

Dear Senators MCKENZIE, Stennett, Lodge, and  
Representatives LOERTSCHER, Batt, Smith:

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

IDAPA 11.04.02 - Rules Governing Simulcasting - Temporary and Proposed Rule (Docket No.  
11-0402-1501);

IDAPA 11.04.06 - Rules Governing Racing Officials - Temporary and Proposed Rule (Docket No.  
11-0406-1501);

IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned  
Substances and Drug Testing of Horses - Temporary and Proposed Rule (Docket No.  
11-0411-1501).

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 08/27/2015. 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 09/24/2015.

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

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



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Principal Legislative Research Analyst - Ryan Bush

**DATE:** August 10, 2015

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

IDAPA 11.04.02 - Rules Governing Simulcasting - Temporary and Proposed Rule (Docket No. 11-0402-1501)

IDAPA 11.04.06 - Rules Governing Racing Officials - Temporary and Proposed Rule (Docket No. 11-0406-1501)

IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses - Temporary and Proposed Rule (Docket No. 11-0411-1501)

**11.04.02 - Rules Governing Simulcasting - Temporary and Proposed Rule (Docket No. 11-0402-1501)**

The Idaho State Racing Commission submits notice of temporary and proposed rulemaking at IDAPA 11.04.02 - Rules Governing Simulcasting. This rule places a moratorium on the issuance of additional historical horse racing licenses and caps the number of historical horse racing terminals that a licensee may operate as the number of terminals at the location licensed as of January 1, 2015.

The Commission states that a temporary rule is needed to protect public health, safety and welfare. There is no fiscal impact associated with this rulemaking.

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

**11.04.06 - Rules Governing Racing Officials - Temporary and Proposed Rule (Docket No. 11-0406-1501)**

The Idaho State Racing Commission submits notice of temporary and proposed rulemaking at IDAPA 11.04.06 - Rules Governing Racing Officials. This rule provides for an additional deputy state steward to supervise race meets, provides that the presiding state steward will preside over hearings and designate duties for other stewards and provides that all stewards are compensated by the Commission.

The Commission states that a temporary rule is appropriate because it confers a benefit to the industry by allowing another steward to protect the integrity of horse racing. The fiscal impact of this rulemaking is estimated to be \$24,000 in dedicated funds.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

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

**11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses - Temporary and Proposed Rule (Docket No. 11-0411-1501)**

The Idaho State Racing Commission submits notice of temporary and proposed rulemaking at IDAPA 11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses. This rule eliminates the requirement that an owner or trainer request the collection and testing of a split blood sample and provides that costs of storing a split blood sample will be paid by the Commission.

The Commission states that a temporary rule is appropriate because it confers a benefit by eliminating costs and a process for horse owners and trainers. The fiscal impact of this rulemaking is estimated to be \$850 to \$1,250 in dedicated funds.

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

cc: Idaho State Police - Idaho State Racing Commission  
Teresa Baker

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

**11.04.02 - RULES GOVERNING SIMULCASTING**

**DOCKET NO. 11-0402-1501**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 29, 2015.

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2015.

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 for a moratorium on the issuance of any additional licenses for historical horse racing and caps the number of terminals that a licensee may operate at the location licensed and approved as of January 1, 2015.

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

This rule protects the public health, safety and welfare by limiting pari-mutuel historical horse racing to the three locations in Idaho that were licensed as of January 1, 2015 for simulcast and historical horse racing.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

No fees are imposed or changed by this rule.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no negative impact on the state general fund or dedicated funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2015 Live Racing Season commenced before the rule could be negotiated.

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

No materials were incorporated by reference into this rule.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2015.

DATED this 29th Day of July, 2015.

Paul J. Schneider, Chairman  
Idaho Racing Commission  
700 S Stratford Dr.  
Meridian, ID 83642  
Tel: (208) 884-7080  
Fax: (208) 884-7098

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 11-0402-1501  
(Only those Sections being amended are shown.)**

**049. HISTORICAL HORSE RACE LICENSING.**

**01. No Historical Horse Race Wagering Conducted Without a License.** Wagering on an historical horse race shall only be conducted by a licensee approved by the Commission. (3-20-14)

**02. Historical Horse Race Horse Breed.** A licensee may conduct wagering on historical horse races of any horse breed regardless of the type of breed that primarily races in live meets, if any, conducted by the licensee. (3-20-14)

**03. Approved Days and Hours.** A licensee may conduct wagering on historical races on any days and hours that is in conformity with local municipalities and approved by the Commission. (3-20-14)

**04. Cash or Cash Vouchers Only.** Historical horse racing terminals shall use cash or cash vouchers only. (3-20-14)

**05. License Must Hold Current Simulcast License.** A licensee may not apply for a license to conduct historical racing unless that licensee holds a current simulcast license and has conducted simulcasting of live racing for a period of at least one (1) year. (4-11-15)

**06. Moratorium on Issuance of Historical Racing Licenses.** The Commission shall not issue a new license to conduct historical racing to any licensee that did not hold a license to conduct historical horse racing as of January 1, 2015. (7-29-15)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**057. HISTORICAL HORSE RACE EQUIPMENT.**

**01. Equipment Approved By Commission.** All pari-mutuel equipment utilized in the offering and transmitting of historical racing shall be approved by the Commission prior to accepting a wager. (3-20-14)

**02. Terminal Breakdown and Patron Refund.** If there is a complete breakdown of a terminal offering wagering on an historical horse race, the licensee offering the wager shall make a full refund of the patron's balance on the terminal at the time of the breakdown, as verified by the historical racing system. (3-20-14)

**03. Proposed Designated Area Submitted To Commission.** A detailed description of the proposed designated area and the placement of terminals on which the pari-mutuel wagers will be made shall be submitted to the Commission. This description shall include a drawing to scale of the proposed designated area that describes the size, construction, layout, capacity, number of terminals, and location of surveillance and other security equipment, and at least one (1) photograph of the designated area when construction is completed. The licensee shall also submit

to the Commission the following: (3-20-14)

- a. The manufacturer, make, and model of the terminal, including a copy of all literature supplied by the manufacturer of the terminal; (3-20-14)
- b. The maintenance and repair procedures that will ensure the integrity of the terminals; and (3-20-14)
- c. A complete list of individuals who are authorized to examine and repair the terminals for any reason. (3-20-14)

**04. Commission May Require Terminal Testing.** The eCommission may require testing of each terminal used for wagering on historical horse races by an independent testing company to ensure its integrity and proper working order. The independent testing company shall be chosen by the Commission. (3-20-14)

**05. Information Required for Display on Each Pari-Mutuel Wagering Pool.** Each terminal for wagering on an historical horse race shall display odds or pool amounts that the patron will receive (i.e. "will pays") for a winning wager on each pari-mutuel wagering pool. (3-20-14)

**06. No Changes Or Modifications by Licensee Allowed.** A licensee shall not implement any changes or modification to the practices, procedures, locations, or representations upon which the approval of the historical horse racing wagers was based without the prior written approval of the Commission. (3-20-14)

**07. Moratorium on Addition of Historical Racing Terminals.** The Commission shall not approve the addition of any historical racing terminals for a licensee beyond the number of terminals that have been approved by the Commission as of January 1, 2015. (7-29-15)T

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

**11.04.06 - RULES GOVERNING RACING OFFICIALS**

**DOCKET NO. 11-0406-1501**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 29, 2015.

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2015.

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 rulemaking will allow the Idaho State Racing Commission to appoint and compensate a third steward for live racing events in Idaho. Under the current rule, the third steward has been compensated for by the racing associations. This rulemaking also outlines the steward's duties as a presiding state steward and the duties of the two deputy state stewards.

**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:

This temporary rule confers a benefit to the industry by simplifying the selection of the stewards required to preside over live racing meets beginning in May 2015 and allows the Racing Commission to compensate a third steward for live racing events. Stewards enforce all of laws and rules that govern live horse racing and are necessary to protect the integrity of horse racing sanctioned in Idaho.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

No fees are imposed or changed by this rule.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be \$24,000.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2015 Live Racing Season commenced before the rule could be negotiated.

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

No materials were incorporated by reference into this rule.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2015.

DATED this 29th Day of July, 2015.

Paul J. Schneider, Chairman  
Idaho Racing Commission  
700 S Stratford Dr.  
Meridian, ID 83642  
Tel: (208) 884-7080  
Fax: (208) 884-7098

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 11-0406-1501  
(Only those Sections being amended are shown.)**

**010. DEFINITIONS.**

- 01. Appointment.** A person approved by the Racing Commission or its designee, for an official racing position. (3-29-10)
- 02. Apprentice Jockey.** A jockey who has not ridden a certain number of winners within a specified period of time. (3-29-10)
- 03. Approval.** Acceptance of a racing official's eligibility by the Racing Commission or its designee. (3-29-10)
- 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. (3-29-10)
- 05. Attendance.** Being at an assigned location for an assigned period of time. (3-29-10)
- 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. (3-29-10)
- 07. Clocker.** A person who times workouts and races. (3-29-10)
- 08. Commission Veterinarian.** A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. (3-29-10)
- 09. Complaint.** A written allegation of a violation of these rules. (3-29-10)
- 10. Conditions.** Qualifications which determine a horse's eligibility to be entered in a race. (3-29-10)
- 11. Controlled Substance.** Any substance included in the five (5) classification schedules of the (U.S.) Controlled Substance Act of 1970. (3-29-10)
- 12. Daily Program.** The published listing of all contests and contestants for a specific performance. (3-29-10)



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. (3-29-10)
14. **Declaration.** The act of withdrawing an entered horse from a race before the closing of overnight entries. (3-29-10)
15. **Disciplinary Action.** An action taken for misconduct or rule violation(s). (3-29-10)
16. **Eligibility Certificate.** Document(s) showing the eligibility of all horses competing at the track or stabled on the grounds. (3-29-10)
17. **Entrance Money Records.** A record showing all monies due and paid prior to entry of a contest. (3-29-10)
18. **Entries.** A list of horses entered in a race. (3-29-10)
19. **Gate Judge.** A track employee who is present at the starting gate just prior to the running of each race. (3-29-10)
20. **Horse Identifier.** A person who is responsible for positively identifying all horses entered to a race, stabled or on racing association grounds. (3-29-10)
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. (3-29-10)
22. **Jockey's Room.** A room reserved for jockey's to prepare for a race. (3-29-10)
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. (3-29-10)
24. **Jurisdiction.** The limits or territory within which Racing Officials authority may be exercised. (3-29-10)
25. **Licensing.** Determination for eligibility of a racing official by the Racing Commission or its designee. (3-29-10)
26. **Nerved Horses.** A horse that has had posterior digital neurectomy (heel nerving) surgery. (3-29-10)
27. **Nomination.** The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee. (3-29-10)
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. (3-29-10)
29. **Order of Finish.** The order of finish of the contestants in a contest as declared official by the stewards/judges. (3-29-10)
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. (3-29-10)
31. **Paddock Judge's List.** A list of horses which may not be entered in a race for safety reasons. (3-29-10)
32. **Patrol Judge.** A person who observes a race and reports information concerning the race to the

- stewards. (3-29-10)
33. **Photo Finish.** A requested photo to help in determining the correct order of finish. (3-29-10)
34. **Placing Judge.** A person who determines the order of finish in a race as the horses pass the finish line. (3-29-10)
35. **Presiding State Steward.** One (1) of the ~~two~~ three (23) stewards appointed by the Racing Commission who presides over ~~all~~ hearings and designates duties for the other stewards. ~~(3-29-10)~~ (7-29-15)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. (3-29-10)
37. **Purse.** The total dollar amount for which a race is contested. (3-29-10)
38. **Race Meet.** The number of races and race days approved by the Racing Commission in the Racing Association license. (3-29-10)
39. **Racing Association.** Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (3-29-10)
40. **Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)
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. (3-29-10)
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. (3-29-10)
43. **Reports.** A daily account of the stewards' actions and observations made during each day's race program. (3-29-10)
44. **Rule Off.** An action by the racing stewards, under these rules, to suspend a license for a violation of these rules. (3-29-10)
45. **Stake.** The prize in a contest. (3-29-10)
46. **Stalls.** Stable area on racing association grounds for horses assigned by the racing secretary. (3-29-10)
47. **Starter.** The employee of a racing association responsible for dispatching the horses for a race. (3-29-10)
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. (3-29-10)
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. (3-29-10)
50. **Substitute Officials.** An emergency vacancy among racing officials that is filled with the stewards' approval and reported to the Racing Commission. (3-29-10)
51. **Substitute Steward.** Appointment by the remaining stewards during an absence of any steward at

- race time when an approved alternate is not available. (3-29-10)
- 52. Timer.** A person who accurately records the time elapsed between the start and finish of each race. (3-29-10)
- 53. Violations.** All unauthorized activities under these rules. (3-29-10)
- 54. Wagering.** To risk or stake an amount of money on an unknown outcome. (3-29-10)
- 55. Weight.** The amount that a jockey weighs prior to and after a race. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**055. NUMBER OF STEWARDS.**

There must be three (3) Stewards to supervise each race meet; (3-29-10)

**01. Presiding State Steward.** One (1) steward will be assigned, and compensated by the Racing Commission to be the Presiding State ~~and has authority over the other s~~Stewards; ~~(3-29-10)~~(7-29-15)T

**02. Deputy State Stewards.** ~~One~~ Two (+2) stewards will be assigned by the Racing Commission to be the Deputy State Stewards and shall be compensated by the Racing Commission; ~~and.~~ ~~(3-29-10)~~(7-29-15)T

~~**03. Other Steward.** One (1) steward will be appointed by the Racing Association and must be compensated by the Racing Association. (3-29-10)~~

**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. 11-0411-1501**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 29, 2015.

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 19, 2015.

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 eliminates the requirement for an owner or trainer to have to request for the collection and testing of a split blood sample. The samples will be collected and stored by the Idaho State Racing Commission Veterinarian at the testing barn. All costs associated with storing will be at the expense of the Commission.

**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:

This rule confers a benefit by eliminating the cost and process required for a horse owner or trainer to request in writing and pay for the collection and storage of a split sample. Further, this rule will further protect the integrity of horse racing sanctioned in Idaho.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

No fees are imposed or changed by this rule.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be \$850 to \$1,250.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2015 Live Racing Season commenced before the rule could be negotiated.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: No materials were incorporated by reference into this rule.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2015.

DATED this 29th Day of July, 2015.

Paul J. Schneider, Chairman  
Idaho Racing Commission  
700 S Stratford Dr.  
Meridian, ID 83642  
Tel: (208) 884-7080  
Fax: (208) 884-7098

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 11-0411-1501  
(Only those Sections being amended are shown.)**

**140. DETERMINATION OF SAMPLE.**

**01. Minimum Sample.** The commission veterinarian will determine a minimum sample requirement for the primary testing laboratory. (3-29-10)

**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. (3-29-10)

**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.~~ (3-29-10)(7-29-15)T