

MINUTES
HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE
LUKER SUBCOMMITTEE
Administrative Rules Review

DATE: Monday, February 25, 2013

TIME: Upon Adjournment of the Full Committee

PLACE: Room EW42

MEMBERS: Chairman Luker, Representatives Nielsen, Perry(Smith), Dayley, Malek, Burgoyne

**ABSENT/
EXCUSED:** Representative Nielsen

GUESTS: Charlie Spencer, Idaho State Police; Russ Wheatley, Idaho State Police

Chairman Luker called the meeting to order at 3:52 p.m.

**DOCKET NO.
11-0501-1101:** **Lt. Russ Wheatley**, Idaho State Police, explained this rule defines a multipurpose arena. He answered questions regarding time specificity to allow minors on the premises of a business that changes to predominantly selling alcohol later in the day by stating that the intent was not for restaurants. He said the intent was to not have minors in bars. He explained the provision will be enforced after an investigation into a business shows that after a long period of time that business has changed their predominate activity to drinking alcohol.

MOTION: **Rep. Smith (Perry)** made a motion to recommend rejection of **Docket No. 11-0501-1101** to the full committee. He explained there is possible legislation being written that would override this rule.

Lt. Russ Wheatley explained they have already made endorsements on two businesses' liquor licenses, and have two others in the process of receiving this endorsement. He said not approving this rule would void those multipurpose endorsements and negatively affect those businesses.

**SUBSTITUTE
MOTION:** **Rep. Burgoyne** made a substitute motion to recommend approval of **Docket No. 11-0501-1101** to the full committee.

The subcommittee expressed concern over possibly impacting businesses that have already been issued endorsements. They also considered the rule deadline approaching on February 28th, 2013.

**VOTE ON
SUBSTITUTE
MOTION:** **Chairman Luker** called for a vote on the substitute motion to recommend approval of **Docket No. 11-0501-1101** to the full committee. **Motion carried by voice vote.** **Rep. Smith (Perry)** requested to be recorded as voting **NAY**.

**DOCKET NO.
11-1101-1202:** **William Flink**, Division Administrator, Idaho Peace Officer Standards & Training, explained this rule adds defining terms for law enforcement profession, it excludes those who were subject to an investigation by an agency with competent authority and jurisdiction from receiving certificates or awards and extends the time a medical examination will remain valid by the POST Division Administrator for cases under extraordinary conditions. He explained the Senate had previously reviewed this docket and rejected Subsection 010.27 and Subsection 197.01. He said there was concern that amending the definition of law enforcement profession would have unintended consequences to dispatchers.

MOTION: **Rep. Dayley** made a motion to recommend approval of **Docket No. 11-1101-1202** to the full committee with the exception of **Subsection 010.27 and Subsection 197.01**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the subcommittee, it was adjourned at 4:14 p.m.

Representative Luker
Chair

Jackie Wright
Secretary