Dear Senators McKENZIE, Jorgenson & Stennett, and
Representatives LOERTSCHER, Anderson & Mary Lou Shepherd:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho State Police - Idaho State Racing Commission:

1. IDAPA 11.04.01 - Rules Governing Horse Racing- Docket No. 11-0401-0901

2. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings - Docket No. 11-0404-0901

3. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings And Appeals- Docket No. 11-0404-0902

4. IDAPA 11.04.05 - Rules Governing Advanced Deposit Wagering- Docket No. 11-0405-0901

5. IDAPA 11.04.06 - Rules Governing Racing Officials - Docket No. 11-0406-0901

6. IDAPA 11.04.07 - Rules Governing Racing Associations - Docket No. 11-0407-0901

7. IDAPA 11.04.08 - Rules Governing Pari-Mutuel Wagering - Docket No. 11-0408-0901

8. IDAPA 11.04.09 - Rules Governing Claiming Races - Docket No. 11-0409-0901

9. IDAPA 11.04.10 - Rules Governing Live Horse Races - Docket No. 11-0410-0901

10. IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances And Drug Testing Of Horses - Docket No. 11-0411-0901

11. IDAPA 11.04.14 - Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, And Jockey Agents - Docket No. 11-0414-0901

12. IDAPA 11.04.15 - Rules Governing Controlled Substance And Alcohol Testing Of Licensees, Employees, And Applicants - Docket No. 11-0415-0901.

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

1-8-09. 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 2-5-09.

_____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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

SUPPLEMENTAL MEMORANDUM

TO: **Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee**

FROM: **Katharine Gerrity, Principal Legislative Research Analyst**

DATE: **December 22, 2008**

SUBJECT: **Idaho State Police - Idaho State Racing Commission**

1. IDAPA 11.04.01 - Rules Governing Horse Racing- Docket No. 11-0401-0901

2. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings - Docket No. 11-0404-0901

3. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings And Appeals- Docket No. 11-0404-0902

4. IDAPA 11.04.05 - Rules Governing Advanced Deposit Wagering- Docket No. 11-0405-0901

5. IDAPA 11.04.06 - Rules Governing Racing Officials - Docket No. 11-0406-0901

6. IDAPA 11.04.07 - Rules Governing Racing Associations - Docket No. 11-0407-0901

7. IDAPA 11.04.08 - Rules Governing Pari-Mutual Wagering - Docket No. 11-0408-0901

8. IDAPA 11.04.09 - Rules Governing Claiming Races - Docket No. 11-0409-0901

9. IDAPA 11.04.10 - Rules Governing Live Horse Races - Docket No. 11-0410-0901

10. IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances And Drug Testing Of Horses - Docket No. 11-0411-0901

11. IDAPA 11.04.14 - Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, And Jockey Agents - Docket No. 11-0414-0901

12. IDAPA 11.04.15 - Rules Governing Controlled Substance And Alcohol Testing Of Licensees, Employees, And Applicants - Docket No. 11-0415-0901

We analyzed these rules last week and forwarded a memorandum to committee members at that time. In that memorandum we raised an issue regarding bulletin publication of the rules. We noted that we believed the rules should have been published in the December bulletin. Subsequently, the Office of Administrative Rules provided us with additional information. The publication deadline for the December bulletin was October 31. The Commission rules were all adopted during the month of November. Therefore, they will appropriately appear in the January, 2009 bulletin.

cc: Idaho Racing Commission, Dennis Jackson

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee

FROM: Katharine Gerrity, Principal Legislative Research Analyst

DATE: December 18, 2008

SUBJECT: Idaho State Police - Idaho State Racing Commission

1. IDAPA 11.04.01 - Rules Governing Horse Racing- Docket No. 11-0401-0901

2. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings - Docket No. 11-0404-0901

3. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings And Appeals- Docket No. 11-0404-0902

4. IDAPA 11.04.05 - Rules Governing Advanced Deposit Wagering- Docket No. 11-0405-0901

5. IDAPA 11.04.06 - Rules Governing Racing Officials - Docket No. 11-0406-0901

6. IDAPA 11.04.07 - Rules Governing Racing Associations - Docket No. 11-0407-0901

7. IDAPA 11.04.08 - Rules Governing Pari-Mutuel Wagering - Docket No. 11-0408-0901

8. IDAPA 11.04.09 - Rules Governing Claiming Races - Docket No. 11-0409-0901

9. IDAPA 11.04.10 - Rules Governing Live Horse Races - Docket No. 11-0410-0901

10. IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances And Drug Testing Of Horses - Docket No. 11-0411-0901

11. IDAPA 11.04.14 - Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, And Jockey Agents - Docket No. 11-0414-0901

12. IDAPA 11.04.15 - Rules Governing Controlled Substance And Alcohol Testing Of Licensees, Employees, And Applicants - Docket No. 11-0415-0901

These rules have all been submitted as temporary and proposed rules. Legislative Services did not receive these rules until the afternoon of December 11, 2008. With the exception of **IDAPA 11.04.05 - Rules Governing Advanced Deposit Wagering- Docket No. 11-0405-0901**, noted in paragraph (4) of this memorandum, with a proposed effective date of November 12, the remaining temporary rules are stated to be in effect on January 1, 2009.

Section 67-5226(4), Idaho Code, provides that a temporary rule must be published in the "first available issue of the Bulletin" after its adoption by the agency. According to the Rule Writer's Manual of the Department of Administration, failure to submit a temporary rule for publication in the next available Bulletin is a procedural violation of the APA and renders a temporary rule invalid. The Notice of Rulemaking for each of these rules is dated either November 12 or November 18. The next available Bulletin was December 3, 2008. The rules were not published in that Bulletin. We contacted the Commission regarding this issue and Commission personnel indicated they would determine when the rules were submitted and the reason for the delay in publication for report to the Committees during rules review. As to the proposed portion of the rules:

1. IDAPA 11.04.01 - Rules Governing Horse Racing - Docket No. 11-0401-0901

According to the Commission, this is a chapter repeal which will be replaced with several rule chapters. The Commission states that the rule needs to be updated, reorganized, and written in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

2. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings - Docket No. 11-0404-0901

According to the Commission, this is also a chapter repeal which is being rewritten to provide a clear, concise chapter on hearings and appeals. The Commission states that the rule

conforms more closely with the Association of Racing Officials International Model Rules in a plain English format. The Commission states that negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

3. IDAPA 11.04.04 - Rules Governing Disciplinary Hearings And Appeals - Docket No. 11-0404-0902

According to the Commission, this is a rewrite which provides a clear concise rule chapter on disciplinary hearings and appeals and more closely conforms to the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

We note that greyhounds are also included in the provisions of this rule. The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

4. IDAPA 11.04.05 - Rules Governing Advanced Deposit Wagering - Docket No. 11-0405-0901

According to the Commission, this rule provides a clear concise rule relating to advanced deposit wagering and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

5. IDAPA 11.04.06 - Rules Governing Racing Officials - Docket No. 11-0406-0901

According to the Commission, this rule provides a clear concise rule relating to racing officials and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

6. IDAPA 11.04.07 - Rules Governing Racing Associations - Docket No. 11-0407-0901

This is a fee rule requiring every racing association conducting a race meet in Idaho to pay a fee of twenty-five dollars for each day of racing. The Commission states, in terms of the temporary rule (but please note validity issues relating to the temporary rules as noted in the initial paragraphs of this memorandum) that the rule is necessary to "avoid immediate danger." The Commission doesn't describe exactly what that "immediate danger" would be.

According to the Commission, this rule provides a clear concise rule relating to racing associations and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

7. IDAPA 11.04.08 - Rules Governing Pari-Mutuel Wagering - Docket No. 11-0408-0901

According to the Commission, this rule provides a clear concise rule relating to pari-mutuel wagering and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

We contacted the Commission to inquire about a number of provisions that were omitted or modified from the current version of the rule. Those provisions dealt with sections 110 (Pools Dependent On Betting Interests), 205 (Win Three Pools), 206.02.f and 206.07 (Pick (N) Pools), 210 (Trifecta Pools), and 212.04 ("Dead Heat - Second Place" provisions of Twin Quinella Pools). The Commission indicated that the changes were all made to comport with the Model Rules noted above. Commission personnel indicated it was going to check on the omission of several subsections in section 210 to insure that those subsections were, in fact, omitted from the Model Rules.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

8. IDAPA 11.04.09 - Rules Governing Claiming Races - Docket No. 11-0409-0901

According to the Commission, this rule provides a clear concise rule relating to claiming races and conforms more closely with the Association of Racing Commissioners International

Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

9. IDAPA 11.04.10 - Rules Governing Live Horse Races - Docket No. 11-0410-0901

According to the Commission, this rule provides a clear concise rule relating to live horse races and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

10. IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances And Drug Testing Of Horses - Docket No. 11-0411-0901

According to the Commission, this rule provides a clear concise rule relating to equine veterinary practices, permitted medications, banned substances and drug testing of horses and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

11. IDAPA 11.04.14 - Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, And Jockey Agents - Docket No. 11-0414-0901

According to the Commission, this rule provides a clear concise rule relating to owners, trainers, authorized agents, jockeys, apprentice jockeys, and jockey agents and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

12. IDAPA 11.04.15 - Rules Governing Controlled Substance And Alcohol Testing Of Licensees, Employees, And Applicants - Docket No. 11-0415-0901

According to the Commission, this rule provides a clear concise rule relating to controlled substance and alcohol testing of licensees, employees, and applicants and conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format. Negotiated rulemaking was not conducted but the Commission states that the rule was developed with input from a committee comprised of representatives of all segments of the horse racing industry.

The rulemaking appears to be authorized pursuant to Section 54-2506, Idaho Code. We have no further comment relating to this proposed rule.

cc: Idaho Racing Commission, Dennis Jackson

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
Phone: 208-884-7080 / Fax: 208-884-7098

700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700

IDAPA 11.04.01 IS BEING REPEALED IN ITS ENTIRETY.

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
Phone: 208-884-7080 / Fax: 208-884-7098

700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700

IDAPA 11.04.04 IS BEING REPEALED IN ITS ENTIRETY.

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
700 S. Stratford Drive
PO Box 700, Meridian, ID 83780-0700
Phone: 208-884-7080 / Fax: 208-884-7098

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0404-0902

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. (1-1-09)T

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." (1-1-09)T

02. **Scope**. These rules govern disciplinary hearings and appeals in the State of Idaho. (1-1-09)T

002. WRITTEN INTPRETATIONS.
There are no written interpretations for these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. **Mailing Address**. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. **Telephone Number**. The telephone of the office is (208) 884-7080. (1-1-09)T

05. **Fax Number**. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. **Website**. The Racing Commission website is: http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. **Act**. The Idaho Racing Act, Section 54-2501, Idaho Code. (1-1-09)T

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. (1-1-09)T

03. **Arguments**. A fact or statements offered as proof or evidence. (1-1-09)T

04. **Burden of Proof**. The obligation to establish by the preponderance of the evidence that a violation of statute or rules occurred. (1-1-09)T

05. **Calendar Day**. Twenty-four (24) hours ending at midnight. (1-1-09)T

06. **Continuance**. Postponement of adjudicatory proceedings to a future date. (1-1-09)T

07. **De Novo Hearing**. To have the matter heard a new. (1-1-09)T

08. **Disciplinary Action**. A process for dealing with behavior that violates the provisions of these rules. (1-1-09)T

09. **Evidence**. Data presented in proof of the facts in issue and which may include the testimony of witnesses, records, documents, or objects. (1-1-09)T

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. (1-1-09)T

11. **Executive Director**. The person responsible for the administration of the Idaho State Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

14. **Licensee**. Any person or entity holding a license from the Racing Commission to engage in racing or a regulated activity. (1-1-09)T

15. **Motions**. A request for a steward or racing commission to make a decision. (1-1-09)T

16. **Notice**. A written or printed announcement from Stewards or the Racing Commission. (1-1-09)T

17. **Racing Association**. Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (1-1-09)T

18. **Racing Commissio**n. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (1-1-09)T

19. **Ruling**. An official decision by the stewards stating the charges against the licensee. (1-1-09)T

20. **Stay**. To delay or stop the effect of a stewards ruling. (1-1-09)T

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. (1-1-09)T

22. **Suspension**. A temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

012. -- 019. (RESERVED).

020. APPLICABILITY.
These rules apply to all proceedings for disciplinary action of licensees and associated proceedings including disqualification. (1-1-09)T

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: (1-1-09)T

a. Horse racing is a sport requiring racing officials to make immediate binding decisions affecting the races and participants in the races. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

d. Nationwide, participants in racing have become accustomed to, and acknowledge the need for, immediate authoritative decisions and quick disciplinary action. (1-1-09)T

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." (1-1-09)T

a. Proceedings before the Racing Commission are governed by IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (1-1-09)T

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." (1-1-09)T

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. (1-1-09)T

032. -- 039. (RESERVED).

040. DISCIPLINARY ACTION.
Only the Stewards or the Racing Commission have the right to impose a fine or suspension. (1-1-09)T

041. WRITTEN REPORT.
The Stewards must report fines or suspensions imposed in the daily written report submitted to the Racing Commission. (1-1-09)T

042. FINES.
All fines imposed by the Stewards must be paid to the Horsemen's Bookkeeper immediately after imposition, except: (1-1-09)T

01. Otherwise Ordered. As otherwise ordered by the Stewards under these rules; (1-1-09)T

02. Stayed by Commission. Stayed by the Racing Commission; or (1-1-09)T

03. Stayed by Courts. As stayed by a court of competent jurisdiction. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

01. Proper Notice. Proper notice of all charges; (1-1-09)T

02. **Legal Counsel**. The right to legal counsel at the licensee's own expense; (1-1-09)T

03. **Examination of Evidence**. The right to examine all evidence to be presented against the licensee; (1-1-09)T

04. **Defense**. The right to present a defense; (1-1-09)T

05. **Call Witnesses**. The right to call witnesses; and (1-1-09)T

06. **Cross Examination**. The right to cross examine witnesses. (1-1-09)T

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. (1-1-09)T

071. CONTENT OF NOTICE.
Notice given under Section 071 must include: (1-1-09)T

01. **Hearing Schedule**. A statement of the time, place and nature of the hearing; (1-1-09)T

02. **Legal Authority**. A statement of the legal authority and jurisdiction under which the hearing is to be held; (1-1-09)T

03. **Violation**. A reference to the particular sections of the statutes or rules involved; (1-1-09)T

04. **Description of Conduct**. A short, in plain language of the alleged conduct that has given rise to the disciplinary hearing; (1-1-09)T

05. **Possible Penalties**. The possible penalties that may be imposed; and (1-1-09)T

06. **Rights**. A statement summarizing the rights of the licensee as outlined in Section 060 of these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. **Good Cause**. The Stewards may grant a continuance of any hearing for good cause shown. (1-1-09)T

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

(1-1-09)T

081. -- 089. (RESERVED).

090. EVIDENCE.
Each witness at a disciplinary hearing conducted by the Stewards must be sworn in by the presiding steward. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

101. FORM OF RULING.
A ruling by the Stewards must be on a form prescribed by the Racing Commission and must include: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

03. **Dates**. The date of the hearing and the date the ruling was issued; (1-1-09)T

04. **Penalty**. The penalty imposed; (1-1-09)T

05. **Order of Finish**. Any changes in the order of finish or purse distribution; and (1-1-09)T

06. **Other Information**. Any other information required by the Racing Commission. (1-1-09)T

07. **Signing of Ruling**. A ruling must be signed by a majority of the Stewards. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. The name, address, telephone number and signature of the licensee making the appeal; and (1-1-09)T

b. A statement of the basis for the appeal. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

171. WRITTEN APPEAL.

01. Written Appeal. With the consent of the appellant, an appeal may be submitted in writing. (1-1-09)T

02. **Determination**. The Racing Commission will determine the matter upon the record submitted to the Racing Commission. (1-1-09)T

03. **Papers**. All papers filed with the Racing Commission are the property of the Racing Commission. (1-1-09)T

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." (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. **Stenographic Record**. If any party to the action requests a stenographic record of the proceedings, the record will be done by stenographic means. (1-1-09)T

03. Cost. The requesting party must pay the costs of reporting the proceedings. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

202. FORM OF APPLICATION.

01. Application for Stay. An application for a stay must be in writing and must include: (1-1-09)T

a. The name, address, and telephone number of the person requesting the stay; (1-1-09)T

b. A statement of the justification for the stay. (1-1-09)T

02. **Licensee Signature**. The application must be signed by the licensee requesting the stay. (1-1-09)T

203. GRANT OR DENIAL OF STAY.
The Executive Director may grant a stay for cause. (1-1-09)T

01. Licensee Notification. The Executive Director must notify the licensee in writing of the decision. (1-1-09)T

02. Rescission of Stay. The Executive Director may rescind a stay granted under this Subsection of these rules for reasonable cause. (1-1-09)T

204. EFFECT OF STAY.
The fact that a stay is granted is not a presumption that the ruling by the Stewards is invalid. (1-1-09)T

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: (1-1-09)T

01. **Statutory or Regulatory Exclusion**. The individual may be excluded under the statutes or rules of the Racing Commission. (1-1-09)T

02. **Integrity Exclusion**. The individual's presence on racing association grounds is inconsistent with maintaining the honesty and integrity of racing. (1-1-09)T

351. HEARING ON EXCLUSION.
An exclusion may be ordered separately or in conjunction with other disciplinary action taken by the Stewards or Racing Commission. (1-1-09)T

01. **Ordered Separately**. If an exclusion is ordered separately, the excluded individual is entitled to a hearing before the Stewards or Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

01. **Request for Hearing**. Any request for such hearing must clearly set forth in writing the reasons for the appeal. (1-1-09)T

02. **Signed**. The request must be signed by the person requesting the hearing. (1-1-09)T

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. (1-1-09)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules shall 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. (1-1-09)T

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
Phone: 208-884-7080 / Fax: 208-884-7098

700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0405-0901

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. (11-12-08)T

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." (11-12-08)T

02. Scope. These rules govern advanced deposit wagering in Idaho. (11-12-08)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations for these rules. (11-12-08)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal Racing Commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (11-12-08)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (11-12-08)T

04. Telephone Number. The telephone of the office is (208) 884-7080. (11-12-08)T

05. Fax Number. The facsimile number of the office is (208) 884-7098. (11-12-08)T

06. Website. The Racing Commission website is http:/www.isp.state.id.us/race. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

02. Account Holder. A natural person who successfully completed an application and for whom the advance deposit wagering operator has opened an account. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

06. Applicant. A natural person who has submitted an application to establish an account. (11-12-08)T

07. Application. The form or forms and other required submissions received from an applicant with the intent of opening an account. (11-12-08)T

08. Confidential Information. Confidential information includes: (11-12-08)T

a. The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account; (11-12-08)T

b. The amount of money wagered by a particular account holder on any race or series of races; (11-12-08)T

c. The account number and secure personal identification code of a particular account holder; (11-12-08)T

d. The identities of particular entries on which the account holder is wagering or has wagered; (11-12-08)T

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. (11-12-08)T

09. Corporation. A body that is granted a charter recognizing it as a separate legal entity distinct from its members. (11-12-08)T

10. Credits. All positive inflow of money to an account. (11-12-08)T

11. Debits. All negative outflow of money from an account. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

14. **Partnership**. A relationship between individuals for the achievement of a specific goal. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

17. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

21. **Withdrawal Slip**. A form provided by the advance deposit wagering operator for use by an account holder in withdrawing funds from an account. (11-12-08)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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: (11-12-08)T

01. **Legal Name**. The legal name of the person seeking the license. (11-12-08)T

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;. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

05. Financial Information. Financial information that demonstrates the financial resources to operate. (11-12-08)T

06. Budget. A detailed budget showing anticipated revenue, expenditures and cash flows by month during the license period. (11-12-08)T

07. Number of Days. The number of days of planned operation during the fiscal year in which they are seeking to be licensed. (11-12-08)T

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: (11-12-08)T

a. The manner in which the wagering system will operate; (11-12-08)T

b. Programs for responsible wagering; and (11-12-08)T

c. Mitigation for the effects of advance deposit wagering on the source market in which the account holder resides. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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: (11-12-08)T

a. Full legal name; (11-12-08)T

b. Principal residence address; (11-12-08)T

c. Telephone number of their permanent residence; (11-12-08)T

d. Social security number; and (11-12-08)T

e. Proper identification or certification demonstrating that the applicant is at least eighteen (18) years of age. (11-12-08)T

02. Other Information. As needed, any other information required by the Racing Commission or the advance deposit operator must be included. (11-12-08)T

081. ACCOUNT INFORMATION.
Each application for an advance deposit wagering account may be subject to verification. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

03. Upon Approval Account Holder Receives. The account holder will receive, at the time the account is approved: (11-12-08)T

a. A unique account identification number; (11-12-08)T

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 (11-12-08)T

c. Such other information as the advance deposit wagering operator or Racing Commission may deem appropriate. (11-12-08)T

04. Name of Natural Persons. The advance deposit wagering operator will accept accounts in the name of a natural person only. (11-12-08)T

05. Nontransferable. The account is nontransferable between natural persons. (11-12-08)T

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. (11-12-08)T

091. -- 094. (RESERVED).

095. ACCOUNT HOLDER RESPONSIBILITIES.

01. Personal Use Only. Accounts are for the personal use of the account holder. (11-12-08)T

02. Security. The account holder is responsible for maintaining the secrecy of the account number and secure personal identification code. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

101. -- 104. (RESERVED).

105. CREDITS TO AN ACCOUNT.
After the initial establishment of an account, credits to an account may be made as follows: (11-12-08)T

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

(11-12-08)T

a. Cash given to the staff of an advance deposit wagering operator; (11-12-08)T

b. Personal or cashier check, or money order given or sent to an advance deposit wagering operator; (11-12-08)T

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 (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

106. DEBITS TO AN ACCOUNT.

01. Debits to an Account. Debits to an account are made as follows: (11-12-08)T

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 (11-12-08)T

b. For fees for service or other transaction-related charges by the advance deposit wagering operator. (11-12-08)T

02. Account Withdrawals. An advance deposit wagering operator may authorize a withdrawal from an account when one (1) of the following exists: (11-12-08)T

a. The account holder of an account appears personally at the advance deposit wagering operators location and provides the following: (11-12-08)T

i. Proper identification; (11-12-08)T

ii. The correct secure personal identification code; and (11-12-08)T

iii. A properly completed and signed withdrawal slip. (11-12-08)T

b. The account holder sends to the advance deposit wagering operator a properly completed and signed withdrawal slip by any means, electronic or otherwise. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (11-12-08)T

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. (1-1-09)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules shall 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. (1-1-09)T

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
Phone: 208-884-7080 / Fax: 208-884-7098

700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0406-0901

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. (1-1-09)T

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 11.04.06, "Rules Governing Racing Officials." (1-1-09)T

02. Scope. These rules govern the Racing Officials of the Idaho State Racing Commission. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations for these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
There are no documents are incorporated by reference into these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. Telephone Number. The telephone of the office is (208) 884-7080. (1-1-09)T

05. Fax Number. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. Website. The Racing Commission website is http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. **Appointment**. A person approved by the Racing Commission or its designee, for an official racing position. (1-1-09)T

02. **Apprentice Jockey**. A jockey who has not ridden a certain number of winners within a specified period of time. (1-1-09)T

03. **Approval**. Acceptance of a racing official's eligibility by the Racing Commission or its designee. (1-1-09)T

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. (1-1-09)T

05. **Attendance**. Being at an assigned location for an assigned period of time. (1-1-09)T

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. (1-1-09)T

07. **Clocker**. A person who times workouts and races. (1-1-09)T

08. **Commission Veterinarian**. A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. (1-1-09)T

09. **Complaint**. **A** written allegation of a violation of these rules. (1-1-09)T

10. **Conditions**. Qualifications which determine a horse's eligibility to be entered in a race. (1-1-09)T

11. **Controlled Substance**. Any substance included in the five (5) classification schedules of the (U.S.) Controlled Substance Act of 1970. (1-1-09)T

12. **Daily Program**. The published listing of all contests and contestants for a specific performance. (1-1-09)T

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. (1-1-09)T

14. **Declaration**. The act of withdrawing an entered horse from a race before the closing of overnight entries. (1-1-09)T

15. **Disciplinary Action**. An action taken for misconduct or rule violation(s). (1-1-09)T

16. **Eligibility Certificate**. Document(s) showing the eligibility of all horses competing at the track or stabled on the grounds. (1-1-09)T

17. **Entrance Money Records**. A record showing all monies due and paid prior to entry of a contest. (1-1-09)T

18. **Entries**. A list of horses entered in a race. (1-1-09)T

19. **Gate Judge**. A track employee who is present at the starting gate just prior to the running of each race. (1-1-09)T

20. **Horse Identifier**. A person who is responsible for positively identifying all horses entered to a race, stabled or on racing association grounds. (1-1-09)T

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. (1-1-09)T

22. **Jockey's Room**. A room reserved for jockey's to prepare for a race. (1-1-09)T

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. (1-1-09)T

24. **Jurisdiction**. The limits or territory within which Racing Officials authority may be exercised. (1-1-09)T

25. **Licensing**. Determination for eligibility of a racing official by the Racing Commission or its designee. (1-1-09)T

26. **Nerved Horses**. A horse that has had posterior digital neurectomy (heel nerving) surgery. (1-1-09)T

27. **Nomination**. The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee. (1-1-09)T

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. (1-1-09)T

29. **Order of Finish**. The order of finish of the contestants in a contest as declared official by the stewards/judges. (1-1-09)T

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. (1-1-09)T

31. **Paddock Judge's List**. A list of horses which shall not be entered in a race for safety reasons. (1-1-09)T

32. **Patrol Judge**. A person who observes a race and reports information concerning the race to the stewards. (1-1-09)T

33. **Photo Finish**. A requested photo to help in determining the correct order of finish. (1-1-09)T

34. **Placing Judge**. A person who determines the order of finish in a race as the horses pass the finish line. (1-1-09)T

35. **Presiding State Steward**. One (1) of the two (2) stewards appointed by the Racing Commission who presides over all other stewards. (1-1-09)T

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. (1-1-09)T

37. **Purse**. The total dollar amount for which a race is contested. (1-1-09)T

38. **Race Meet**. The number of races and race days approved by the Racing Commission in the Racing Association license. (1-1-09)T

39. **Racing Association**. Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (1-1-09)T

40. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-

2503, Idaho Code, or its designee. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

43. **Reports**. A daily account of the stewards' actions and observations made during each day's race program. (1-1-09)T

44. **Rule Off**. An action by the racing stewards, under these rules, to suspend a license for a violation of these rules. (1-1-09)T

45. **Stake**. The prize in a contest. (1-1-09)T

46. **Stalls**. Stable area on racing association grounds for horses assigned by the racing secretary. (1-1-09)T

47. **Starter**. The employee of a racing association responsible for dispatching the horses for a race. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

50. **Substitute Officials**. An emergency vacancy among racing officials that is filled with the stewards' approval and reported to the Racing Commission. (1-1-09)T

51. **Substitute Steward**. Appointment by the remaining stewards during an absence of any steward at race time when an approved alternate is not available. (1-1-09)T

52. **Timer**. A person who accurately records the time elapsed between the start and finish of each race. (1-1-09)T

53. **Violations**. All unauthorized activities under these rules. (1-1-09)T

54. **Wagering**. To risk or stake an amount of money on an unknown outcome. (1-1-09)T

55. **Weight**. The amount that a jockey weighs prior to and after a race. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

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. (1-1-09)T

016. REPORT VIOLATIONS.
All racing Officials must immediately report any violations of Racing Commission rules to the Stewards or the

Racing Commission. (1-1-09)T

020. RACING OFFICIALS.

01. Officials. Officials at a race meet may include the following: (1-1-09)T

a. Stewards; (1-1-09)T

b. Racing Secretary; (1-1-09)T

c. Horsemen's Bookkeeper; (1-1-09)T

d. Paddock Judge; (1-1-09)T

e. Identifier; (1-1-09)T

f. Clerk of Scales; (1-1-09)T

g. Jockey Room Custodian; (1-1-09)T

h. Starter; (1-1-09)T

i. Timer; (1-1-09)T

j. Clocker; (1-1-09)T

k. Patrol Judge; (1-1-09)T

l. Placing Judge; and (1-1-09)T

m. Commission Veterinarian; (1-1-09)T

02. Other Persons. Any other person designated by the Racing Commission. (1-1-09)T

021. RACING OFFICIAL QUALIFICATIONS.
All racing officials shall be: (1-1-09)T

01. Of Good Character. Of good character and reputation, and shall pass all Racing Commission background and fingerprint requirements; (1-1-09)T

02. Experienced. Experienced and knowledgeable in racing; (1-1-09)T

03. Familiar with Rules. Familiar with the duties of the position and with the Racing Commission's rules; (1-1-09)T

04. Mentally and Physically Able. Mentally and physically able to perform the duties of the job; and (1-1-09)T

05. In Good Standing. In good standing and not under suspension or ineligible in any racing jurisdiction. (1-1-09)T

022. -- 024. (RESERVED).

025. PROHIBITED PRACTICES.
While serving in an official capacity, racing officials may not: (1-1-09)T

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

(1-1-09)T

02. **Sell Insurance**. Sell or solicit horse insurance on any horse racing at the meeting; (1-1-09)T

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; (1-1-09)T

04. **Wager**. Wager on the outcome of any race at the race meet where they are officiating; or (1-1-09)T

05. **Consume Alcohol**. Consume or be under the influence of alcohol or any prohibited substances. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. **Complaints Against Stewards**. Complaints against any steward must be made in writing to the Racing Commission and signed by the complainant. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

041. SUBSTITUTE STEWARDS.
Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the Racing Commission and the racing association shall be notified by the stewards. (1-1-09)T

042. -- 049. (RESERVED).

050. STEWARDS QUALIFICATIONS.
To qualify for appointment as a Steward, the appointee shall 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. (1-1-09)T

051. STEWARDS GENERAL AUTHORITY.
The stewards for each race meet shall be responsible to the Racing Commission for the conduct of the race meet in accordance with the laws of Idaho and all Racing Commission rules. (1-1-09)T

01. Jurisdiction. The Board of Stewards' jurisdiction in any matter commences thirty (30) days prior to the first day of race meet and extends up to and including thirty (30) days following the conclusion of a race meet. (1-1-09)T

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. (1-1-09)T

03. Reported. All such suspensions and fines shall be reported to the Racing Commission. (1-1-09)T

04. Stewards Enforce Rules. The stewards shall enforce all Racing Commission rules and the racing laws of the State of Idaho. (1-1-09)T

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. (1-1-09)T

06. Resolve Conflicts. The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of any Racing Commission rules. (1-1-09)T

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. (1-1-09)T

08. Other. Matters not covered by Racing Commission rules shall be determined by the Stewards in conformity with justice and in the best interest of racing. (1-1-09)T

052. -- 054. (RESERVED).

055. NUMBER OF STEWARDS.
There shall be three (3) Stewards to supervise each race meet; (1-1-09)T

01. Presiding State Steward. One (1) steward shall be assigned by the Racing Commission to be the Presiding State and shall have authority over the other stewards; and (1-1-09)T

02. Deputy State Steward. One (1) steward shall be assigned by the Racing Commission to be the Deputy State Steward; (1-1-09)T

03. Other Steward. One (1) steward shall be appointed by the Racing Association and shall be compensated by the Racing Association. (1-1-09)T

056. STEWARDS ON DUTY.
On each entry, scratch and racing day at least one (1) Steward shall be on duty at regularly posted hours. Such duty shall include and not be limited to scratch time and when races are drawn. The full Board of Stewards shall on race day sit in regular session to exercise the authority and perform the duties imposed. (1-1-09)T

057. STEWARDS' PRESENCE.
Three (3) stewards shall be present in the stewards' stand during the running of each race. (1-1-09)T

01. In Stands. There shall be three (3) Stewards in the stands when a race is being run. (1-1-09)T

02. Notice. The Stewards shall take notice of any questionable conduct with or without complaint thereof. (1-1-09)T

03. Investigations. The Stewards must investigate promptly and render a decision in every protest and in every complaint properly made to them. (1-1-09)T

058. -- 059. (RESERVED).

060. ORDER OF FINISH.
The stewards shall 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, shall be final for purposes of distribution of the pari-mutuel wagering pool. (1-1-09)T

061. CANCEL WAGERING.
The stewards shall 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. (1-1-09)T

062. -- 064. (RESERVED

065. SUBSTITUTE JOCKEY.
The Stewards for reasonable cause may substitute a Jockey of their selection on any horse. (1-1-09)T

066. TEMPORARY CHARGE.
The Stewards for reasonable cause may place a horse in the temporary charge of a Trainer of their selection. (1-1-09)T

067. -- 069. (RESERVED).

070. STEWARDS DAILY REPORTS.
The stewards shall 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 shall 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 shall 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. (1-1-09)T

071. -- 074. (RESERVED).

075. PRESIDING STEWARDS LOG.
The presiding state steward shall maintain a detailed log of the stewards' official activities. The log shall 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 shall be available at all times for inspection by the Racing Commission or its designee. (1-1-09)T

076. -- 079. (RESERVED).

080. RACE MEET REPORT.
Not later than seven (7) days after the last day of a race meet, the presiding steward shall submit to the Racing Commission a written report regarding the race meet. The report shall contain: (1-1-09)T

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 (1-1-09)T

02. Recommendations. Any recommendations for improvement by the racing association or action by the Racing Commission. (1-1-09)T

081. -- 089. (RESERVED).

090. STEWARD'S LIST.
The stewards shall 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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

091. -- 099. (RESERVED).

100. RACING SECRETARY.
The racing secretary shall be responsible for the programming of races during the race meet, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, declarations and scratches. (1-1-09)T

101. FOAL, HEALTH, AND OTHER ELIGIBILITY CERTIFICATES.
The racing secretary shall be 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. (1-1-09)T

01. Alteration of Sex. The racing secretary shall determine 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. (1-1-09)T

02. Posterior Digital Neurectomy. The racing secretary shall record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse. (1-1-09)T

102. -- 104. (RESERVED).

105. LIST OF BRED FILLIES AND MARES.
The racing secretary shall maintain a list of all fillies or mares on racing association grounds who have been covered by a stallion. The list shall also contain the name of the stallion to which each filly or mare was bred and shall be made available for inspection by other licensees participating in the race meet. (1-1-09)T

106. -- 109. (RESERVED).

110. ALLOCATION OF STALLS.
The racing secretary shall determine that stables are properly assigned and maintain a record of arrivals and departures of all horses stabled on racing association grounds. (1-1-09)T

110. -- 114. (RESERVED).

115. CONDITIONS.
The racing secretary shall determine 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. (1-1-09)T

01. Winnings Included. For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race. (1-1-09)T

02. Winnings Calculated. Winnings during the year shall be calculated by the racing secretary from the preceding January 1. (1-1-09)T

116. -- 119. (RESERVED).

120. LISTING OF HORSES.
The racing secretary shall: (1-1-09)T

01. Examine Entry Blanks. Examine all entry blanks and declarations to verify information as set forth therein; and (1-1-09)T

02. Select Horses. Select the horses to start and the also eligible horses from the declarations in accordance with Racing Commission rules. (1-1-09)T

121. -- 124. (RESERVED).

125. POSTING OF ENTRIES.
Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in the racing office and make the list available to the media. (1-1-09)T

126. -- 129. (RESERVED).

130. DAILY PROGRAM.
The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information: (1-1-09)T

01. Sequence of Races. Sequence of races to be run and post time for the first race; (1-1-09)T

02. Purse, Conditions, and Distance. The purse, conditions and distance for each race, and current track record for such distance; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

06. Horse Identification. Identification of each horse by name, color, sex, age, sire and dam; and (1-1-09)T

07. Other Information. Such other information as may be requested by the racing association or the Racing Commission. (1-1-09)T

131. -- 134. (RESERVED).

135. NOMINATIONS AND DECLARATIONS.
The racing secretary shall 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. (1-1-09)T

136. -- 139. (RESERVED).

140. STAKES AND ENTRANCE MONEY RECORDS.
The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting. (1-1-09)T

141. -- 149. (RESERVED).

150. HORSEMEN'S BOOKKEEPER.
The horsemen's bookkeeper shall 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. (1-1-09)T

151. FINANCIAL ASSURANCE.
The horsemen's bookkeeper shall be insured against crime or employee dishonesty in a manner approved by the Racing Commission. (1-1-09)T

152. -- 154. (RESERVED).

155. HORSEMEN'S BOOKKEEPER RECORDS.
The records shall 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. (1-1-09)T

01. Records Kept Separate. All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the racing association. (1-1-09)T

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. (1-1-09)T

03. Record of Winnings. The horsemen's bookkeeper shall maintain the record of applicable winning races on all apprentice certificates at the meeting. (1-1-09)T

04. Apprentice Jockey Certificates. The horsemen's bookkeeper shall release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet. (1-1-09)T

156. -- 159. (RESERVED).

160. MONIES AND FUNDS ON ACCOUNT.
All monies and funds on account with the horsemen's bookkeeper shall be maintained: (1-1-09)T

01. Separate. Separate and apart from monies and funds of the racing association; (1-1-09)T

02. Insured Account. In an account insured by the Federal Deposit and Insurance Corporation or the Federal Savings and Loan Insurance Corporation. (1-1-09)T

161. -- 164. (RESERVED).

165. PAYMENT OF PURSES.
The horsemen's bookkeeper shall 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. (1-1-09)T

01. Disbursement Upon Request. The horsemen's bookkeeper shall 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). (1-1-09)T

02. No Prior Request. Absent a prior request, the horsemen's bookkeeper shall 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. (1-1-09)T

03. Disbursement Not A Finding. The fact that purse money has been distributed prior to the issuance of a laboratory report shall 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. (1-1-09)T

04. Protests. In the event a protest or appeal has been filed with the stewards or the Racing Commission, the horsemen's bookkeeper shall disburse the purse within forty-eight (48) hours of receipt of dismissal or a final non-appealable order disposing of such protest or appeal. (1-1-09)T

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. (1-1-09)T

171. -- 199. (RESERVED).

200. PADDOCK JUDGE.
The Paddock Judge is in charge of the paddock and shall comply with IDAPA 11.04.10 “Rules Governing Live Horse Races.” (1-1-09)T

201. -- 209. (RESERVED).

210. PADDOCK JUDGE’S LIST.
The paddock judge shall maintain a list of horses which shall 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. (1-1-09)T

01. Provide List to Stewards. At the end of each race day, the paddock judge shall provide a copy of the List to the stewards. (1-1-09)T

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. (1-1-09)T

211. -- 219. (RESERVED).

220. HORSE IDENTIFIER.
The Horse Identifier is responsible for positively identifying all horses entered to race. (1-1-09)T

01. Inspection. The Horse Identifier shall inspect, identify and prepare I.D. cards by using the lip tattoo, markings from photos, written descriptions, or National Animal Identification System compliant devices. (1-1-09)T

02. Examination. The Horse Identifier shall 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 (1-1-09)T

03. Report Violation. The Horse Identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with any Racing Commission rules. (1-1-09)T

221. -- 229. (RESERVED).

230. CLERK OF SCALES.

The Clerk of the Scales shall: (1-1-09)T

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; (1-1-09)T

02. Verify Weight. Verify the correct weight of each jockey according to IDAPA 11.04.10 "Rules Governing Live Horse Races"; (1-1-09)T

03. Report Infractions. Promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct; (1-1-09)T

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 (1-1-09)T

05. Assume Duties. Assume the duties of the jockey room custodian in his absence. (1-1-09)T

231. -- 239. (RESERVED).

240. JOCKEY ROOM CUSTODIAN.
The jockey room custodian shall:

01. Supervise Conduct. Supervise the conduct of the jockeys and their attendants while they are in the jockey room; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

04. Secure Jockey Room. Keep unauthorized persons out of the jockey room; and (1-1-09)T

05. Report to Stewards. Report to the stewards any unusual occurrences in the jockey room. (1-1-09)T

241. -- 249. (RESERVED).

250. STARTER.
The Starter shall have complete jurisdiction over the starting gate, the starting of horses in accordance with IDAPA 11.04.10 "Rules Governing Live Horse Races." (1-1-09)T

01. Assess Jockey's Ability. The Starter shall 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 shall make said assessment known to the stewards. (1-1-09)T

251. -- 259. (RESERVED).

260. ASSISTANT STARTERS.
Assistant Starters are under the direct control and responsibility of the Starter. (1-1-09)T

261. -- 269. (RESERVED).

270. STARTER'S LIST.
No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall 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 shall 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 shall be under the direct

supervision of the starter. (1-1-09)T

271. -- 299. (RESERVED).

300. TIMER.
In the absence of an electronic timer, the timer shall: (1-1-09)T

01. Record Time. Accurately record the time elapsed between the start and finish of each race; (1-1-09)T

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; (1-1-09)T

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 shall post the official times in hundredths of a second; (1-1-09)T

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 (1-1-09)T

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. (1-1-09)T

301. -- 309. (RESERVED).

310. CLOCKER.
The clocker shall 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. (1-1-09)T

01. List of Workouts. Each day, the clocker shall 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. (1-1-09)T

02. Deliver List. At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary. (1-1-09)T

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. (1-1-09)T

321. -- 329. (RESERVED).

330. GATE JUDGE.
The Racing Commission may require each track to employ a gate judge whose duties shall 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. (1-1-09)T

331. -- 339. (RESERVED).

340. PLACING JUDGE.
The placing judges, if utilized, shall determine the order of finish in a race as the horses pass the finish line. (1-1-09)T

341. PHOTO FINISH.
In the event the placing judges or the stewards request a photo of the finish, the photo finish sign shall be posted on

the totalisator board. (1-1-09)T

01. Order of Finish. Following their review of the photo finish, the placing judges shall, with the approval of the stewards, determine the exact order of finish for all horses participating in the race. (1-1-09)T

02. Photographic Print. In the event a photo was requested, the placing judges shall cause a photographic print of said finish to be produced. The finish photograph shall, when needed, be used by the placing judges as an aid in determining the correct order of finish. (1-1-09)T

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 shall cause prints of said photograph to be displayed publicly in the grandstand and clubhouse areas of the racetrack. (1-1-09)T

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 shall, with the approval of the stewards, be declared. (1-1-09)T

343. -- 349. (RESERVED).

350. COMMISSION VETERINARIAN QUALIFICATIONS.
The Commission Veterinarian shall be a graduate of an accredited school of veterinary medicine and licensed to practice veterinary medicine in Idaho. (1-1-09)T

351. COMMISSION VETERINARIAN AUTHORITY.
The Commission Veterinarian shall have 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." (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

354. -- 359. (RESERVED).

360. ADDITIONAL RACING OFFICIALS.
The Racing Commission may create additional racing official positions, as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general qualifications outlined in this chapter. (1-1-09)T

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. (1-1-09)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules shall 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. (1-1-09)T

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION

11.04.07 - RULES GOVERNING RACING ASSOCIATIONS

DOCKET NO. 11-0407-0901 (FEE RULE) (NEW CHAPTER)

NOTICE OF RULEMAKING - 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 rule provides a clear concise rule Chapter on Racing Associations. 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:

Every Racing Association conducting a race meet in Idaho must pay a fee of twenty-five dollars ($25) for each day of racing.

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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700
Phone: 208-884-7080 / Fax: 208-884-7098

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0404-0901

IDAPA 11
TITLE 04
CHAPTER 07

IDAHO STATE RACING COMMISSION

11.04.07 - RULES GOVERNING RACING ASSOCIATIONS

000. LEGAL AUTHORITY.
This chapter is adopted pursuant to the legal authority of Title 54, Chapter 25, of the Idaho Code. (1-1-09)T

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 11.04.07, "Rules Governing Racing Associations." (1-1-09)T

02. Scope. This rule governs conduct and licensing of racing associations. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. **Telephone Number**. The telephone of the office is (208) 884-7080. (1-1-09)T

05. **Fax Number**. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. **Website**. The Racing Commission website is http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. **Bookmaker**. A person who makes a business of accepting the bets of others on the outcome of any sports contest including horse racing. (1-1-09)T

02. **Breed Association**. A group organized under Idaho law to receive breeder awards. (1-1-09)T

03. **Breeder**. Breeder of a horse is determined by the definition of breeder used by the registry of the particular breed of that horse. (1-1-09)T

04. **Calendar Day**. Twenty-four (24) hours ending at midnight. (1-1-09)T

05. **Chemical**. A substance composed of chemical elements or obtained by chemical processes. (1-1-09)T

06. **Claiming Race**. A race in which any horse entered therein may be claimed in conformity with the rules. (1-1-09)T

07. **Conditions**. Qualifications and requirements set by the Racing Association which determine a horse's eligibility to be entered in a race. (1-1-09)T

08. **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. See Subsection 010.22 for Prescription Drug definition. (1-1-09)T

09. **Entry**. Means, according to the requirements of the text: (1-1-09)T

a. A horse made eligible to run a race. (1-1-09)T

b. Two (2) or more horses that are entered or run in a race and are coupled because of common ties or ownership. Where two (2) or more horses owned by separate owners but trained by the same Trainer are entered in the same race, the horses may run as separate betting interests. (1-1-09)T

10. **Forfeit**. Money due because of an error fault, neglect of duty, breach of contract or a penalty. (1-1-09)T

11. **Grounds**. Any area owned or leased by any licensed Association, Corporation, or Race Track which is operated for the purpose of conducting pari-mutuel racing. (1-1-09)T

12. **Handbook**. A method of soliciting and recording wagers on the outcome of a sports contest including a horse race. (1-1-09)T

13. **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. (1-1-09)T

14. **Horsemen's Agreement**. An agreement approved by the Racing Commission between the Racing Association and the authorized horsemen's group. (1-1-09)T

15. **Idaho Bred**. A foal dropped by a mare in Idaho. (1-1-09)T

16. **Jockey**. A race rider, whether a licensed Jockey, apprentice, or amateur. (1-1-09)T

17. **Meet**. The entire consecutive period for which a license to race has been granted to any one (1) association by the Racing Commission. (1-1-09)T

18. **Month**. A calendar month. (1-1-09)T

19. **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. (1-1-09)T

20. **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. (1-1-09)T

21. **Place**. Means first, second or third and in that order is called "Win," "Place," and "Show." (1-1-09)T

22. **Prescription Drug**. (1-1-09)T

a. A drug which under federal law is required prior to being dispensed or delivered to be labeled with either of the following statements: (1-1-09)T

i. "Caution: Federal law prohibits dispensing without a prescription"; or (1-1-09)T

ii. "Caution: Federal law restricts this drug to be used by or on the order of a licensed Veterinarian." (1-1-09)T

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. (1-1-09)T

23. **Purse Race**. A race for money or any other prize to which the owners of the horses do not contribute. (1-1-09)T

24. **Racing Association**. Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. (1-1-09)T

25. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (1-1-09)T

26. **Racing Dates**. The number of racing dates authorized by the Racing Commission in a Racing Association license. (1-1-09)T

27. **Ruled Off**. An action by the racing stewards, under these rules, to suspend a license for a violation of these rules. (1-1-09)T

28. **Rules**. The "Rules Governing Horse Racing" herein and any amendments or additions thereto. (1-1-09)T

29. **Starter**. (1-1-09)T

a. The individual approved to dispatch the horses in a race. (1-1-09)T

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. (1-1-09)T

30. **Stewards**. The Stewards of the meet or their duly appointed deputies. (1-1-09)T

31. **Winner**. Winner of a single race of a certain sum or value unless otherwise expressed in the conditions. (1-1-09)T

32. **Year**. A calendar year. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

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. (1-1-09)T

021. – 039. (RESERVED).

040. RACING COMMISSION.

01. **Visit and Inspection**. The Racing Commission or designated representatives will visit and inspect the race meets. Each Racing Association conducting a race meet must make available to the Racing Commission a box of four (4) seats for each day of the race meet. The private cars of Racing Commissioners or designated representatives will have access to the restricted parking area of all tracks. (1-1-09)T

02. **Association Office**. Each Racing Association must furnish and provide an adequate office for the use of the Racing Commission or its designated representatives. (1-1-09)T

041. – 049. (RESERVED).

050. EMPLOYEES.

01. **Licenses**. Any Racing Association 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 may be subject to suspension or a fine, or both. (1-1-09)T

02. **Suspension or Fine**. The extent of said suspension or fine, or both, is determined by the Board of Stewards. (1-1-09)T

03. **Report to Stewards**. Any licensee who harbors anyone not licensed by the Racing Commission will be immediately reported to the Stewards of the race meet so that they may make investigation thereof and report the fact to the Racing Commission. (1-1-09)T

051. – 054. (RESERVED).

055. DISTURBING THE PEACE.
No person will in any manner or at any time disturb the peace or behave in a disorderly manner on the grounds of a

Racing Association; nor will any person interfere with the performance of the duties of a racing official or any employee or representative of the Racing Commission. (1-1-09)T

056. – 059. (RESERVED).

060. RULED OFF.

01. Admittance to Grounds. No person or horse ruled off, or under suspension by any recognized racing authority, will be admitted to or allowed to remain upon the grounds of any Racing Association. (1-1-09)T

02. Persons Ruled Off a Track Ineligible. When a person is ruled off a course or suspended, every horse owned in whole or part by him, or under his care, management, training or superintendence, is ineligible to enter or to start in any race until the rescinding of said person's penalty, or by the placement of the horse or horses in the hands of a licensed Trainer approved by the Stewards. (1-1-09)T

061. – 069. (RESERVED).

070. PROHIBITED PRINTED MATERIAL.
No unauthorized tip sheet, pamphlet or other printed matter, other than official programs, the Daily Racing Form and general newspapers, are to be sold on the Racing Association grounds. (1-1-09)T

01. Copies. Copies of all such materials offered for sale in the parking area or elsewhere on or off the grounds of the Racing Association must be furnished daily to the Presiding State Steward, not later than two (2) hours before first post. (1-1-09)T

02. Publishers. All tip sheet publishers and vendors must be licensed by the Racing Commission. (1-1-09)T

071. – 074. (RESERVED).

075. HANDBOOKS.
No person may make a handbook or a foreign book, or solicit a bet with a handbook or a foreign book on the grounds of a Racing Association. (1-1-09)T

076. – 079. (RESERVED).

080. BOOKMAKERS.

01. Entry Prohibited. The following persons will not be allowed entry into or remain upon the premises of any Racing Association: (1-1-09)T

a. A person who is a bookmaker or who is known or reputed to be a bookmaker; (1-1-09)T

b. A person who is a vagrant within the meaning of the laws of Idaho; (1-1-09)T

c. A person who is a fugitive from justice; (1-1-09)T

d. A person whose conduct now or heretofore has been improper, obnoxious, unbecoming or detrimental to the best interest of racing. (1-1-09)T

02. Ejection. Upon discovery or recognition, all such persons described in Subsection 080.01 of these rules will be ejected by the Racing Association or representatives and agents of the Racing Commission. (1-1-09)T

03. License Revocation. Associating with a person or persons such as described in Subsection 080.01 of these rules may be grounds for the revocation of any license. (1-1-09)T

081. – 089. (RESERVED).

090. IDAHO BRED RACES.
At least one (1) race each day at each race meet must be limited to Idaho bred horses. If a sufficient class of horses is not available to fill the race, said race may be opened to Idaho bred preferred. (1-1-09)T

01. Number of Races. The Racing Secretary must alternate among breeds according to the applicable horsemen's agreement. (1-1-09)T

02. Certificate of Registration. The owners' certificate of registration is proof that horses entered in such races were bred in Idaho. (1-1-09)T

091. BREEDER AWARDS.
A sum equal to ten percent (10%) of the first place purse money won by an Idaho bred horse must be paid by the Racing Association to the breeder of such horse. All purse moneys derived from pari-mutuel racing and all purse enhancement moneys from the Idaho State Racing Commission are included in the calculation of these breeder payments. All nominating and sustaining fees, and any moneys from outside sponsors are excluded from the calculation of these breeder payments. (1-1-09)T

092. – 094. (RESERVED).

095. BREED ASSOCIATIONS.
Pursuant to Section 54-2513, Idaho Code, on or before December 15 of each year, representatives of each breed which received money the preceding year must file a financial report showing disposition of any funds thus received. (1-1-09)T

01. Failure to File. Failure to file such report is grounds for the Racing Commission to deny approval of any future disbursement to that breed. (1-1-09)T

02. Representatives. "Lawfully constituted representatives of each breed" is the designated representative of the one (1) recognized breed organization for each breed racing in Idaho that has established itself as the traditional breed acknowledged by the Racing Commission. (1-1-09)T

096. – 099. (RESERVED).

100. RACING ASSOCIATION LICENSE.
No person may conduct a live race meet unless they possess a valid Racing Association license issued by the Racing Commission. (1-1-09)T

101. – 109. (RESERVED).

110. RACING ASSOCIATION LICENSE FEES.
Every Racing Association conducting a race meet in Idaho must pay a fee of twenty-five dollars ($25) for each day of racing, except as otherwise provided in Title 54, Chapter 25, Idaho Code. (1-1-09)T

110. – 119. (RESERVED).

120. RACING ASSOCIATION LICENSE APPLICATIONS.
Applications for Racing Association licenses must be made on forms approved by the Racing Commission. The Racing Commission sets the application date. (1-1-09)T

121. – 129. (RESERVED).

130. APPLICATIONS FOR SUCCEEDING SEASONS.
Applications for a license to conduct a race meet during the next succeeding season must be filed with the Racing Commission over the signature of an executive officer of the Racing Association. The Racing Commission sets the application date. (1-1-09)T

131. – 139. (RESERVED).

140. HORSEMEN'S AGREEMENT.
Every Racing Association must have in effect a signed Horsemen's Agreement. (1-1-09)T

141. – 149. (RESERVED).

150. RACING ASSOCIATIONS OPERATION.

01. Requirements. The scope of the Racing Associations operation and plant facilities will determine the Racing Commission's requirements for the following: (1-1-09)T

a. Proof of financial stability; (1-1-09)T

b. Names of stockholders; (1-1-09)T

c. Medical and veterinary facilities; (1-1-09)T

d. Lodging facilities; and (1-1-09)T

e. Protective facilities. (1-1-09)T

02. Additional Information. The Racing Commission or Idaho State Police may require additional background information of applicants or licensees. (1-1-09)T

151. – 159. (RESERVED).

160. REPORT OF FUNDS.
Pursuant to Section 54-2513, Idaho Code, prior to or at the time of making application for licensing Racing Associations which received money the preceding year must file a financial report with the Racing Commission showing disposition of any funds thus received. (1-1-09)T

161. – 169. (RESERVED).

170. APPROVAL OF RACING ASSOCIATION LICENSES.
The Racing Commission will consider each application for a Racing Association license individually and decide whether to grant the license or not on a case by case basis. (1-1-09)T

171. – 179. (RESERVED).

180. LICENSE GRANTED UPON CONDITIONS.
Every Racing Association license is granted upon the condition that the licensee accept, observe and enforce the Racing Commission rules. (1-1-09)T

01. Duty. It is the duty of each and every officer to observe and enforce the Racing Commission rules. (1-1-09)T

02. Investigations. The Racing Commission may require background investigations, fingerprints and photographs of Racing Association officers, stockholders or employees. (1-1-09)T

181. – 189. (RESERVED).

190. REFUSAL TO ISSUE LICENSE.
The Racing Commission may refuse to issue a Racing Association license when such refusal appears to be for the best interest of racing and of the public. The Racing Commission will, in deciding upon applications for Racing Association licenses, consider the following matters: (1-1-09)T

01. **Properly Develop**. The opportunity for the sport to properly develop. (1-1-09)T

02. **Competition**. The avoidance of competition with established tracks in Idaho. (1-1-09)T

03. **Community Support**. The extent of community support for the promotion and continuance of the tracks. (1-1-09)T

04. **Reputation**. The character and reputation of the persons identified with the Racing Association. (1-1-09)T

05. **Safety**. The general conditions and safety of the Racing Association facilities. (1-1-09)T

191. – 199. (RESERVED).

200. FINGERPRINTS – PHOTOGRAPH.
Every person holding a Racing Association license in Idaho, and every person that holds such a license who is an officer or director of a Racing Association that is in any capacity connected to any extent with the pari-mutuel wagering business in this State, must, on demand, furnish his fingerprints and photograph to the Racing Commission for its files. Fingerprints and photograph are to be taken at such time and place and in such manner as the Racing Commission may from time to time direct and prescribe. (1-1-09)T

201. – 209. (RESERVED).

210. RACING DATES.
Application for racing dates must be made on forms approved by the Racing Commission. Application for racing dates does not commit the Racing Commission to the granting of a license to conduct race meets upon the dates requested. (1-1-09)T

211. – 219. (RESERVED).

220. LICENSE NOT TRANSFERABLE.
No Racing Association license or any part thereof is transferable or assignable without the consent of the Racing Commission and said license is not valid for any racing days other than those set out therein. (1-1-09)T

221. – 239. (RESERVED).

240. PROPOSED OFFICIALS.
Thirty (30) days prior to the first day of a race meet the Racing Association must submit in writing to the Racing Commission all names and personal data of proposed officials for processing for licensing. No official may act until approved by the Racing Commission. A Racing Commission representative at the track will process substitutions. The required form will be provided by the Racing Commission. (1-1-09)T

01. **Hardship**. To avoid undue hardship the Racing Commission may authorize Racing Associations to allow officials other than Stewards to act in dual capacities. (1-1-09)T

241 – 249. (RESERVED).

250. RACING ASSOCIATIONS – GENERAL RULES.

01. **Laws and Rules**. The laws of Idaho and the rules promulgated by the Racing Commission supersede the conditions of the race or the regulations of a race meet. (1-1-09)T

02. **Racing Hours**. Each Racing Association may conduct horse racing only between the hours of 12:00 noon and 12:00 midnight, unless otherwise specifically authorized by the Racing Commission. (1-1-09)T

03. **Conditions of Races**. Each Racing Association must file with the Racing Commission the conditions of races it proposes to hold together with the stakes, purse or rewards. (1-1-09)T

04. Open Market. Owners and stables participating in race meets operating under license of the Racing Commission may purchase feed and supplies on the open market. No Racing Association may grant exclusive concessions which will interfere with this right. (1-1-09)T

05. Toilets and Other Facilities. Each Racing Association must on every racing day provide and maintain adequate toilet facilities and facilities for furnishing drinking water for its patrons and persons having business at the track. (1-1-09)T

06. Tampering. Each Racing Association must provide protection facilities to prevent tampering with horses or any other corrupt practices at licensed race meets. The Racing Commission may at any time require Racing Associations to expand their protective services. (1-1-09)T

07. Fire Regulations Posted. Every Racing Association must post in the stable area of its premises the fire regulations applicable on its grounds and such posted notice must also state the location of the nearest fire alarm box and the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area. Such notices must be posted no more than one hundred (100) feet apart or as approved by the local fire authority. No Racing Association or other person may violate the posted fire regulations specified by the Racing Commission. (1-1-09)T

08. Credentials. A full record of credentials issued by the Racing Association must be compiled and open to inspection at all times. All additions made to or changes in the list of employees of any Racing Association must be reported promptly to the Racing Commission in writing. (1-1-09)T

09. Horse Ambulance. Racing Associations must furnish, maintain, and have available a horse ambulance, as required by the Racing Commission, for each day that the track is open for racing or exercising during the race meet. (1-1-09)T

10. Human Emergency Medical Response Vehicle. Racing Associations must furnish and maintain a human emergency medical response vehicle, as required by the Racing Commission, for each day that the track is open for racing or exercising during the race meet. If the human emergency medical response vehicle is being used to transport an individual, the Racing Association may not conduct a race until the ambulance is replaced. (1-1-09)T

11. Medical Professionals. Racing Associations must have a licensed physician, registered nurse, paramedic or licensed emergency medical technician on duty at the track on each day of racing and must also provide adequate first aid and medical facilities to protect patrons and participants at licensed race meets. (1-1-09)T

12. Comfort and Safety. Racing Associations must at all times maintain the premises in good condition and properly secured, with special consideration for the comfort and safety of the public, of the horses and of all others present. (1-1-09)T

13. Violators. Violators of any rules are subject to ejection from the grounds, fine, suspension, being ruled off or any combination of the preceding. (1-1-09)T

14. Post Notices. Racing Associations must promptly post Racing Commission notices in places that can be easily viewed by licensees. (1-1-09)T

251. – 259. (RESERVED).

260. HORSEMEN'S ACCOUNT.

Unless otherwise authorized by the Racing Commission and consistent with the Horsemen's agreement pertaining to the Horsemen's account, each Racing Association must keep an account, to be known as the "Horsemen's Account," with sufficient funds at all times in such account to cover all monies due horsemen in regard to purses, stakes, rewards, claims and deposits. (1-1-09)T

01. Subject to Review or Audit. The account is at all times be subject to review or audit by the Racing Commission. (1-1-09)T

02. Bonded. The horsemen's bookkeeper is in charge of such an account and must be insured against crime or employee dishonesty in a manner approved by the Racing Commission. (1-1-09)T

261. – 269. (RESERVED).

270. PURSE MONEY.
Purse money must be made available to the winners promptly following release by the Racing Commission or its representative. (1-1-09)T

01. Release. Release will be given when test results of the horse's urine, blood or other specimens have been reported to the Racing Commission. (1-1-09)T

02. Breeder's Awards. Breeder's awards will be payable when the purse is cleared. (1-1-09)T

03. Weekly Remittance. The one-half (1/2) of one percent (1%) to benefit owners or breeders is to be remitted weekly by the Racing Association to the Racing Commission for distribution quarterly to the representatives of each breed. (1-1-09)T

271. – 279. (RESERVED).

280. COMMUNICATION.

01. Communication System. Racing Associations must provide and maintain in good working order a communication system between racing officials and locations as determined by the Racing Commission. (1-1-09)T

02. Public Address System. Racing Associations must provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area. (1-1-09)T

281. – 289. (RESERVED).

290. DOCUMENTS FILED WITH RACING COMMISSION.
Not less than thirty (30) days before opening a race meet each Racing Association must file with the Racing Commission the following: (1-1-09)T

01. Bond. A bond signed by a surety company licensed to do business in this State in such form and in the sum as may be required by the Racing Commission, conditioned that the association will pay to the state of Idaho all money due under the provisions of Title 54, Chapter 25, Idaho Code. (1-1-09)T

02. Liability Insurance. Proof of public liability insurance by a company licensed to do business in this State in such form and in the amount as may be required by the Racing Commission for the protection of the public, the exhibitors and visitors. (1-1-09)T

03. Accident Insurance or Workmen's Compensation Insurance. Proof of an accident insurance policy or workmen's compensation insurance policy issued by a company licensed to do business in Idaho for the protection of Jockeys and exercise persons for injuries incurred in connection with race meets in such form and amount as may be required by the Racing Commission. (1-1-09)T

291. – 299. (RESERVED).

300. HORSE RACE TRACKS.

01. Track Width. A minimum of twenty (20) feet of track width must be allowed for the first two (2) horses in a race, with an additional five (5) feet for each added starter. (1-1-09)T

02. Implements. Racing Associations must provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The Racing Association must provide back-up equipment for

maintaining the track surface. (1-1-09)T

03. Limit on Number of Horses. No more than eight (8) horses may start in any race on a one-half (1/2) mile track. (1-1-09)T

04. Racing Surface. The surface of a racetrack, including the cushion, subsurface and base, must be designed, constructed and maintained to provide for the safety of the jockeys and horses. (1-1-09)T

05. Rails. Race tracks must have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the Racing Commission prior to the first race meet at the track. (1-1-09)T

301. – 309. (RESERVED).

310. JOCKEY ROOM.
Each Racing Association must provide a room reserved for jockeys to prepare for a race. (1-1-09)T

311. – 319. (RESERVED).

320. OFFICIALS' STANDS.
Racing Associations must provide adequate stands for officials to have a clear view of the racetrack. The location and design of the stands must be approved by the Racing Commission. (1-1-09)T

321. – 329. (RESERVED).

330. PHOTO FINISH DEVICES.
Racing Associations must provide two (2) electronic photo finish devices with mirror image to photograph the finish of each race and record the time of each horse in at least hundredths of a second. (1-1-09)T

01. Location. The location and operation of the photo finish devices must be approved by the Racing Commission before its first use in a race. (1-1-09)T

02. Posting Photographs. The Racing Association must promptly post a photograph of each photo finish for win, place or show in an area accessible to the public. (1-1-09)T

03. Devices Calibrated. The Racing Association must ensure that the photo finish devices are calibrated before the first day of each race meet and at other times as required by the Racing Commission. (1-1-09)T

04. Print Provided. On request by the Racing Commission, the Racing Association must provide, without cost, a print of a photo finish to the Racing Commission. (1-1-09)T

05. Records. Photo finish records of each race must be maintained by the Racing Association for not less than six (6) months after the end of the race meet, or such other period as may be requested by the stewards or the Racing Commission. (1-1-09)T

331. – 339. (RESERVED).

340. VIDEOTAPING SYSTEM.
Racing Associations must provide a videotaping system approved by the Racing Commission. Cameras must be located to provide clear panoramic and head-on views of each race. (1-1-09)T

01. Monitors. Separate monitors that simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review must be provided in the stewards' stand. (1-1-09)T

02. Location. The location and construction of video towers must be approved by the Racing

Commission. (1-1-09)T

03. **Stewards**. The stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race. (1-1-09)T

04. **Oval Track**. Races run on an oval track must be recorded by at least three (3) video cameras. (1-1-09)T

05. **Straight Course**. Races run on a straight course must be recorded by at least two (2) video cameras. (1-1-09)T

06. **Videotape Copy**. Racing Associations must, upon request, provide to the Racing Commission, without cost, a copy of a videotape of a race. (1-1-09)T

07. **Videotapes Maintained**. Videotapes recorded prior to, during and following each race must be maintained by the Racing Association for not less than six (6) months after the end of the race meet, or such other period as may be requested by the stewards or the Racing Commission. (1-1-09)T

08. **Objection**. Following any race in which there is an inquiry or objection, the Racing Association must display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the stewards in making their decision. (1-1-09)T

341. – 349. (RESERVED).

350. STARTING GATE.
All horse 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. (1-1-09)T

01. **Training Hours**. Racing Associations must make at least one (1) starting gate and qualified starting gate personnel available for schooling during designated training hours. (1-1-09)T

02. **Backup Equipment**. If a race is started at a place other than in a chute, the Racing Association must provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure. (1-1-09)T

351. – 359. (RESERVED).

360. DISTANCE MARKERS.
Racing Associations must provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand. (1-1-09)T

361. – 369. (RESERVED).

370. BARNS.
Racing Associations must provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. The Racing Association's stable area configuration and facilities must be approved by the Racing Commission. (1-1-09)T

01. **Good Repair**. Racing Associations must ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must have a water supply available, be well-ventilated, have proper drainage and be constructed to be comfortable during the race meet. (1-1-09)T

02. **Stall Size**. Racing Associations must ensure that each horse is stabled in an individual box stall with minimum dimensions of ten feet by ten feet (10' x 10'). (1-1-09)T

371. – 379. (RESERVED).

380. TEST AREA.
Racing Associations must provide a test area for taking specimens of urine, blood or other bodily substances or tissues for testing. The Racing Associations must limit access to the test area to persons authorized by the commission veterinarian. (1-1-09)T

381. – 389. (RESERVED).

390. ISOLATION AREA.
Racing Associations must provide an isolation area, approved by the Racing Commission, for the care and treatment of a horse that is ordered isolated by the commission veterinarian. (1-1-09)T

391. – 899.. (RESERVED).

900. SECURITY.
Racing Associations conducting live race meets must maintain security controls over their grounds. Security controls are subject to the approval of the Racing Commission. (1-1-09)T

01. **Restricted Areas**. Racing Associations must restrict access of licensees or their guests to certain areas of the grounds. Those restricted areas are the Paddock, Jockey Room, Veterinarian's Test Area, the Steward's Stand, the Mutuel Room, racing offices and any other area the Racing Association feels should be limited access. (1-1-09)T

02. **Escort Guests**. Any licensee may escort an unlicensed guest through the enclosure of a Racing Association except restricted areas. The licensee and the guest must sign in and out and identify all such persons. The licensee by signing accepts full responsibility for the safety and actions of the guest while in the enclosure. (1-1-09)T

03. **Passes**. Racing Associations may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meet are licensed as required by these rules. (1-1-09)T

04. **Prevent Access**. Racing Associations must prevent access to and must remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized. (1-1-09)T

05. **List of Security Personnel**. On request by the Racing Commission, a Racing Association must provide a list of the security personnel, including the name, qualifications, training, duties duty station and area supervised by each employee. (1-1-09)T

06. **Daily Reports**. Each day, the chief of security for a Racing Association must deliver a written report to the stewards regarding occurrences on Racing Association grounds on the previous day. Not later than twenty-four (24) hours after an incident occurs requiring the attention of security personnel, the chief of security must deliver to the stewards a written report describing the incident. The report must include the name of each individual involved in the incident, the circumstances of the incident and any recommended charges against each individual involved. (1-1-09)T

901. – 909. (RESERVED).

910. COMPLAINTS.
Racing Associations must promptly notify the Racing Commission of any complaints regarding: (1-1-09)T

01. **Violations**. Alleged violation of Section 54-2501, Idaho Code, ordinances or statutes, or a rule of the Racing Commission; (1-1-09)T

02. **Accidents or Injuries**. (1-1-09)T

03. **Unsafe Conditions**. Unsafe or unsanitary conditions for patrons, licensees or horses. (1-1-09)T

911. – 919. (RESERVED).

920. EXCLUSION AND EJECTION.
Racing Associations must immediately, upon notification by the Racing Commission, take steps to bar admittance to the racing grounds to any person who is subject to an exclusion order of the Racing Commission. (1-1-09)T

01. **Lawful Reason**. Racing Associations may eject or exclude a person for any lawful reason. Racing Associations must immediately notify the stewards and the Racing Commission in writing of any person ejected or excluded by the Racing Association and the reasons for the ejection or exclusion. (1-1-09)T

02. **Readmission**. Any person ejected from the grounds of a Racing Association will be denied readmission to said grounds until permission has been approved by the Racing Commission. (1-1-09)T

921. – 989. (RESERVED).

990. PENALTIES.
Any person violating any of the provisions of this chapter is subject to the penalties provided for in Title 54, Chapter 25, Idaho Code and any of the Racing Commission rules. (1-1-09)T

991. – 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in this chapter is 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. (1-1-09)T

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
Phone: 208-884-7080 / Fax: 208-884-7098

700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0408-0901

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. (1-1-09)T

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. (1-1-09)T

02. Scope. These rules govern Pari-mutuel wagering in the State of Idaho. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. Telephone Number. The telephone of the office is (208) 884-7080. (1-1-09)T

05. Fax Number. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. Website. The Racing Commission website is: http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Advanced Wagering. Wagering before a scheduled post time for the first contest of a performance. (1-1-09)T

04. Breakage. The net pool minus payout. (1-1-09)T

05. Cancelled Race. A race not held. (1-1-09)T

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. (1-1-09)T

07. Contest. A competitive racing event or competition between horses in which pari-mutuel wagering is conducted. (1-1-09)T

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. (1-1-09)T

09. Daily Double. A daily double requires the selection of the first place finisher in two (2) consecutive races. (1-1-09)T

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. (1-1-09)T

11. Exacta. The Exacta requires selection of the first two (2) finishers, in their exact order, for a single contest. (1-1-09)T

12. Guest Association. A racing association approved to offer simulcast races and pari-mutuel wagering on races conducted at other racetracks. (1-1-09)T

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. (1-1-09)T

14. License. A permission granted by the Racing Commission to engage in racing or a regulated activity. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

17. Odds. Number indicating amount of profit per dollar to be paid to holders of winning pari-mutuel rickets. (1-1-09)T

18. Official Results. The finish of the race as declared by the Stewards. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

24. **Parlay**. A multi-race bet in which all winnings are subsequently wagered on each succeeding race. (1-1-09)T

25. **Payout**. Money disbursed after a race is official. (1-1-09)T

26. **Pick (n)**. The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. (1-1-09)T

27. **Place Pool**. The total amount wagered on a specific entry to finish second in a race. (1-1-09)T

28. **Quinella**. The Quinella requires selection of the first two (2) finishers, irrespective of order, for a single contest. (1-1-09)T

29. **Quinella Double**. The Quinella Double requires selection of the first two (2) finishers, irrespective of order, in each of two (2) specified contests. (1-1-09)T

30. **Racing Association**. Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (1-1-09)T

31. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (1-1-09)T

32. **Remote Site**. A guest association or secondary pari-mutuel organization. (1-1-09)T

33. **Scratch**. The act of withdrawing an entered horse from the race after closing of overnight entries. (1-1-09)T

34. **Scratched Horse**. A horse that is withdrawn from a race after the betting has begun. (1-1-09)T

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. (1-1-09)T

36. **Show Pool**. The total amount wagered on a specific entry to finish third in a race. (1-1-09)T

37. **Simulcast**. Video and audio transmission of a race and pari-mutuel information for the purpose of pari-mutuel wagering at locations other than a licensed racing association where the race is run. (1-1-09)T

38. **Superfecta**. The Superfecta requires selection of the first four (4) finishers, in their exact order, for

a single contest. (1-1-09)T

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. (1-1-09)T

40. **Trifecta**. The Trifecta requires selection of the first three (3) finishers, in their exact order, for a single contest. (1-1-09)T

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. (1-1-09)T

42. **Twin Quinella**. The Twin Quinella requires selection of the first two (2) finishers, irrespective of order, in each of two (2) designated contests. (1-1-09)T

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. (1-1-09)T

44. **Voucher Identification Number**. A number specifically unique to each pari-mutuel voucher. (1-1-09)T

45. **Wager**. To risk or state an amount of money on an unknown outcome. (1-1-09)T

46. **Win Pool**. The amount wagered on a specific entry to finish a race. (1-1-09)T

47. **Win Three**. The Win Three (3) requires selection of a first-place finisher in each of three (3) specified contests. (1-1-09)T

48. **Winnings**. Money won by successfully wagering on the winner in a live or simulcast race based on the official order of finish. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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 (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. The name of the racing association operating the meeting; (1-1-09)T

b. A unique identifying number or code; (1-1-09)T

c. Identification of the terminal at which the ticket was issued; (1-1-09)T

d. A designation of the performance for which the wagering transaction was issued; (1-1-09)T

e. The contest number for which the pool is conducted; (1-1-09)T

f. The type or types of wagers represented; (1-1-09)T

g. The number or numbers representing the betting interests for which the wager is recorded; and, (1-1-09)T

h. The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Wager -- Person Under Eighteen. No person under eighteen (18) years of age is allowed to wager. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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.

(1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

10. Claims on Lost, Mutilated, or Altered Tickets. The racing association may not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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 forty-eight (48) hours. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Overpayment. In the event the error results in an overpayment to winning wagers, the racing association is responsible for such payment. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Official Results and Payouts. Official results and payouts must be displayed upon each contest being declared official. (1-1-09)T

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. (1-1-09)T

108. CANCELLED CONTESTS.
If a contest is cancelled or declared "no contest," refunds must be granted on valid wagers in accordance with these rules. (1-1-09)T

01. Refunds. Notwithstanding other provisions of these rules, refunds of the entire pool must be made on: (1-1-09)T

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). (1-1-09)T

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). (1-1-09)T

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). (1-1-09)T

02. Authorized Refund to be Paid. Authorized refunds must be paid upon presentation and surrender of the affected pari-mutuel ticket. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

05. Coupled Entries and Mutuel Fields. If no horse finished in a race, all money wagered on that race must be refunded. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

d. May offer quinella wagering on all contests with three (3) or more betting interests. (1-1-09)T

e. May offer quinella double wagering on all contests with three (3) or more betting interests. (1-1-09)T

f. May offer exacta wagering on all contests with two (2) or more betting interests. (1-1-09)T

g. May offer trifecta wagering on all contests with three (3) or more betting interests. (1-1-09)T

h. May offer superfecta wagering on all contests with four (4) or more betting interests. (1-1-09)T

i. May offer twin quinella wagering on all contests with three (3) or more betting interests. (1-1-09)T

j. May not offer twin trifecta, tri-superfecta or twin trifecta wagering on any contests with six (6) or

less betting interests. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Approved Close Wagering System. The racing association must maintain, in good order, a system approved by the Racing Commission for closing wagering. (1-1-09)T

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: (1-1-09)T

a. The name of the complainant; (1-1-09)T

b. The nature of the complaint; (1-1-09)T

c. The name of the persons, if any, against whom the complaint was made; (1-1-09)T

d. The date of the complaint; and (1-1-09)T

e. The action taken or proposed to be taken, if any, by the racing association. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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,. (1-1-09)T

02. Request for Approval. Any request for approval of a stored value instrument or system must include a detailed description of the standards utilized: (1-1-09)T

a. To identify the specific stored value instrument or account in the pari-mutuel system wagering transaction record; (1-1-09)T

b. To verify the identity and business address of the person(s) obtaining, holding, and using the stored value instrument or system; and (1-1-09)T

c. To record and maintain records of deposits, credits, debits, transaction numbers, and account balances involving the stored value instruments or accounts. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

a. Standard Price Calculation Procedure. (1-1-09)T

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

(1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

b. Net Price Calculation Procedure. (1-1-09)T

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

(1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

d. Minimum payout and the method used for calculating breakage are established by the Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. To those whose selection finished first; but if there are no such wagers, then; (1-1-09)T

b. To those whose selection finished second; but if there are no such wagers, then; (1-1-09)T

c. To those whose selection finished third; but if there are no such wagers, then; (1-1-09)T

d. The entire pool must be refunded on Win wagers for that contest. (1-1-09)T

03. Dead Heat for First. If there is a dead heat for first involving: (1-1-09)T

a. Contestants representing the same betting interest, the Win pool is distributed as if no dead heat occurred. (1-1-09)T

b. Contestants representing two (2) or more betting interests, the Win pool is distributed as a profit split. (1-1-09)T

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

(1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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 (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

d. As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then; (1-1-09)T

e. The entire pool must be refunded on Place wagers for that contest. (1-1-09)T

03. Dead Heat for First. If there is a dead heat for first involving: (1-1-09)T

a. Contestants representing the same betting interest, the Place pool must be distributed as a single price pool. (1-1-09)T

b. Contestants representing two (2) or more betting interest, the Place pool must be distributed as a profit split. (1-1-09)T

04. Dead Heat for Second. If there is a dead heat for second involving: (1-1-09)T

a. Contestants representing the same betting interest, the Place pool is distributed as if no dead heat occurred. (1-1-09)T

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. (1-1-09)T

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

(1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

f. As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then; (1-1-09)T

g. The entire pool must be refunded on Show wagers for that contest. (1-1-09)T

03. Dead Heat for First. If there is a dead heat for first involving: (1-1-09)T

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. (1-1-09)T

b. Three (3) contestants representing a single betting interest, the Show pool must be distributed as a single price pool. (1-1-09)T

c. Contestants representing two (2) or more betting interests, the Show pool must be distributed as a profit split. (1-1-09)T

04. Dead Heat for Second. If there is a dead heat for second involving: (1-1-09)T

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. (1-1-09)T

b. Contestants representing two (2) betting interests, the Show pool must be distributed as a profit split. (1-1-09)T

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. (1-1-09)T

05. **Dead Heat for Third**. If there is a dead heat for third involving: (1-1-09)T

a. Contestants representing the same betting interest, the Show pool must be distributed as if no dead heat occurred. (1-1-09)T

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. (1-1-09)T

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

(1-1-09)T

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

(1-1-09)T

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. (1-1-09)T

02. First Place Finisher. The Double requires selection of the first-place finisher in each of two (2) specified contests. (1-1-09)T

03. Winning Distribution. The net Double pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: (1-1-09)T

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; (1-1-09)T

b. As a profit split to those who selected the first-place finisher in either contest; but if there are no such wagers, then; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Double wagers for those contests. (1-1-09)T

04. Dead Heat for First. If there is a dead heat for first in either of the two (2) contests involving: (1-1-09)T

a. Contestants representing the same betting interest, the Double pool is distributed as if no dead heat occurred. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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 of the Daily Double. (1-1-09)T

12. Close of Sale. Sale of Daily Double tickets must close not later than "off-time" of the first race of the Daily Double. (1-1-09)T

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. (1-1-09)T

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

(1-1-09)T

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

(1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

d. The entire pool must be refunded on Win Three (3) wagers for those contests. (1-1-09)T

03. Dead Heat. If there is a dead heat for first in any of the three (3) contests involving: (1-1-09)T

a. Contestants representing the same betting interest, the Win Three (3) pool is distributed as if no dead heat occurred. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

iv. The entire Win Three (3) pool is refunded. (1-1-09)T

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: (1-1-09)T

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 and removed from further consideration in the pool; (1-1-09)T

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: (1-1-09)T

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). (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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). (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Apportioning the Pool. The Pick (n) pool is apportioned under one (1) of the following methods: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Dead Heat. If there is a dead heat for first in any of the Pick (n) contests involving: (1-1-09)T

a. Contestants representing the same betting interest, the Pick (n) pool must be distributed as if no dead heat occurred. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

05. Cancellation and Refunds. The Pick (n) pool will be cancelled and all Pick (n) wagers for the individual performance will be refunded, if: (1-1-09)T

a. At least two (2) contests included as part of a Pick Three (3) are cancelled or declared "no contest"; (1-1-09)T

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"; (1-1-09)T

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 (1-1-09)T

d. At least five (5) contests included as part of a Pick Ten (10) are cancelled or declared "no contest." (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. Upon written approval from the Racing Commission as provided in these rules. (1-1-09)T

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. (1-1-09)T

c. On the closing performance of the meet or split meet. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

Table 7 -- Pick 7 Pool

Multiple Takeout Rates and Multiple Betting Sources

	Percent Takeout	Gross Pool Bet On	Gross Amount - Win	Net Pool Bet On	Net Amount - Win
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

(1-1-09)T

207. QUINELLA POOLS.

01. Quinella Pools. The Quinella requires selection of the first two (2) finishers, irrespective of order, for a single contest. (1-1-09)T

02. Distribution. The net Quinella pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Quinella wagers for that contest. (1-1-09)T

03. Dead Heat -- First Place. If there is a dead heat for first involving: (1-1-09)T

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. (1-1-09)T

b. Contestants representing two (2) betting interests, the Quinella pool is distributed as if no dead heat occurred. (1-1-09)T

c. Contestants representing three (3) or more betting interests, the Quinella pool is distributed as a profit split. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Quinella wagers for that contest. (1-1-09)T

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. (1-1-09)T

02. Distribution. The net Quinella Double pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Quinella Double wagers for those contests. (1-1-09)T

03. Dead Heat - First Place. If there is a dead heat for first in either of the two (2) Quinella Double contests involving: (1-1-09)T

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. (1-1-09)T

b. Contestants representing two (2) betting interests, the Quinella Double pool is distributed as if no dead heat occurred. (1-1-09)T

c. Contestants representing three (3) or more betting interests, the Quinella Double pool is distributed as a profit split. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

209. EXACTA POOLS.

01. Exacta Pools. The Exacta requires selection of the first two (2) finishers, in their exact order, for a single contest. (1-1-09)T

02. Distribution. The net Exacta pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Exacta wagers for that contest. (1-1-09)T

03. Dead Heat for First. If there is a dead heat for first involving: (1-1-09)T

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. (1-1-09)T

b. Contestants representing two (2) or more betting interests, the Exacta pool is distributed as a profit split. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

d. The entire pool must be refunded on Exacta wagers for that contest. (1-1-09)T

210. TRIFECTA POOLS.

01. Trifecta Pools. The Trifecta requires selection of the first three (3) finishers, in their exact order, for a single contest. (1-1-09)T

02. Distribution. The net Trifecta Pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

d. The entire pool must be refunded on Trifecta wagers for that contest. (1-1-09)T

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. (1-1-09)T

04. Dead Heat for First. If there is a dead heat for first involving: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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.(1-1-09)T

211. SUPERFECTA POOLS.

01. Superfecta Pools. The Superfecta requires selection of the first four (4) finishers, in their exact order, for a single contest. (1-1-09)T

02. Distribution. The net Superfecta pool must be distributed to winning wagers in the following precedence, based upon the official order of finish: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Superfecta wagers for that contest. (1-1-09)T

03. Less Than Four Finish. If less that 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. (1-1-09)T

04. Dead Heat -- First Place. If there is a dead heat for first involving: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

05. Dead Heat -- Second Place. If there is a dead heat for second involving: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

b. Those whose combination finished as the first two (2) betting interests are winners; but if there are no such wagers, then; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Twin Quinella wagers for that contest. (1-1-09)T

03. Dead Heat -- First Place. In the first Twin Quinella contest only, if there is a dead heat for first involving: (1-1-09)T

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. (1-1-09)T

b. Contestants representing two (2) betting interests, the winning Twin Quinella wagers are determined as if no dead heat occurred. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire pool must be refunded on Twin Quinella wagers for that contest. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then; (1-1-09)T

f. In accordance with Subsection 212.02 of these rules. (1-1-09)T

06. Dead Heat -- First Place. In the second Twin Quinella contest only, if there is a dead heat for first involving: (1-1-09)T

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. (1-1-09)T

b. Contestants representing two (2) betting interests, the net Twin Quinella pool will be distributed as if no dead heat occurred. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then; (1-1-09)T

f. In accordance with Subsection 212.02 of these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

d. The entire Twin Trifecta pool must be refunded on Twin Trifecta wagers for that contest and the second-half must be cancelled. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

07. Coupled Entries and Mutuel Field. Coupled entries and mutuel fields are prohibited in Twin Trifecta contests. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. The first-half of the Twin Trifecta, the payoff is calculated as a profit split. (1-1-09)T

b. The second-half of the Twin Trifecta, the payoff is calculated as a single price pool. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

d. As a single price pool to holders of valid exchange tickets. (1-1-09)T

e. As a single price pool to holders of outstanding first-half winning tickets. (1-1-09)T

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. (1-1-09)T

18. Carryover Designation. The Twin Trifecta carryover must be designated for distribution on a specified date and performance only under the following circumstances: (1-1-09)T

a. Upon written approval from the Racing Commission as provided in Subsection 213.15 of these rules. (1-1-09)T

b. Upon written approval from the Racing Commission when there is a change in the carryover cap or when the Twin Trifecta is discontinued. (1-1-09)T

c. On the closing performance of the meet or split meet (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

d. The entire Tri-Superfecta pool must be refunded on Tri-Superfecta wagers for that contest and the second-half must be cancelled. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

07. Coupled Entries and Mutuel Field. Coupled entries and mutuel fields are prohibited in Tri-Superfecta contests. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. The first-half of the Tri-Superfecta, the payoff is calculated as a profit split. (1-1-09)T

b. The second-half of the Tri-Superfecta, the payoff is calculated as a single price pool. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. As a single price pool to holders of valid exchange tickets. (1-1-09)T

f. As a single price pool to holders of outstanding first-half winning tickets. (1-1-09)T

17. Exchange of Tickets. Contrary to Subsection 214.04 of 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. (1-1-09)T

18. Carryover Designation. The Tri-Superfecta carryover may be designated for distribution on a specified date and performance only under the following circumstances: (1-1-09)T

a. Upon written approval from the Racing Commission as provided in Subsection 214.15 of these rules. (1-1-09)T

b. Upon written approval from the Racing Commission when there is a change in the carryover cap or when the Tri-Superfecta is discontinued. (1-1-09)T

c. On the closing performance of the meet or split meet. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. The entire Twin Superfecta pool must be refunded on Twin Superfecta wagers for that contest and the second-half must be cancelled. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

07. Prohibited Entries. Coupled entries and mutuel fields are prohibited in Twin Superfecta contests. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. The first-half of the Twin Superfecta, the payoff is calculated as a profit split. (1-1-09)T

b. The second-half of the Twin Superfecta, the payoff is calculated as a single price pool. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

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; (1-1-09)T

e. As a single price pool to holders of valid exchange tickets. (1-1-09)T

f. As a single price pool to holders of outstanding first-half winning tickets. (1-1-09)T

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. (1-1-09)T

18. Carryover Distribution. The Twin Superfecta carryover must be designated for distribution on a specified date and performance only under the following circumstances: (1-1-09)T

a. Upon written approval from the Racing Commission as provided in Subsection 215.15 of these rules. (1-1-09)T

b. Upon written approval from the Racing Commission when there is a change in the carryover cap or when the Twin Superfecta is discontinued. (1-1-09)T

c. On the closing performance of the meet or split meet. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules shall 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. (1-1-09)T

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
Phone: 208-884-7080 / Fax: 208-884-7098

700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0409-0901

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. (1-1-09)T

001. TITLE AND SCOPE.

01. **Title**. This chapter is cited as IDAPA 11.04.09 "Rules Governing Claiming Races". (1-1-09)T

02. **Scope**. This chapter describes the procedures and requirements for the claiming of horses and the conduct of claiming races. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. **Mailing Address**. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. **Telephone Number**. The telephone of the office is (208) 884-7080. (1-1-09)T

05. **Fax Number**. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. **Website**. The Racing Commission website is http:/www.isp.state.id.us/race. (1-01-08)T

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. (1-1-09)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Certificate of Registration. A document identifying a horse, its breeding and registry. (1-1-09)T

02. Claimant. A person who has successfully claimed a horse in a claiming race. (1-1-09)T

03. Claimed. A horse that has been properly purchased under these rules. (1-1-09)T

04. Claiming Race. A race in which any horse starting may be purchased for a designated amount in conformance with this chapter. (1-1-09)T

05. Colt. An intact male horse under five (5) years of age. (1-1-09)T

06. Eligible. A horse that is qualified to run in a race under these rules. (1-1-09)T

07. Eligible Person. A licensed owner, licensed trainer or authorized agent who has been properly authorized to claim a horse. (1-1-09)T

08. Engagements. Race days where a horse has been entered to race. (1-1-09)T

09. Filly. A female horse that has not reached five (5) years of age. (1-1-09)T

10. Gelding. An altered male horse of any age. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

13. In-foal. A filly or mare that is pregnant. (1-1-09)T

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. (1-1-09)T

15. Mare. A female horse that has reached the age of five (5) years. (1-1-09)T

16. Officials. Persons licensed by the state to ensure the rules of racing are enforced. (1-1-09)T

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. (1-1-09)T

18. Racing Association. Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (1-1-09)T

19. Racing Commission. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

22. **Stable**. All the race horses belonging to a particular owner. (1-1-09)T

23. **Starter Allowance Race**. A race where entrants must have established eligibility by participation in a previous race. (1-1-09)T

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. (1-1-09)T

25. **Title**. Legal document showing ownership of a horse. (1-1-09)T

26. **Transfer**. To convey the possession or legal title of a horse to another. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

01. **Condition Disclosed**. Full disclosure of such fact is on file with the racing secretary and such information is posted in the racing office; (1-1-09)T

02. **Service Certificate**. The stallion service certificate has been deposited with the racing secretary's office; and (1-1-09)T

03. **Release of Service Certificate**. The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed. (1-1-09)T

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. (1-1-09)T

030. CLAIMED FOR ENTERED PRICE.
Any horse starting in a claiming race is subject to be claimed for its entered price by any: (1-1-09)T

01. **Licensed Owner**. Owner licensed in Idaho; (1-1-09)T

02. **Authorized Agent**. Licensed authorized agent acting on behalf of an eligible person. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

051. -- 059. (RESERVED).

060. VALID CLAIMS.
To make a valid claim for a horse, an eligible person must: (1-1-09)T

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; (1-1-09)T

02. Written Claim Form. Complete a written claim on a form furnished by the racing association and approved by the Racing Commission; (1-1-09)T

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; (1-1-09)T

04. Sealed Envelope. Place the completed claim form inside a sealed envelope furnished by the racing association and approved by the Racing Commission; (1-1-09)T

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 (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

111. -- 119. (RESERVED).

120. DELIVERY OF A CLAIMED HORSE.
No person may refuse to deliver a properly claimed horse to the successful claimant. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules shall 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. (1-1-09)T

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
Phone: 208-884-7080 / Fax: 208-884-7098

700 S. Stratford Drive
PO Box 700
Meridian, ID 83780-0700

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0410-0901

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. (1-1-09)T

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 11.04.10, "Rules Governing Live Horse Races." (1-1-09)T

02. Scope. These ruels govern the running of live horse races in Idaho. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. Telephone Number. The telephone of the office is (208) 884-7080. (1-1-09)T

05. Fax Number. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. Website. The Racing Commission website is http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Calendar Day. Twenty-four (24) hours ending at midnight. (1-1-09)T

04. Chemical. A substance composed of chemical elements or obtained by chemical processes. (1-1-09)T

05. Claiming Race. A race in which any horse entered therein may be claimed in conformity with the rules. (1-1-09)T

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. (1-1-09)T

07. Declaration. The act of withdrawing an entered horse from a race before the closing of overnight entries. (1-1-09)T

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. (1-1-09)T

09. Engagements. Race days where a horse has been entered to race. (1-1-09)T

10. Entry. Means, according to the requirements of these rules: (1-1-09)T

a. A horse made eligible to run a race. (1-1-09)T

b. Two (2) or more horses that are entered or run in a race and are coupled because of common ties or ownership. (1-1-09)T

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. (1-1-09)T

12. Forfeit. Money due because of an error fault, neglect of duty, breach of contract or a penalty. (1-1-09)T

13. Foul. A violation, by a jockey or horse, of these rules during a race. (1-1-09)T

14. Grounds. Any area owned or leased by any licensed Racing Association which is operated for the purpose of conducting pari-mutuel racing. (1-1-09)T

15. Handicap. A weight adjustment for entered horses for the purpose of equalizing the respective chances of winning. (1-1-09)T

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. (1-1-09)T

17. Jockey. A race rider, whether a licensed Jockey, apprentice, or amateur. (1-1-09)T

18. Jostle. To bump, push or shove. (1-1-09)T

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. (1-1-09)T

20. **Nomination**. The act of nominating to a stake race. (1-1-09)T

21. **Nominator**. A person in whose name a horse is entered for a race. (1-1-09)T

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. (1-1-09)T

23. **Paddock**. An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. (1-1-09)T

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. (1-1-09)T

25. **Place**. Means first, second or third and in that order is called "Win," "Place," and "Show." (1-1-09)T

26. **Post Position**. The starting position assigned. (1-1-09)T

27. **Post Time**. The time set for the arrival at the starting point. (1-1-09)T

28. **Preference System**. A method used by the Racing Secretary to determine the order of qualification for a race. (1-1-09)T

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. (1-1-09)T

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." (1-1-09)T

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. (1-1-09)T

32. **Racing Association**. Any person licensed by the Racing Commission to conduct live horse racing and pari-mutuel wagering. (1-1-09)T

33. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

37. **Scratch**. The act of withdrawing an entered horse from the race after closing of overnight entries.

(1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

40. **Starter**. (1-1-09)T

a. The individual approved to dispatch the horses in a race. (1-1-09)T

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. (1-1-09)T

41. **Stewards**. The Stewards of the meeting or their duly appointed deputies. (1-1-09)T

42. **Suspension**. A temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein. (1-1-09)T

43. **Trial**. A race to determine qualifiers for a future race. (1-1-09)T

44. **Straightway Race**. A race ran for a specified distance with no turns. (1-1-09)T

45. **Weight for Age**. Standard weight according to the scale adopted by the Racing Commission and set forth herein. (1-1-09)T

46. **Year**. A calendar year. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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 an Racing Association during a meeting whether in a race or otherwise. (1-1-09)T

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. (1-1-09)T

08. **Jockey's Spouse**. A jockey may not compete in any race against a horse which is trained by the jockey's spouse. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. **Paddocks**. Horses must be in the paddock at least twenty (20) minutes before post time. (1-1-09)T

03. **Saddled**. Each horse must be saddled in the paddock. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

10. **Willful Delay**. No person may willfully delay the arrival of a horse at the post. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

05. **Shorten Strides**. No Jockey may unnecessarily shorten his horses stride so as to give the

appearance of having suffered a foul. (1-1-09)T

071. -- 079. (RESERVED).

080. DISQUALIFICATION.
The Stewards are vested with the power to determine the extent of disqualification in case of fouls. (1-1-09)T

01. Placing. They may place the offending horse behind such horses as in their judgment it interfered with or they may place it last. (1-1-09)T

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. (1-1-09)T

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 rule prevents the Stewards taking cognizance of foul riding. (1-1-09)T

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. (1-1-09)T

02. Frivolous Complaints. An owner, trainer, or jockey who frivolously complains his horse was crossed or jostled may be subject to disciplinary action. (1-1-09)T

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. (1-1-09)T

101. - 109. (RESERVED).

110. ENTRIES AND DECLARATIONS.
The Racing Secretary is authorized to receive entries and declarations for all races. (1-1-09)T

01. Overnight Race. Overnight Race Entries closes at a time designated and published by the Racing Secretary. (1-1-09)T

02. Ineligible. No person may enter or start a horse which is known or believed to be ineligible or disqualified. (1-1-09)T

03. Ringer. No person may enter or start a horse which is a ringer. (1-1-09)T

04. Declaring an Entry. No person may offer or receive money or any other benefit for declaring an Entry from a race. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

08. **Trainer**. No horse is permitted to enter or to start unless in the care and attendance of a licensed Trainer. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

11. **Entries**. All entries are under the supervision of the Stewards. (1-1-09)T

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: (1-1-09)T

a. Multiple horses owned by the same racing interest may be uncoupled in stake races for the purpose of pari-mutuel wagering; or (1-1-09)T

b. Multiple horses owned by the same racing interest may be uncoupled in straightaway races for the purpose of pari-mutuel wagering. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. **Permitted to Start**. No horse is permitted to start that has not been fully identified. (1-1-09)T

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. (1-1-09)T

04. **Method of Identification**. All horses must have either a lip tattooed or be identified by a National Animal Identification System compliant device. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

04. **Entries Compiled**. Entries that have closed must be complied without delay by the Racing Secretary and conspicuously posted. (1-1-09)T

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. (1-1-09)T

06. **Unclosed Race**. The Racing Association has the right to withdraw or change any unclosed race. (1-1-09)T

161. -- 169. (RESERVED).

170. NOT QUALIFIED TO START.

01. **Listed**. No horse on the Stewards, Veterinarians, Starters, or Paddock list is qualified to start. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

04. **Registration Papers**. No horse is allowed to start unless the horses registration papers are on file in the Racing Secretary's office. (1-1-09)T

05. **Unlicensed Owner**. No horse is allowed to start unless the horses owner has been licensed by the Racing Commission. (1-1-09)T

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. (1-1-09)T

02. Excluded Twice. If a horse has been excluded twice consecutively, it has preference over a horse excluded only once and so on. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

05. Claimed Out. When a horse is claimed out of a claiming race, its engagements are included. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Applicability. This rule applies unless the Association specifically provides otherwise in writing in its stake or condition book. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

201. -- 209. (RESERVED).

210. NUMBER OF STARTERS.

01. **Limit**. The race is limited to the number of starters as specified in the conditions. (1-1-09)T

02. **More Than the Specified Number**. If more than the specified number of entries is received in an overnight race, then: (1-1-09)T

a. Winners of a stakes race have first preference; (1-1-09)T

b. Winners have second preference; (1-1-09)T

c. Stake placed maidens have third preference; (1-1-09)T

d. Other maidens have fourth preference; and (1-1-09)T

e. Non-starters have fifth preference. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. **Irrevocable**. The declaration or scratch of a horse is irrevocable. (1-1-09)T

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. (1-1-09)T

05. **Stewards**. All declarations are under the supervision of the Stewards. (1-1-09)T

231. -- 239. (RESERVED).

240. SCRATCHES.

01. Scratches. A horse may be scratched from a race if eight (8) betting interests remain in the race. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

251. -- 259. (RESERVED).

260. WEIGHTS.
The following weights are carried when they are not stated in the condition of the race: (1-1-09)T

01. Intermediate Length. In races of intermediate lengths, the weights for the shorter distance are carried. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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

(1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

04. **Weigh In**. After each race the Clerk of the Scales must weigh in all Jockeys running fourth or better. (1-1-09)T

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. (1-1-09)T

02. Jockey Equipment. A Jockey's weight includes riding clothes, saddle and pad but does not include the safety helmet or whip. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

296. -- 299. (RESERVED).

300. PADDOCK JUDGE.
The Paddock Judge is in charge of the paddock. (1-1-09)T

01. Horses. The Paddock Judge must check all horses for each race. (1-1-09)T

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. (1-1-09)T

03. Shod. The Paddock Judge must determine that horses in the paddock are properly shod and must report any irregularities to the Stewards. (1-1-09)T

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. (1-1-09)T

05. Commands. The Paddock Judge issues the command "RIDERS UP" and the order to proceed to the post parade. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Blinkers. Permission to use or discontinue the use of blinkers must be secured from the starter before being granted by the Stewards. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

05. **Approval**. The Starter must approve all entries of two-year-olds and first time starters before they are allowed to start. (1-1-09)T

06. **Disciplinary Action**. The Starter may recommend to the Stewards disciplinary action against Jockeys or other persons. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. **Electronic Timing**. Electronic timing devices must be approved by the Racing Commission. (1-1-09)T

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. (1-1-09)T

02. **Communication**. The Racing Association must provide communication devices between the Patrol Judges and the Stewards. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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." (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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". (1-1-09)T

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. (1-1-09)T

02. Weights. Weights, or the method of selection of weights, must be listed on the nomination application. (1-1-09)T

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. (1-1-09)T

04. No Deductions. No deductions may be withheld from the purse unless so stated on the nomination application. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Interest. Accrued interest must be added to the purse of the stakes race. (1-1-09)T

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. (1-1-09)T

04. Deposits. All monies and accrued interest must be deposited with the Horsemen's Bookkeeper prior to the day of entry. (1-1-09)T

05. Refund. Any horses drawing outside the gate will have the entry fee refunded. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

05. Based on Video. When the timer malfunctions and there are no hand times, the stewards may select qualifiers based on the video. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Equal Number of Qualifiers. In the event an equal number of qualifiers from each trial heat will not be sufficient to fill all stating gate positions, the remaining positions will be filled by lot between the horses in each trial heat that finished directly behind those that qualified. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

501. -- 529. (RESERVED).

530. IDENTIFIER.

01. **Identifier**. The Identifier is responsible for positively identifying all horses entered to race. (1-1-09)T

02. **Inspection**. The Identifier inspects each horse prior to its departure for the post. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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 - 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.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S. Stratford Drive
PO Box 700, Meridian, ID 83780-0700
Phone: 208-884-7080 / Fax: 208-884-7098

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0411-0901

IDAPA 11
TITLE 04
CHAPTER 11

IDAHO STATE RACING COMMISSION

11.04.06 - 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. (1-1-09)T

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." (1-1-09)T

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. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. **Telephone Number**. The telephone of the office is (208) 884-7080. (1-1-09)T

05. **Fax Number**. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. **Website**. The Racing Commission website is http:/www.isp.state.id.us/race. (1-1-09)T

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 the Racing Commission website, http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

02. **Calendar Year**. A calendar year beginning January 1 and ending December 31. (1-1-09)T

03. **Colt**. An intact male horse under five (5) years of age. (1-1-09)T

04. **Commission Veterinarian**. A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. (1-1-09)T

05. **Filly**. A female horse that has not reached five (5) years of age. (1-1-09)T

06. **Gelding**. An altered male horse of any age. (1-1-09)T

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. (1-1-09)T

08. **Hypodermics**. Any hypodermic instrument, hypodermic syringe or hypodermic hollow needle used for injection of substances into the body of a horse. (1-1-09)T

09. **Inspection of Horses**. A veterinarian inspection to assess the racing condition of every horse entered in an official race. (1-1-09)T

10. **Mare**. A female horse that has reached the age of five (5) years. (1-1-09)T

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. (1-1-09)T

12. **Mitigating Circumstances**. An event that constitutes detail to support a penalty to be waived or less harsh. (1-1-09)T

13. **Needle and Syringe**. See Hypodermics - Subsection 010.08 of these rules. (1-1-09)T

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. (1-1-09)T

15. **Paddock**. An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. (1-1-09)T

16. **Penalties**. For this chapter, a penalty issued against an individual(s) found guilty of medication and drug violations. (1-1-09)T

17. **Prohibited Substances**. Medication and drugs that should not be administered to a horse. (1-1-09)T

18. **Racing Association**. Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. (1-1-09)T

19. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (1-1-09)T

20. **Racing Condition**. The physical ability to race of a horse determined by the commission veterinarian. (1-1-09)T

21. **Sample**. A blood or urine sample taken from a horse at the direction of the commission veterinarian. (1-1-09)T

22. **Split Sample**. A blood or urine sample taken from a horse that is greater than the minimum sample requirement. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

26. **Veterinarian's List**. A list of all horses which are ineligible to be entered in any race due to a physical condition. (1-1-09)T

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. (1-1-09)T

28. **Veterinarian**. Practicing Private practitioner employed by owners and trainers on an individual case or contract basis. (1-1-09)T

011. ABBREVIATIONS.
DMSO. Dimethyl Sulfoxide. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

01. Nutritional Supplement. A recognized non-injectable nutritional supplement or other substance approved by the commission veterinarian; (1-1-09)T

02. Prescription. A non-injectable substance on the direction or by prescription of a licensed veterinarian; or (1-1-09)T

03. Non-Prescription. A non-injectable non-prescription medication or substance. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. Request permission of the Stewards or the Racing Commission in writing; (1-1-09)T

b. Furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe; and (1-1-09)T

c. Comply with any conditions and restrictions set by the Stewards or the Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Testing. Substances sampled must be delivered to a laboratory designated by the Racing Commission for testing. (1-1-09)T

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: (1-1-09)T

01. Cimetidine (Tagamet®). Dosage 8-20 mg/kg PO BID-TID. (1-1-09)T

02. Omeprazole (Gastrogard®). Dosage 2.2 grams PO SID. (1-1-09)T

03. Ranitidine (Zantac®). Dosage 8 mg/kg PO BID. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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. (1-1-09)T

02. Instrumentation for Screening. A testing laboratory must have, or have access to, LC/MS instrumentation for screening or confirmation purposes, or both. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Examination. Examination of the race winner or other designated horses must be made by the Commission Veterinarian or his assistant. (1-1-09)T

03. Specimens. All specimens must be collected by the Commission Veterinarian or his assistant. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Tag Signed. The sample tag must be signed by the Trainer or his representative, as witness to the taking of the specimen. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

131. -- 139. (RESERVED).

140. DETERMINATION OF SAMPLE.

01. Minimum Sample. The commission veterinarian will determine a minimum sample requirement for the primary testing laboratory. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

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. (1-1-09)T

02. Transferred to a Freezer. Split samples must then be transferred to a freezer at a secure location approved by the Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Lab's Willingness to Test. Prior to shipment, the Racing Commission must confirm the split sample laboratory's willingness to: (1-1-09)T

a. Simultaneously provide the testing requested; (1-1-09)T

b. The laboratory's willingness to send results to both the person requesting the testing and the Racing Commission; and (1-1-09)T

c. Arrangements for payment satisfactory to the split sample laboratory. (1-1-09)T

171. -- 179. (RESERVED).

180. CHAIN OF CUSTODY.
The Racing Commission will provide a split sample chain of custody verification form. (1-1-09)T

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: (1-1-09)T

a. The Trainer and Veterinarian of the horse submit to the Commission Veterinarian the Non-Steroidal Anti-Inflammatory Drug Request Form; and (1-1-09)T

b. The Commission Veterinarian has granted written approval for the use. (1-1-09)T

02. Procedures. The Commission Veterinarian must establish and publish reasonable procedures pertaining to use of the Non-Steroidal Anti-Inflammatory Drug Request Form. (1-1-09)T

03. Posted. A copy of the established procedures must be posted in the office of the Racing Secretary. (1-1-09)T

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: (1-1-09)T

01. Name of Horse. The name, age, sex and breed of the horse; (1-1-09)T

02. Name of Trainer and Veterinarian. The name of the licensed Trainer and veterinarian; (1-1-09)T

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; (1-1-09)T

04. Name of Drug Requested. The name of the Non-Steroidal Anti-Inflammatory drug requested and the proposed time and method of administration; (1-1-09)T

05. Signature. Signature of Trainer and veterinarian attending the horse and the Commission Veterinarian. (1-1-09)T

06. Filing. The trainer or veterinarian attending the horse must file the completed request form with the racing secretary. (1-1-09)T

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: (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

221. -- 229. (RESERVED).

230. EXPIRATION OF APPROVAL.
Approved medication may be discontinued with permission of the Commission Veterinarian. (1-1-09)T

231. -- 239. (RESERVED).

240. PERMITTED NON-STEROIDAL ANTI-INFLAMMATORY DRUGS.
The only Non-Steroidal Anti-Inflammatory Drugs permitted by these rules are: (1-1-09)T

01. Phenylbutazone (Butazoladin); (1-1-09)T

02. Mechlofenamic Acid (Arquel); (1-1-09)T

03. Flunixin (Banamine); and (1-1-09)T

04. Ketoprofen (Ketofen). (1-1-09)T

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. (1-1-09)T

251. -- 259. (RESERVED).

260. NON-STEROIDAL ANTI-INFLAMATORY 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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Premarin. Premarin is a permissible Epistaxis treatment and may be used up to two (2) hours before post time. (1-1-09)T

04. Lasix. Lasix is a permissible Epistaxis treatment. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Bleeder. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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 horses private veterinarian, who is currently licensed by the racing jurisdiction, is presented to the Commission Veterinarian for his approval. (1-1-09)T

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. (1-1-09)T

271. -- 279. (RESERVED).

280. URINE SAMPLES.

01. Phenlybutazone. 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. (1-1-09)T

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. (1-1-09)T

281. -- 289. (RESERVED).

290. BLOOD SAMPLES.
No blood sample taken from a horse authorized to use the following substances may exceed these limits: (1-1-09)T

01. Phenylbutazone. May not exceed five (5) micrograms of phenylbutazone or oxyphenbutazone per milliliter of plasma; (1-1-09)T

02. **Flunixin** (Banamine). May not exceed twenty (20) nanograms per milliliter of plasma. (1-1-09)T

03. **Mechlofenamic Acid** (Arquel). May not exceed one (1) microgram per milliliter of plasma. (1-1-09)T

04. **Ketoprofen** (Ketofen). May not exceed ten (10) nanograms per milliliter of plasma. (1-1-09)T

05. **Lasix** (Furosemide) May not exceed one hundred (100) nanograms of furosemide per milliliter of plasma. (1-1-09)T

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). (1-1-09)T

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. (1-1-09)T

03. **Witness**. At his request, the Commission Veterinarian or his designee may witness the administration of lasix by the trainer's private licensed veterinarian. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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.(1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Content of Medication Report Form. The form must contain the following information: (1-1-09)T

a. The name, age, sex and breed of the horse; (1-1-09)T

b. The permitted drug used; (1-1-09)T

c. The time the permitted drug was administered; and (1-1-09)T

d. The route and dosage of the administration. (1-1-09)T

03. Signed and Dated. The report must be dated and signed by the licensed Veterinarian so administering the medication. (1-1-09)T

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. (1-1-09)T

701. -- 989. (RESERVED).

990. 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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

991. -- 994. (RESERVED).

995. 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.

996. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules shall 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. (1-1-09)T

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 - 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.

Dennis Jackson
Executive Director
Idaho State Racing Commission
700 S. Stratford Drive
PO Box 700, Meridian, ID 83780-0700
Phone: 208-884-7080 / Fax: 208-884-7098

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0414-0901

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. (1-1-09)T

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". (1-1-09)T

02. Scope. These rulse govern the conduct of Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents in Idaho. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations for these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal Racing Commission actions authorized under theses rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission,

P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. **Telephone Number**. The telephone of the office is (208) 884-7080. (1-1-09)T

05. **Fax Number**. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. **Website**. The Racing Commission website is http:/www.isp.state.id.us/race. (1-1-09)T

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 the Racing Commission website, http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. **Bleeder**. Any horse known to have bled from its nostrils during a workout or race, and so designated by the Commission Veterinarian. (1-1-09)T

04. **Bribe**. Anything of value not limited to money. (1-1-09)T

05. **Calendar Day**. Twenty-four (24) hours ending at midnight. (1-1-09)T

06. **Chemical**. A substance composed of chemical elements or obtained by chemical processes. (1-1-09)T

07. **Declaration**. The act of withdrawing an entered horse from a race before the closing of overnight entries. (1-1-09)T

08. **Disqualified Person**. A person whose license is suspended. (1-1-09)T

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. (1-1-09)T

10. **Engagement**. An agreement between a Jockey and an Owner or Trainer. (1-1-09)T

11. **Entry**. A horse made eligible to run a race. (1-1-09)T

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. (1-1-09)T

13. **Gifts**. Anything of value not limited to money. (1-1-09)T

14. **Gratuities**. Anything of value not limited to money. (1-1-09)T

15. **Grounds**. Any area owned or leased by any licensed Racing Association, which is operated for the purpose of conducting pari-mutuel wagering. (1-1-09)T

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. (1-1-09)T

17. **Jockey**. A person licensed by the Racing Commission to ride in races. (1-1-09)T

18. **Jockey Agent**. A person who helps a Jockey obtain mounts in return for a portion of the Jockey's earnings. (1-1-09)T

19. **Jockey's Fees**. The approved amount of money a Jockey receives for riding in a race. (1-1-09)T

20. **Month**. A calendar month. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

23. **Nominator**. A person in whose name a horse is entered for a race. (1-1-09)T

24. **Overnight Race**. A race for money or any other prize to which the Owners of the horses do not contribute. (1-1-09)T

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. (1-1-09)T

26. **Paddock**. An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. (1-1-09)T

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. (1-1-09)T

28. **Place**. Means first, second or third and in that order is called "Win," "Place," and "Show." (1-1-09)T

29. **Post Time**. The time set for the arrival at the starting point. (1-1-09)T

30. **Prescription Drug**. (1-1-09)T

a. A drug which under federal law is required prior to being dispensed or delivered to be labeled with either of the following statements: (1-1-09)T

i. "Caution: Federal law prohibits dispensing without a prescription"; or (1-1-09)T

ii. "Caution: Federal law restricts this drug to be used by or on the order of a licensed Veterinarian." (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

33. **Racing Association**. Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. (1-1-09)T

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. (1-1-09)T

35. **Racing Commission**. The Idaho State Racing Commission or its designee. (1-1-09)T

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. (1-1-09)T

37. **Ringer**. Any horse which runs under the name and identity of another or under a fictitious name. (1-1-09)T

38. **Safety Equipment**. Any safety equipment required to be worn by these rules. (1-1-09)T

39. **Scratch**. The act of withdrawing an entered horse from the race after closing of overnight entries. (1-1-09)T

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. (1-1-09)T

41. **Sound**. A horse that is in competitive racing condition. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

44. **Suspension**. Punishment for infraction of the rules. The offender is denied privileges of the racetrack for a specified period of time. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

47. **Weight In**. Post race weight of the Jockey and equipment. (1-1-09)T

48. **Weight Out**. Pre race weight of the Jockey and equipment. (1-1-09)T

49. **Winner**. The horse whose nose reaches the finish line first or is place first through disqualification by stewards. (1-1-09)T

50. **Year**. A calendar year. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

041. -- 049. (RESERVED).

050. TRAINER CHANGES.
If an Owner changes trainers, the racing secretary and stewards must be notified within twenty-four (24) hours. (1-1-09)T

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. (1-1-09)T

061. -- 069. (RESERVED).

070. RESTRICTIONS ON OWNERS AND TRAINERS.
No Owner or Trainer may enter or start a horse that: (1-1-09)T

01. Is Not Sound. Is not in sound competitive racing condition. (1-1-09)T

02. Has Been Nerved. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Impaired Vision. Has impaired vision in both eyes. (1-1-09)T

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. (1-1-09)T

01. Documents. In executing any document on behalf of the principal, the Authorized agent must clearly identify the Authorized Agent and the owner-principal. (1-1-09)T

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. (1-1-09)T

03. Entering a Claim. When an Authorized Agent enters a claim for the account of aprincipal, 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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

201. -- 209. (RESERVED).

210. JOCKEYS MUST BE LICENSED.
All Jockeys must be licensed by the Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

231. -- 239. (RESERVED).

240. JOCKEYS APPEARANCE.
All Jockeys must be neat in appearance. (1-1-09)T

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. (1-1-09)T

246. -- 249. (RESERVED).

250. SAFETY EQUIPMENT.
All Jockeys must wear the following safety equipment: (1-1-09)T

01. Helmet. All Jockeys when mounted must wear a fastened protective helmet approved by the Jockey Guild. (1-1-09)T

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. (1-1-09)T

251. -- 254. (RESERVED).

255. JOCKEY'S VALET.
No Jockey may have a valet other than one (1) provided by the Racing Association. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Weighed Out. Jockeys are required to present themselves to be weighed out at the time fixed by the clerk of the scales. (1-1-09)T

261. -- 269. (RESERVED).

270. RESTRICTIONS ON JOCKEYS.

01. Owner. No licensed Jockey may be the Owner or Trainer of any race horse. (1-1-09)T

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. (1-1-09)T

03. Spurs. No Jockey may use spurs or steels of any kind in an official or exhibition race. (1-1-09)T

271. -- 279. (RESERVED).

280. JOCKEY'S FEES.
Jockey's riding fees for a race meet must be approved by the Racing Commission. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

281. -- 289. (RESERVED).

290. JOCKEY SUSPENSIONS.
A Jockey who is under suspension will not be permitted to fulfill any engagements, including stake races. (1-1-09)T

01. Suspended in Another Jurisdiction. A Jockey under suspension in any other State will not be permitted to ride in Idaho during such suspension. (1-1-09)T

02. Time Suspension Begins. The suspension of a Jockey for an offense not including fraud begins at the time set by the stewards. (1-1-09)T

03. Temporary Suspensions. A Jockey temporarily suspended may be permitted by the stewards to exercise or gallop horses during the morning hours. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. Filed With Racing Commission. A copy of all apprentice contracts, wherever entered into, must be filed with the Racing Commission. (1-1-09)T

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 transferor and the transferee. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules is 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. (1-1-09)T

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 - 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.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S. Stratford Drive
PO Box 700, Meridian, ID 83780-0700
Phone: 208-884-7080 / Fax: 208-884-7098

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0415-0901

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. (1-1-09)T

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. (1-1-09)T

02. Scope. These rules govern controlled substance and alcohol testing of licensees, employees, and applicants by the Idaho State Racing Commission. (1-1-09)T

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (1-1-09)T

003. ADMINISTRATIVE APPEALS.
Persons may be entitled to appeal racing commission actions authorized under theses rules pursuant to Title 67, Chapter 52, Idaho Code. (1-1-09)T

004. INCORPORATION BY REFERENCE.
No documents are incorporated by reference into these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Racing Commission, P.O. Box 700, Meridian, Idaho 83680-0700. (1-1-09)T

04. **Telephone Number**. The telephone of the office is (208) 884-7080. (1-1-09)T

05. **Fax Number**. The facsimile number of the office is (208) 884-7098. (1-1-09)T

06. **Website**. The Racing Commission website is http:/www.isp.state.id.us/race. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

02. **Applicant**. Any person who has applied to the Racing Commission for a license. (1-1-09)T

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. (1-1-09)T

04. **Employee**. Any person employed by the Racing Commission within the state of Idaho. (1-1-09)T

05. **Licensee**. Any person who has been issued a license by the Racing Commission. (1-1-09)T

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. (1-1-09)T

07. **Racing Association**. Any person licensed by the Racing Commission to conduct live horse races and pari-mutuel wagering. (1-1-09)T

08. **Racing Commission**. Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (1-1-09)T

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. (1-1-09)T

10. **Suspension**. A temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein. (1-1-09)T

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. (1-1-09)T

011. ABBREVIATIONS.
There are no abbreviations used in these rules. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

01. Random Testing. As part of a random testing program. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

a. The immediate suspension of the licensee, employee, or applicant; and (1-1-09)T

b. A hearing before the Board of Stewards in accordance with IDAPA 11.04.04, "Rules Governing Disciplinary Hearings and Appeals," Section 050. (1-1-09)T

02. Suspended from Racing for Refusal to Test. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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: (1-1-09)T

01. Notification. The Racing Commission, through the Executive Director, will notify the presiding Steward and forward the test results to the Board of Stewards. (1-1-09)T

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. (1-1-09)T

03. Written Notice. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

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. (1-1-09)T

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.
Nothing in these rules is 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. (1-1-09)T