

Dear Senators SIDDOWAY, Hagedorn, Stennett, and
Representatives LOERTSCHER, Monks, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho State Police - Idaho State Racing Commission:
IDAPA 11.04.06 - Rules Governing Racing Officials - Proposed Rule (Docket No. 11-0406-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 11/22/2017. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/21/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the memorandum attached below.



Eric Milstead
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 - Ryan Bush

DATE: November 2, 2017

SUBJECT: Idaho State Police - Idaho State Racing Commission

IDAPA 11.04.06 - Rules Governing Racing Officials - Proposed Rule (Docket No. 11-0406-1701)

The Idaho State Racing Commission submits notice of proposed rulemaking at IDAPA 11.04.06 - Rules Governing Racing Officials. The proposed rule changes the Board of Stewards' jurisdiction in matters involving a race meet from thirty days following the conclusion of a race meet to ninety days, or longer than ninety days if the Commission, in its discretion, determines that a matter is not resolved. The Commission states that this change is needed to account for testing of split blood test samples and for delays in the hearing process when jurisdiction expires before a hearing has been resolved.

The Commission states that negotiated rulemaking was not conducted because the change is simple in nature. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Commission in Section 54-2506, Idaho Code.

cc: Idaho State Police - Idaho State Racing Commission
Ardie Noyes

IDAPA 11 – IDAHO STATE RACING COMMISSION

11.04.06 – RULES GOVERNING RACING OFFICIALS

DOCKET NO. 11-0406-1701

NOTICE OF RULEMAKING – 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, Idaho Code 54-2506.

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 November 15th, 2017.

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:

Currently, IDAPA 11.04.06 provides Racing Stewards with jurisdiction to resolve hearings for 30 days after our live race meet has concluded. However, in another Section 160 of the rule (IDAPA 11.04.11.160), horsemen are provided an opportunity to request a split blood test sample to be done at a lab of their choosing. This rule provides a time period for the requesting, shipping and receiving of that blood sample. Typically, this process takes much longer than 30 days to complete. If a horseman races near the end of the live season and has been found to have a drug violation, the Steward's jurisdiction could expire before that horseman has a chance to exercise his right to a split blood test sample.

When a Steward's jurisdiction expires before a hearing has been resolved, the Racing Commission must hire attorneys to bring the drug violation forward to the Racing Commissioners. The Racing Commission must also hire a Hearing Officer to decide the case, if it is appealed. These actions cause a significant delay to the hearing process.

Effectively, end-of-season horsemen could potentially experience a different enforcement process than other racing participants simply because rule writers in 2010 overlooked the timeframe for processing a split sample blood test. Purse monies could potentially take longer to distribute, and publishing of accurate win records could also potentially be significantly delayed.

This rule change extends the Steward's jurisdiction from 30 days to 90 days, to provide horsemen time to complete their split sample testing process, if needed.

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(2), Idaho Code, negotiated rulemaking was not conducted because this rule change is simple in nature.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ardie Noyes – Phone (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 November 22nd, 2017.

DATED this 29th day of September, 2017.

Ardie Noyes
Business Operations Manager
Ph. (208)884-7080 / Fax: (208)884-7098

Idaho State Racing Commission
700 South Stratford Drive
Meridian, ID 83642

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-0406-1701
(Only Those Sections With Amendments Are Shown.)

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. (3-29-10)

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)~~ ninety (90) days following the conclusion of a race meet. However, the Racing Commission may, at its discretion, extend this time period if any matter is not resolved after the conclusion of ninety (90) days. (~~3-29-10~~)()

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. (3-29-10)

03. Reported. All such suspensions and fines must be reported to the Racing Commission. (3-29-10)

04. Stewards Enforce Rules. The stewards enforce all Racing Commission rules and the racing laws of the State of Idaho. (3-29-10)

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. (3-29-10)

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. (3-29-10)

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. (3-29-10)

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. (3-29-10)