MEMORANDUM

TO: Germane Joint Subcommittees -
Senate Judiciary & Rules Committee &
House Judiciary, Rules & Administration Committee

FROM: Legislative Services Office - Brooke Murdoch

DATE: October 26, 2009

SUBJECT: **IDAPA 11.05.01 - Rules Governing Alcohol Beverage Control (Docket #11-0501-0902)**

This temporary rule was not reviewed by this office. It is being sent to you for your information only. Thank you.

Enclosure

IDAPA 11 - IDAHO STATE POLICE

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-0902

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2009.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 67-2901and 23-901, Idaho Code.

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

This rule change establishes and clarifies differentiating hours of operation, when a minor can be within a movie theater and when the alcohol beverage licensee must post its premises as 21 years and over. Temporary adoption of the rule permits movie theater owners who are also alcohol beverage licensees to immediately implement the changes in the rule. The rule confers a benefit to those licensees by broadening their potential entertainment options while ensuring that they remain within legal boundaries regarding the serving of alcoholic beverages.

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:

Temporary adoption of this rule assists cities and counties with economic development by broadening entertainment options for movie theaters licensed to sell alcoholic beverages. It provides an avenue for multiple uses of these facilities while remaining within legal boundaries and honoring the legislative intent of Idaho's alcohol beverage statutes.

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:

No fees or charges are being imposed or increased as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lt. Bob Clements, (208) 884-7060 or robert.clements@isp.idaho.gov.

DATED this 28th day of September, 2009.

Colonel G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83643
(208) 884-7003
(208) 884-7090 fax

THE FOLLOWING IS THE TEMPORARY TEXT FOR DOCKET NO. 11-0501-0902

022. AGE RESTRICTION REQUIREMENTS FOR LICENSED MOVIE THEATERS - WHEN MINORS PERMITTED.

01. Minors Prohibited. Persons under twenty-one (21) years of age are prohibited from entering or being in any movie theater licensed to sell alcoholic beverages during the time alcohol is available for sale or consumption in the movie theater. Age restriction signs must be posted as required in subsection 021.02 of these rules at all times alcoholic beverages are sold, served or consumed in the movie theater. (9-1-09)T

02. Minors Permitted. Any person under twenty-one (21) years of age is permitted in a movie theater licensed to sell alcoholic beverages and no age restriction posting is required at any time when all alcohol is secured, locked up and not available for sale or consumption. (9-1-09)T

03. Exemption. Nothing in this rule shall apply to any movie theater that qualifies under Section 23-944(7), Idaho Code. (9-1-09)T

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