

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, March 01, 2013

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Vick, Senators Davis, Mortimer, Hagedorn, Lakey, Bock and Werk

ABSENT/ EXCUSED: Senator Nuxoll

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 1:30 p.m. and asked the secretary to call the roll.

MINUTES: **Senator Hagedorn** moved that the minutes of February 15, 2013 be approved as written. **Senator Werk** seconded the motion. The motion carried by **voice vote**.
Senator Lakey moved that the minutes of February 20, 2013 be approved as written. **Senator Mortimer** seconded the motion. The motion carried by **voice vote**.

RS 22072 A unanimous consent request from the Education Committee to print RS 22072 the concurrent resolution acknowledging an Award of Excellence received by the Boise School District.

RS 22033 A unanimous consent request from the Health and Welfare Committee to print RS 22033 relating to Grounds for Medical Discipline by the State Board of Medicine.

MOTION: **Senator Davis** moved to print **RS 22072** and **RS 22033**. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**.

RS 22163 **Relating to Uniform Controlled Substances - Elisha Figueroa**, Administrator, Idaho Office of Drug Policy, explained this bill is to update Idaho schedule 1 regulations regarding synthetic cannabinoids known as Spice that mimic the effects of Cannabis.

MOTION: **Senator Davis** moved to print **RS 22163**. **Senator Werk** seconded the motion. The motion carried by **voice vote**.

RS 21967C3 **Relating to Garnishments - John Watts**, Idaho Collectors Association, explained this proposal amends and adds to existing law relating to service process for wage garnishments. He said this will set out provisions that would allow for an option to garnishment service process. Currently, Idaho code allows the sheriff shall be the only entity to provide garnishment service process in the case of a wage garnishment. This proposal speaks only to wage garnishments and would provide for a serving attorney, as defined on page 15 of the RS, and/or an employee or agent of the attorney, also defined under "Definitions." This proposal also changes "plaintiff" to "judgment creditor" throughout Idaho Code § 8-507. The proposal requires a judgment debtor to mail to the court a copy of a claim of exemption as a check and balance that the judgment debtor files with the sheriff or serving attorney. Fees for serving attorney service are established parallel to statutes governing sheriff service fees.

MOTION: **Senator Mortimer** moved to print **RS 21967C3**. **Senator Davis** seconded the motion. **Senator Bock** asked for information regarding safeguards against fraudulent garnishment when this is returned as a bill. **Senator Davis** made a suggestion to embody some case law so debtor and creditor are not responsible if the serving attorney fails to turn the money over. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Lodge** adjourned the meeting at 1:50 p.m.

Senator Lodge
Chairman

Leigh Hinds
Secretary