering operator and then use the current balance to pay for pari-mutuel wagering. (5-8-09)

02. Annual Report. Reports that the Racing Commission prepares and submits to the Governor no later than March 31st of each year that embody detailed records of all meetings and of the business transacted therein, and all licenses applied for and issued. (5-8-09)

03. **Chairman**. The presiding officer of the Racing Commission. (5-8-09)

04. **Commissioner**. One (1) of the three (3) members of the Idaho State Racing Commission. (5-8-09)

05. **Costs**. Charges and expenses reasonably necessary to carry out the business of the Racing Commission. (5-8-09)

06. **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. (5-8-09)

07. **License**. A permission granted by the Racing Commission to engage in any regulated activity. (5-8-09)

08. **Meeting**. An assembly of the Racing Commission at the call of the chair or a majority of the members or as otherwise provided by Idaho Code. (5-8-09)

09. **Membership**. The members of the Racing Commission appointed by the Governor of the State of Idaho. (5-8-09)

10. **Natural Person**. Any person eighteen (18) years of age or older, but does not include any corporation, partnership, limited liability company, trust, or estate. (5-8-09)

11. **Person**. Any individual, racing association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, limited liability company or any legal entity, that is recognized by law as the subject of rights and duties. (5-8-09)

12 **Quorum**. Two (2) or more members of the Racing Commission. (5-8-09)

13. **Race**. A contest between horses for purse, stake or reward run by any racing association and in the presence of a judge or judges. (5-8-09)

14. **Race Days**. The number of racing days authorized by the Racing Commission in a racing association license. (5-8-09)

15. **Race Meet**. Includes any exhibition of thoroughbred, purebred, or registered horse racing and mule racing and dog racing at which the pari-mutuel system of wagering is used. Singular includes the plural and plural includes the singular; and words importing one (1) gender will be regarded as including all other genders. (Section 54-2502, Idaho Code) (5-8-09)

16. **Racing Association**. Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (5-8-09)

17 **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (5-8-09)

18. **Simulcast**. The telecast or other transmission of live audio and visual signals of a race, transmitted from a sending track to a receiving location, for the purpose of wagering conducted on the race at the receiving location. (5-8-09)

19. **Simulcast Operator**. A person licensed by the Racing Commission to operate a simulcast wagering system as provided for by these rules. (5-8-09)

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (5-8-09)

012. -- 014. (RESERVED)

015. GENERAL AUTHORITY.

01. Racing Commission to Regulate Races and Participation. The Racing Commission will regulate each race meet and the persons who participate in each race meet. (5-8-09)

02. Racing Commission to Regulate Simulcast and Advance Deposit Wagering. The Racing Commission will license and regulate all simulcast operators and activities and advance deposit wagering and activities. (5-8-09)

03. Racing Commission to Delegate Powers. Pursuant to the authority granted in Section 54-2501, Idaho Code, the Racing Commission may delegate to the executive director and the stewards or judges all powers and duties necessary to fully implement the purposes of Section 54-2501, Idaho Code. (5-8-09)

016. COSTS AND ANNUAL REPORT.

01. Audited and Approved. Costs necessary to administer the Racing Commission must be audited and approved by the Racing Commission. (5-8-09)

02. Annual Report. The Racing Commission will submit an annual report covering all business transactions and financial statements to the Governor no later than March 31st of each year. (5-8-09)

017. -- 019. (RESERVED)

020. MEETINGS.
The Racing Commission will meet at the call of the chair or a majority of the members, or as otherwise provided by statute. Notice of the meetings must be given and the meetings must be conducted in accordance with Idaho's Open Meeting Act, Section 67-2340 through 67-2347, Idaho Code. (5-8-09)

021. MEMBER AS A CHAIRMAN.
The Racing Commission will organize by electing one (1) of its members as a chairman. (5-8-09)

022. QUORUM MAJORITY.
A majority of Commissioners is a quorum. A Racing Commission member may not act in the name of the Racing Commission on any matter without a majority vote of a quorum of the Racing Commission. (5-8-09)

023. (RESERVED)

024. HORSEMEN'S GROUP.
For purposes of these rules, whichever group was the recognized horsemen's group in 2004 is hereby designated as the existing horsemen's group. (5-8-09)

01. Decertifying an Existing Horsemen's Group - Notice of Intent and Petition. Upon the filing with the Racing Commission of a notice of intent to decertify an existing horsemen's group by an alternate horsemen's group, the alternate horsemen's group has no more than six (6) months from the date of filing to acquire, on a petition, the signatures of twenty-five percent (25%) of the existing horsemen's group's licensed members. (5-8-09)

a. Contents of Notice. The notice of intent shall contain the following: (5-8-09)

i. The name of the alternate horsemen's group; (5-8-09)

ii. The names of the principals of the horsemen's group; (5-8-09)

iii. The date of filing; (5-8-09)

iv. The articles of incorporation and bylaws; and (5-8-09)

v. A copy of the petition as it will be circulated. (5-8-09)

b. No more than one (1) petition by any alternate horsemen's group to decertify an existing horsemen's group will be circulated at any given time. (5-8-09)

c. In addition, the alternate horsemen's group must submit the names of a minimum of fifty (50) members who must be Idaho licensed owners or trainers. (5-8-09)

02. Racing Commission's Receipt of Petition. (5-8-09)

a. Upon receipt of a petition that meets the criteria set forth in Subsection 024.01 of these rules, the Racing Commission will consider the petition and will validate the signatures found on said petition. Validation includes, but is not limited to, verification of current Idaho licensed owners and trainers and signature verification. (5-8-09)

b. If the validated signatures do not meet the requirements of these rules, the Racing Commission will notify the alternate and the existing horsemen's groups that no further action will be taken on the petition. (5-8-09)

03. Validating Signatures, Setting of Election Date, Conducting an Election. (5-8-09)

a. If the validated signatures are found to meet these requirements, the Racing Commission will set the date for the election prior to the next regularly scheduled meeting. (5-8-09)

b. A representative of the alternate horsemen's group must appear to answer any questions at the meeting at which signatures are validated. (5-8-09)

c. The existing horseman's group must conduct an election among the licensed members. The election results must be reported to the Racing Commission. (5-8-09)

d. A deciding vote of fifty percent plus one (50% + 1) of the ballots returned must be used to determine the one organization to be recognized as the horsemen's group, absent clear and convincing evidence that the election was fraudulent. (5-8-09)

04. Good Cause. Except for good cause, the Racing Commission will not conduct an election within eighteen (18) months of a prior election among the existing group's licensed members. (5-8-09)

025. (RESERVED)

026. PROHIBITED ACTS.
The Commissioners and Racing Commission employees must not: (5-8-09)

01. Financial Interest. Own a financial interest in a racing association or simulcast operation located in Idaho. (5-8-09)

02. Accept Remuneration. Accept remuneration from a racing association or simulcast operation located in Idaho. (5-8-09)

03. Owner, Lessor or Lessee. Be an owner, lessor or lessee of a horse or a mule that is entered in a race at a licensed race meet in Idaho. (5-8-09)

04. Wager. Commissioners and Racing Commission employees must not wager in any pari-mutuel pool at any facility or through any pari-mutuel system in the State of Idaho. (5-8-09)

027. -- 029. (RESERVED)

030. POWER OF ENTRY.
Members of the Racing Commission will have the right to enter and inspect any part of the grounds and facilities of the racing association or simulcast operator. (5-8-09)

031. -- 034. (RESERVED)

035. EXCLUSION.
The Racing Commission may order an individual excluded from all or part of any racing association or simulcast operator's grounds under the statutory jurisdiction of the Racing Commission if the stewards or judges or executive director of the Racing Commission determine that: (5-8-09)

01. Deemed to Be Detrimental. The individual is deemed to be detrimental to the best interest of racing or is in violation of Section 54-2509, Idaho Code, or these rules. (5-8-09)

02. Honesty and Integrity. The individual's presence on a racing association or simulcast operator's grounds is inconsistent with maintaining the honesty and integrity of racing. (5-8-09)

036. -- 039. (RESERVED)

040. ALLOCATION OF RACE DAYS AND RACES.
The Racing Commission is the sole judge of the number of race days and races for which each racing association is licensed. (5-8-09)

041. PUBLIC HEALTH OR SAFETY HAZARD.
Nothing in these rules is intended to require race days and races to be held if it constitutes a public health or safety hazard. (5-8-09)

042. CANCELLATION OF RACE DAYS OR RACES.
Racing days or races within a racing day specified on a racing association's license may be cancelled under the following conditions: (5-8-09)

01. Conditions. Conditions at the racing facility constitute a health or safety hazard for people using the facility. (5-8-09)

02. Inclement Weather. Inclement weather or track conditions constitute a health or safety hazard for track personnel or horses entered to race. (5-8-09)

03. Approved Cancellation. The Racing Commission approved the cancellation due to a health or safety hazard. (5-8-09)

04. **Advanced Approval**. Races cancelled for any reason other than a health or safety hazard must be approved in advance by the Racing Commission. (5-8-09)

05. Rescheduling Cancelled Races. The Racing Association will make a good-faith effort to reschedule cancelled races. (5-8-09)

043. -- 999. (RESERVED)

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