

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

- DATE:** Monday, January 28, 2013
- TIME:** 1:30 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Vick, Senators Davis, Mortimer, Nuxoll, Hagedorn, Lakey, Bock and Werk
- ABSENT/ EXCUSED:**
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Lodge** called the meeting to order at 1:38 p.m. and turned the meeting over to Vice Chairman Vick to present the Pending Rules of the Idaho State Police.
- DOCKET NO. 11-1101-1202** **Idaho Peace Office Standards and Training (POST) Council - William Flink**, Division Administrator, explained the substance and purpose of this rule is to add emergency services dispatchers to the definition of "law enforcement profession" as used in two year agreements authorized pursuant to Section 19-5112, Idaho Code. **Mr. Flink** said it established that an applicant who is the subject of an investigation by an agency with competent authority and jurisdiction is not eligible for POST certification of any kind while under investigation. It also allows the POST Division Administrator to extend over one year the validity of an applicant's medical examination under extraordinary conditions and for good cause shown.
- The senators discussed 010.27 of this docket entitled Law Enforcement Profession, which added an emergency services dispatcher to the law enforcement profession. They also thought it was broad based and that POST seemed to be expanding through rule rather than code and questioned if this should be done by statute. **Mr. Flink** said he could not answer that question. He said they were only identifying the dispatchers as part of the law enforcement profession. The senators also brought up the fact that 197.01 of this docket had the same added language that they had rejected in the previous rule, Docket No. 11-1101-1201 at the meeting last week. **Senator Davis** commented that he couldn't understand why departments and agencies wanted to redesign what was already in code. If it appears that the definition is inadequate, his impression would be to give a better statutory definition. **Mr. Flink** replied that he thought it was worthy of further discussion due to some of the questions asked today.
- MOTION:** **Senator Hagedorn** made a motion to accept **Docket No. 11-1101-1202** with the exception of the added language in Definitions, 010.27 and the added language in General Provisions, 197.01 of this pending rule. **Senator Davis** seconded the motion. **Vice Chairman Vick** asked if they reject this part, would it preclude the emergency personnel from receiving training. **Mr. Flink** said they would be trained. The motion carried by **voice vote**.
- DOCKET NO. 11-1102-1201** **Rules of POST - Detention Officers - William Flink** explained this rule removed the 'exception of physical disability' in minimum employment standards, as that language is outdated and also conflicts with another provision in the rules. It changes the term "must" to the more appropriate term "shall." It also removes outdated language in reference to height and weight requirements, and establishes the Intermediate Certificate and the requirements for achieving it. He further explained that the Intermediate Certificate was a way for officers to better themselves, get a raise in salary, or possibly be in a supervisory capacity.

All of the senators commented on the chart showing "College Credits, Training Hours, and Experience" as it was difficult for them to understand. **Mr. Flink** said he had also had trouble understanding the chart when he first came to POST Council. **Chairman Lodge** asked if there were specific classes that were required or could they take anything. **Mr. Flink** said they did not have specific classes. **Chairman Lodge** said she thought experience and training in communication and grammar classes were almost a necessity, as well as how to get along with people. **Mr. Flink** said the college courses were not defined.

**MOTION:** **Senator Bock** made a motion to approve **Docket No. 11-1102-1201**. **Senator Lakey** seconded the motion. **Senator Hagedorn** suggested they revisit the chart showing College Credits, Training Hours and Experience (035.03.) as it was difficult to understand. The motion carried by **voice vote**.

**DOCKET NO. 11-1103-1201** **Rules of POST - Juvenile Probation Officers - Mr. Flink** explained that this rule removes exception of physical disability in minimum employment standards, as that language is outdated and also conflicts with another provision in the rules. It also establishes the Intermediate Certificate and the requirements for achieving it.

**MOTION:** **Chairman Lodge** made a motion to approve **Docket No. 11-1103-1201**. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 11-1104-1201** **Rules of POST - Correction Officers and Adult Probation and Parole Officers - Mr. Flink** explained that this rule allows the POST Division Administrator to extend over one year the validity of an applicant's medical examination under extraordinary conditions and for good cause shown. It changes the term "will" and "must" to the more appropriate term "shall." He said it allows an Idaho POST certified correction officer or probation and parole officer who transfers to an administration position with the Idaho Department of Correction (IDOC) to retain their POST certification provided they don't leave employment with IDOC and they attend twenty hours of training per year.

**MOTION:** **Senator Hagedorn** made a motion to approve **Docket No. 11-1104-1201**. **Senator Werk** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 11-1106-1201** **Rules of POST - Misdemeanor Probation Officers - Mr. Flink** explained this rule removed the exception of physical disability in minimum employment standards, as that language is outdated and also conflicts with another provision in the rules.

**MOTION:** **Senator Lakey** made a motion to approve **Docket No. 11-1106-1201**. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.

**Vice Chairman Vick** turned the meeting back over to the Chairman. **Vice Chairman Vick** asked Mr. Flink how the House of Representatives ruled on these rules. **Mr. Flink** said the House ruled the same.

**ADJOURNED:** There being no further business, **Chairman Lodge** adjourned the meeting at 2:40 p.m.

---

Senator Lodge  
Chairman

---

Leigh Hinds  
Secretary