

Dear Senators DARRINGTON, Jorgenson & Kelly, and
Representatives CLARK, Leon Smith & Boe:

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

IDAPA 11.11.01 - Rules of the Idaho Peace Officer Standards & Training Council

(Docket #11-1101-1001).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by
the co-chairmen 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 10-29-10. 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 11-30-10.

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 334-4845, or send a written request to the
address or FAX number indicated on the memorandum attached.



Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Brooke Murdoch, Legislative Research Analyst *SJM*

DATE: October 12, 2010

SUBJECT: Idaho State Police

IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council – (Docket No. 11-1101-1001)

The Idaho State Police submits notice of proposed rulemaking at IDAPA 11.11.01 – Rules of the Idaho Peace Officer Standards and Training Council. This docket was previously published as a temporary rule with an effective date of January 12, 2010. The original text of the temporary rule was published in the Idaho Administrative Bulletin, Volume 10-3, March 3, 2010, pages 12 through 13.

The proposed rule changes the classified POST Executive Director position to a nonclassified POST Division Administrator position. The Administrator is to be selected by the Director of ISP subject to the approval of the POST Council. According to ISP, the proposed rule will ensure more appropriate agency alignment of the position now known as POST Executive Director and provide clarity in hiring, supervision, accountability and administration.

ISP states that negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the proposed rule. There is no negative fiscal impact to the state general fund resulting from this rulemaking.

The proposed rule is within the authority granted to the POST Council in Section 19-5107, Idaho Code.

cc: Idaho State Police
Colonel G. Jerry Russell, Director
Trish Christy

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-1001

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 19-5107, 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 October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule changes the title of the POST Executive Director position to POST Division Administrator; changes the POST Executive Director position from a classified to a non-classified position; and changes the hiring process for the POST Division Administrator to one of selection by the Idaho State Police Director with the advice and consent of the POST Council. The rule will ensure more appropriate agency alignment of the position now known as POST Executive Director. This change provides clarity in the areas of hiring, supervision, accountability and administration.

Other occurrences of this language in other chapters are also included as technical corrections.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: 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 resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Trish Christy at (208) 884-7253.

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 October 27, 2010.

DATED this 25th day of August, 2010.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642-6202
Phone: (208) 884-7003
Facsimile: (208) 884-7090

Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.

This docket has been previously published as a Temporary Rule.
The temporary effective date is January 12, 2010.

The original text of the Temporary Rule was published in the Idaho
[Administrative Bulletin, Volume 10-3, March 3, 2010,](#)
pages 12 through 13.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-1101-1001

031. EXECUTIVE DIRECTOR DIVISION ADMINISTRATOR.

There shall be established in the Idaho State Police a nonclassified position of ~~Executive Director~~ Division Administrator of the Idaho Peace Officer Standards and Training Council. (4-2-08)()

01. Selection of ~~Executive Director~~ Division Administrator. (4-2-08)()

a. The Chairman of the POST Council shall recommend one Chief or Sheriff who is a member of the POST Council to serve on the examining board set up by the Idaho Division of Human Resources. (4-2-08)

b. The ~~Executive Director~~ Division Administrator shall be selected by the ~~POST Council~~ Director of the Idaho State Police subject to approval of the ~~Director of the Idaho State Police~~ POST Council from the approved register established by the Idaho Division of Human Resources after competitive testing. (4-2-08)()

02. Under POST Council's Direction. The ~~Executive Director~~ will Division Administrator shall be employed by the Idaho State Police to serve under the direction of the POST Council in carrying out the duties and responsibilities of the Council. (4-2-08)()

03. Supervision Over Employees. The ~~Executive Director~~ Division Administrator shall have supervision over the employees and other persons necessary in carrying out the functions of POST. (4-2-08)()

04. Administration. For administrative purposes, the ~~Executive Director~~ Division Administrator and his staff ~~will~~ shall be governed by the Policies and Rules of the state of Idaho and the Idaho State Police, concerning but not limited to fiscal, purchasing, and personnel matters. (4-2-08)()

032. POST COUNCIL.

01. Compensation. Except for the ~~Executive Director~~ Division Administrator of the POST Council, the members of the Council receive no compensation from POST for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their functions, as prescribed by law. (4-2-08)()

02. Council Resignations. Any Council member who ceases to qualify as such shall at once notify the Governor and Chairman in writing. Any Council member who desires to terminate their services shall notify the Governor and Chairman in writing of their intentions. (4-2-08)

03. Contested Cases. Rules of Procedure in contested cases shall be governed by the Idaho Administrative Procedures Act. (4-2-08)