

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, March 03, 2017

TIME: 1:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Lee, Senators Davis, Hagedorn, Anthon, Agenbroad, Foreman, Burgoyne, and Nye

ABSENT/ EXCUSED: None

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: **Vice Chairman Lee** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:00 p.m.

MINUTES APPROVAL: **Senator Hagedorn** moved to approve the minutes of February 6, 2017. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Agenbroad** moved to approve the minutes of February 24, 2017. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Raymond David Moore, reappointed to the Commission on Pardons and Parole.** **Senator Davis** moved to send the gubernatorial appointment of Raymond David Moore to the Commission on Pardons and Parole to the floor with recommendation that he be confirmed by the Senate. **Senator Hagedorn** seconded the motion. The motion carried by voice vote.

MOTION: **Regarding RS 25426, RS 25389, and RS 25422.** **Senator Hagedorn** moved to send **RS 25426, RS 25389, and RS 25422** to print. **Senator Anthon** seconded the motion.

Senator Nye stated his opposition to **RS 25426**.

SUBSTITUTE MOTION: **Senator Nye** moved to vote on **RS 25426** separately. The motion died from lack of second.

SUBSTITUTE MOTION: **Senator Davis** moved to send **RS 25426** to print. **Senator Anthon** seconded the motion.

Senator Davis indicated that he wanted to give a member of the Committee wishing to vote "no" the opportunity to do so. He pointed out that the Attorney General's office reviewed it with two members of the Committee who had concerns, and some of those issues have been addressed in this bill. It does have an emergency provision to address litigation that might arise subsequent to enactment and signature.

Senator Hagedorn asked if the Committee would vote on the original motion if this motion does not pass. **Senator Lee** affirmed that Senator Hagedorn's assessment is correct.

Senator Nye stated his objection is that the **RS 25426** is a lawyer's bill and has constitutional issues. He remarked that the intent of the bill is good, but it may not stand up to scrutiny considering its constitutionality.

The motion passed by **voice vote** with Senator Nye requesting to be recorded as voting no.

MOTION: **Senator Anthon** moved to send **RS 25389** and **RS 25422** to print. **Senator Nye** seconded the motion. The motion passed by **voice vote**.

S 1105 **Regarding failure to return rented equipment.** **Senator Hagedorn** presented **S 1105** in the absence of Senator Burgoyne. **Senator Hagedorn** explained that some of the rental companies brought this bill because prosecuting attorneys were not able to prosecute for the willful or intentional failure to return rented equipment because of language in the theft statute. This bill will add "other equipment" to the list of items included in that statute.

TESTIMONY: **Sam Castillo**, **Tates Rents**, and President, **American Rental Association of Idaho**, indicated that the **American Rental Association** has 42 members representing 75 stores across the State. He reported that together they employ over 2,500 Idaho residents and generated nearly \$500,000 in the State economy in 2016. **Mr. Castillo** related that unscrupulous people have discovered they can steal from equipment rental companies and not be prosecuted. He explained that the companies have requested assistance from law enforcement and prosecuting attorneys, but have found the companies have no rights of prosecution as this is a civil matter. **Mr. Castillo** pointed out that the loss of revenue involved in dealing with the theft of these assets can cause the rental companies to lose their businesses, especially the smaller companies. This will cause a loss of jobs for Idaho citizens and a loss of tax revenue for the State.

Senator Foreman expressed surprise that these incidents occur. **Mr. Castillo** assured him that equipment being intentionally kept in the renter's possession happens, and that the prosecutor informed the company this action is not covered under statute. He advised that the companies have used tracking devices, cameras, and other precautions, but that smaller companies cannot afford these precautions.

MOTION: **Senator Davis** moved to send **S 1105** to the floor with a **do pass** recommendation. **Chairman Lodge** seconded the motion.

Senator Hagedorn explained this language came from the Idaho Prosecutor's Association.

The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Lee passed the gavel to Chairman Lodge.

S 1122 **Regarding commissioners on uniform laws.** **Senator Davis** detailed the history of the Uniform Law Commission (ULC), explaining that the ULC was formed to protect state sovereignty and is in statute in Idaho. **Senator Davis** identified the organizational aspects of the ULC, and the procedures it follows to address various issues. He emphasized that the commissioners are not paid, but only reimbursed for expenses incurred while they are serving on the ULC. After detailing the process for gubernatorial appointment to the ULC and the terms of service, **Senator Davis** pointed out that two of the four Idaho commissioners have become life members after 20 years of service. This will be the first time Idaho has had any life members. Having two life members in addition to the traditional four members enables Idaho to have six representatives on the commission. **S 1122** allows the life members to be reimbursed for expenses incurred while performing duties of the ULC as are the four appointed members.

Chairman Lodge asked Senator Davis how long he has served on the ULC. **Senator Davis** responded he has served 17 or 18 years.

Senator Burgoyne commented that he has viewed the ULC as having attributes of State government in the use of the appointment process, but it is really the legal profession at work. When the uniform law proposals are returned to the states, the legislature decides whether to adopt them. Having lawyers who work at the federal level, the state level, and those in private practice is a reasonable make up of the ULC.

MOTION: **Senator Burgoyne** moved to send **S 1122** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: Chairman Lodge adjourned the meeting at 1:40 p.m.

Chairman Lodge
Chair

Carol Cornwall
Secretary