

JUDICIARY COMMITTEEMINUTES OF MEETING HELDMARCH 2, 1967

A meeting of the Judiciary Committee was held at 2:20 P.M., Thursday, March 2, 1967, in Committee Room 56, State Capitol, Chairman Monroe presiding.

Members Present: Warren L. Monroe, Chairman
Carl F. Dodge
Procter R. Hug
Coe Swobe
C. Clifton Young

Members Absent: V. L. Bunker
M. J. Christensen

Others Present: E. A. Haglund
James Butler
R. E. Walker
Senator Fisher

Chairman Monroe stated that Mr. Butler had requested an opportunity to discuss S.B. 211 again even though the Committee had killed the Bill on February 28, 1967. Mr. Butler reiterated the reasons behind the request for this legislation, which was primarily, that teachers wished to enjoy "full citizenship". The reasons for not recommending passage was explained, the difficulty in obtaining substitute teachers in the small counties and the increased cost to the districts. Also, in many instances even though they would have to report for jury duty they would not necessarily be selected and this situation could exist over a fairly long period. Mr. Butler commented in this regard that perhaps the Committee should consider improving the system. Senator Swobe stated that this was being done constantly, the courts are trying to perfect methods that will eliminate the inconvenience for people serving on panels.

S.B. 209 "Increases renewal fees for licensing of certain private schools makes changes in exemptions of other schools from supervision by State Department of Education."

Senator Monroe stated that the conflict with A.B. 12 had been corrected by amendment.

Mr. Haglund addressed the Committee and stated that the prime purpose of the Bill is to correct a number of obsolete and conflicting sections. The original purpose of the legislation was to get rid of "diploma mills" and had been enacted in 1956. The legislature amended some of the sections in 1963 and that portion of the Bill is excellent. Mr. Haglund then explained each proposed change.

Mr. Haglund asked if it were feasible to place pre-school operations under the Department of Education. He replied that it was not as the Department did not have the specialized personnel that would be required to supervise such organizations, and, that it had been determined that this was a "custodial" relationship and as such was properly placed under the Health and Welfare Department.

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Messrs. Haglund, Butler and Walker left the meeting at 2:55 P.M.

S.B. 209 "Increases renewal fees for licensing of certain private schools; makes changes in exemptions of other schools from supervision by State Department of Education."

Disposition: ON MOTION of Senator Dodge, seconded by Senator Young, it was unanimously agreed to "Do Pass S.B. 209."

The Committee unanimously agreed not to resurrect S.B. 211.

Senator Swobe requested that the Committee introduce a Bill requested by the Governor which would allow the Gaming Board to levy fines for gambling violations. Although some objections to the philosophy were expressed the Committee agreed to introduce the legislation.

Disposition: ON MOTION of Senator Dodge, seconded by Senator Swobe, it was unanimously agreed to introduce the proposed Bill referred to above.

S.B. 140 "Limits definition of "guest" in automobile guest statute."

It was agreed to ask Pete Kelley to obtain some statistics relative to the difference in cost of insurance in states with guest limitations and those without it.

Disposition: Held Over.

S.B. 168 "Repeals certain conditions and limitations on right to bring action against State."

Senator Monroe stated that during the Hearing last Wednesday, Mr. Corecco had estimated the increase in the cost, if the coverage was increased from \$25,000. to \$100,000., to be 15%. He also mentioned that the legislature had specifically waived sovereign immunity when it passed the act establishing the \$25,000. liability. Senator Dodge suggested that some insurance people be consulted because they had stated that there was an endorsement on every insurance policy to the effect that they would not plead sovereign immunity. Senator Swobe stated that the insurance carriers pay small claims but on large ones they plead sovereign immunity. Senator Swobe is to discuss this matter with Virgil Wedge. Chairman Monroe commented that he objected to the section repealing punitive damages. Senator Swobe replied that he would not object to that section being excluded. Senator Dodge commented that some of the political subdivisions were actually not insured that they were self-insuring and that perhaps it wasn't proper to force them to buy their own insurance. He also said that he would check out that phase. Later in the meeting Mr. Russ McDonald advised that the State had been buying insurance for claims in excess of \$100,000.00. He also suggested that the Committee consult Howard Barrett on this matter.

Disposition: Held Over.

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S.B. 188 "Provides for interest on damage judgments from date of tort."

Senator Dodge commented that this legislation might have a terrible influence on rates. Senator Young stated that the intent of the Bill was to speed up the settlement of cases; that many time the case drags on and on until the plaintiff just gives up.

Disposition: Held Over.

S.B. 197 "Provides that prevailing party in litigation be allowed as costs a reasonable amount of compensation for expert witness."

After discussion it was agreed to amend the Bill to read: "...may allow as costs" and "...not to exceed a total amount of \$500."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass as Amended S.B. 197."

S.B. 198 "Provides for allowance of punitive or exemplary damages in civil actions for willful or wanton misconduct."

Senator Swobe stated that this Bill could be amended to conform to California's, which appeared to be acceptable to everyone at the Hearing, by deleting the word "actual" on Line 5, and deleting the wording in italics.

Disposition: It was unanimously agreed to amend S.B. 198 to conform to the California Statute.

S.B. 200 "Permits general improvement districts to issue revenue bonds for construction of and regulate use of recreation facilities."

Mr. Russ McDonald stated that he had tried to draft a Master Bill to cover all types of improvement districts but found that it was impossible. He asked the Committee to table this Bill for the time being.

Disposition: Held Over.

Mr. McDonald briefed the Committee on Assembly Bills 205 and 206.

S.B. 180 "Prohibits solicitation of automobile repairs and towing service on highways."

Disposition: ON MOTION OF Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass as Amended S.B. 180."

S.B. 137 "Makes extensive changes in provisions relating to vital statistics."

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass as Amended S.B. 137 "

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S.B. 174 "Requires certain officials to disperse unlawful and riotous assemblies of two or more persons.

Disposition: ON MOTION of Senator Swobe, seconded by Senator Young, it was unanimously agreed to "Do Pass as Amended S.B. 174."

The meeting adjourned at 3:55 P.M.