

## MINUTES

# HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

- DATE:** Friday, March 15, 2013
- TIME:** Upon Adjournment
- PLACE:** Room EW42
- MEMBERS:** Chairman Wills, Vice Chairman Luker, Representatives Nielsen, Bolz, Bateman, McMillan, Perry, Sims, Dayley, Horman, Malek, Packer, Patterson, Trujillo, Burgoyne, Meline, Ringo
- ABSENT/  
EXCUSED:** Rep. Wills; Rep. Nielsen; Rep. Bateman; Rep. Patterson.
- GUESTS:** Neil Colwell, Avista; Dennis Tanikuni, Idaho Farm Bureau; Russell Westerberg, Rocky Mountain Power; Rich Hahn, Idaho Power; Michael Henderson, Idaho Supreme Court; Emily McClure, Idaho Medical Association; Alison Shoop; Ann Senseny; Naomi Vulgamore; Greg Baron; and Amy Kearns, ITD
- Vice Chairman Luker** called the meeting to order at 1:20 p.m.
- MOTION:** **Rep Bolz** made a motion to approve the minutes of February 25, 2013. **Motion carried by voice vote.**
- MOTION:** **Rep. Bolz** made a motion to approve the minutes of March 7, 2013. **Motion carried by voice vote.**
- H 241:** **Rep. Malek** presented **H 241**. He said this bill creates a deterrent for metal theft which is a large problem nationally and in the State of Idaho.
- Neil Colwell**, Avista Corporation, testified **in support** of **H 241**. He said this bill is brought due to the growing problem of metal theft in the State of Idaho. He said despite what was adopted in 2009, metal theft is growing and this bill will strengthen some of the earlier provisions. He said metal theft is a one billion dollar problem in this nation. He gave several examples of metal theft in Idaho and across the nation. He said on Page 1 of the bill, it clarifies that the public can recycle bottle caps but not beer kegs. He said on Page 3 of the bill, it states that members of the general public coming in to make casual sales of metal must be photographed with the materials. He explained on Page 4 of the bill, it states if an individual goes into an electrical sub station with the intent to steal or if they cause damages or outages, such actions are a felony. Finally, this bill states that homeowners are not liable for injuries a metal thief may sustain while on their property. He said this also applies for third party injuries.
- In response to questions, **Mr. Colwell** said it is up to the prosecuting attorney to authenticate the evidence photos. He said the scrap dealers would also attest to the photos.
- In response to questions, **Rep. Malek** said the photos would have to be authenticated through a trial preparation process, the photographer would have attest to the photos, and they would have follow the rule of evidence to be submitted in trial as evidence. He said the bill makes it incumbent upon the dealers to provide photographic evidence.
- In response to questions, **Mr. Colwell** said the payments must be made to the business owners by check. He said this bill makes the first offense a felony. He said that the scrap dealers worked on this legislation through **Senator Vick**, who is a metal dealer. He said under the terms of the original bill, recording keeping for the scrap metal dealers is recognized as indeterminate. He said that a time line on the paperwork for the scrap dealers might be necessary.

**Rich Hahn** , Idaho Power, testified in support of **H 241**. He said the metal theft has been reduced since the legislation in 2009, but it has not be eliminated. He said this legislation does require some additional record keeping. He said there is no reason for the general public to come in with certain types of metals, i.e. grounding wire, etc. He said when theft happens at a substation and a system is left ungrounded, it is a huge safety issue and poses serious danger to the employees and to the general public. He said one of the reasons this bill makes metal theft a felony is because when these systems are left ungrounded, it could very easily result in death by electrocution.

**MOTION:** **Rep. Trujillo** made a motion to send **H 241** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Malek** will sponsor the bill on the floor.

**Vice Chairman Luker** turned the gavel over to **Rep. Bolz**.

**H 274:** **Vice Chairman Luker** presented **H 274**. He said this bill allows cities to adopt an ordinance to conduct driver safety school. If an officer is issuing a citation, they will still issue the citation under the Uniform Citation Code but they can offer a voluntary attendance at a driver safety school. If the cited individual attends driver safety school for a maximum \$25 cost, points will not be assessed for that violation. He said the citation will still show up on your record, but you will not get the points that go along with the citation. He said this only applies to moving violations and it cannot involve commercial drivers or anyone who has had a point violation in the last three years.

**Michael Henderson**, Idaho Supreme Court, testified in support of **H 274** saying that the Idaho Supreme Court believe this is a workable system.

**MOTION:** **Rep. Meline** made a motion to send **H 274** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

**Rep. Bolz** turned the gavel back over to **Vice Chairman Luker**.

**H 292:** **Rep. Malek** presented **H 292**. Current Idaho law protects social workers, EMS personnel, police officers and this bill extends a similar protection to health care professionals who are assaulted because of their profession. He said the twenty five year jail sentence has been removed and **H 292** now states that the sentence shall not exceed five years. He said the bill states the battery has to be in the course of ones duties as a medical professional. He said the last sentence of the bill essentially creates an affirmative defense for the mentally ill.

**MOTION:** **Rep. Meline** made a motion to send **H 292** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Luker** and **Neilsen** will sponsor the bill on the floor.

**SCR 114:** **Sen. Vick** presented **SCR 114**, which rejects Section 010, Subsection 27 and Section 197, Subsection 01, only, adopted as pending rules under **Docket Number 11-1101-1202**. He said this rule contained definitions that were not in statute and that is a reason the Senate rejected it. He said the language changed to clarify if an officer was aware of an ongoing investigation, he/she cannot receive a POST certification.

**Director Bill Flink**, POST administrator, said Idaho State Police are favorable with these changes as they stand.

**MOTION:** **Rep. Sims** made a motion to send **SCR 114** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Sims** will sponsor the concurrent resolution on the floor.

**SCR 115:** **Sen. Vick** presented **SCR 115**. He said this Senate Concurrent Resolution rejects Section 091, Subsection 01, only, relating to the rules of the Idaho Peace Officer Standards and Training Council.

**MOTION:** **Rep. Trujillo** made a motion to send **SCR 115** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bolz** will sponsor the concurrent resolution on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:09 p.m.

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Representative Luker  
Vice Chair

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Danelle Heath  
Secretary