



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators SIDDOWAY, Stennett, Hill and,
Representatives LOERTSCHER, Monks, Smith

FROM: Katharine Gerrity - Deputy Division Manager

DATE: November 08, 2018

SUBJECT: Temporary Rule

IDAPA 11.04.03 - Rules Governing Licensing and Fees - Adoption of Temporary Rule - Docket No. 11-0403-1801

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

**IDAPA 11 – IDAHO STATE POLICE:
IDAHO STATE RACING COMMISSION**

11.04.03 – RULES GOVERNING LICENSING AND FEES

DOCKET NO. 11-0403-1801

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 17, 2018. Unless this temporary rule is rejected and not extended by concurrent resolution of the legislature, or it is rescinded by the Racing Commission prior to the following expiration date, the temporary rule shall be null, void and of no force and effect on and after September 30, 2020.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

A supplemental licensing fee will be required to pay for the addition of hair testing as the cost is substantially higher than what is currently in place for the blood testing that is in use at this time.

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:

The Commission funding into State Regulatory Fund 0229-06 will need to be increased to cover the cost of the additional testing.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, 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:

Section 54-2506, Idaho Code, authorizes the Commission to prepare and promulgate rules to govern race meets and the pari-mutuel system. The Supplemental License Fee being imposed through this rulemaking will be in effect only until such time that the Commission is able to cover these additional fees as part of its operating costs.

When submitting a horse for hair testing as required in IDAPA11.04.11, “Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses,” the owner(s) must pay a supplemental license fee of two hundred twenty-five dollars (\$225) per hair test. The Racing Commission, its Executive Director, or its Business Operations Manager is authorized to and shall designate the individual(s) responsible for collecting the supplemental fee. The owner or trainer must submit payment to said designated individual prior to testing.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Ardie Noyes (208) 884-7080.

Dated this 17th day of September, 2018.

Ardie Noyes, Business Operations Mgr.
ISP/Idaho State Racing Commission
700 South Stratford Dr.
Meridian, ID 83642
Phone: (208) 884-7080
Fax: (208) 884-7098

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 11-0403-1801
(Only Those Sections With Amendments Are Shown.)

330. OWNER LICENSE.

All persons applying for an owner license must submit a completed application. All persons listed on the registration papers must obtain an owners license. (4-9-09)

01. Financial Responsibility. If the Racing Commission has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement. (4-9-09)

02. Transfer of Horse Prohibited. The Racing Commission may refuse, deny, suspend or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the Racing Commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a Racing Commission rule or ruling is prohibited. (4-9-09)

03. Multiple Owners. If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other racing association or entity, each shareholder, member or partner must be licensed as an owner. (4-9-09)

04. Lease Agreements. A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the Racing Commission is attached to the certificate of registration and on file with the Racing Commission. The lessee must be licensed as a horse owner. (4-9-09)

05. Supplemental License Fee. When submitting a horse for hair testing as required in IDAPA 11.04.11, "Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses," the owner(s) must pay a supplemental license fee of two hundred twenty-five dollars (\$225) per hair test. The Racing Commission, its Executive Director, or its Business Operations Manager are authorized to, and shall designate the individual(s) responsible for collecting the supplemental fee. The owner or trainer must submit payment to said designated individual prior to testing. (9-17-18)T