

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting was called to order at 9:00 a. m. on April 12th, by Chairman Monroe.

Committee members present: Chairman Monroe
Senator Swobe
Senator Young
Senator Bunker
Senator Christensen
Senator Hug
Senator Dodge

Legislative Counsel: Frank Daykin

Guests: Roy Torvinen, Assemblyman

Chairman Monroe advised the Assembly did not concur with the amendments on AB 528. The members decided to go to conference.

AJR 46 - Proposes constitutional amendment to alter composition of state board of Pardons.

Senator Dodge advised the Governor discussed this with the committee members of the Assembly and he agreed that the Attorney General and the Judges should not be on the Board of Pardons, however he would feel better if there was an advisory committee to discuss the decisions with. He felt it should contain he would have to be on the prevailing side for the final decision. He did not agree to do away with the Board and leave him alone with the decision.

Senator Monroe suggested they go to conference on this. It was agreeable.

AB 200 - Creates presidential primary election.

Chairman Monroe suggested each member study this bill and it will be discussed Monday. He gave each member a copy of the amounts expended on the New Hampshire Presidential Primary in 1968 as requested by Mr. Hilbrecht.

Senator Dodge felt they should ask Mr. Hilbrecht in Monday.

AB 487 - Raises bond required of notaries public.

Chairman Monroe advised Mr. Close was concerned about the

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contents of sub-section 3 and wanted the committee to consider this. He did not care about increasing the Notary Bond to \$4,000. Sub-section 3 provides the Bond for a Notary may be approved by the County Clerk instead of by the District Judge. He felt the judge had enough to do without burdening him further with this.

Senator Swobe moved to amend and do pass.

Senator Young seconded the motion.

Motion carried.

AB 99 - Limits application of automobile and aircraft "guest statutes".

This will be studied and discussed Monday.

AB 449 - Provides right of contribution for joint tortfeasors.

Mr. Daykin was called in. Senator Dodge advised their intent was to join both tortfeasors in an action and rather than have it indirectly stated they preferred to have this provision spelled out in the bill.

The language in subsection 1 and 2 of section 2 was discussed by Chairman Monroe and Senator Young as to the meaning. They felt it could be reworded to the meaning was clearer. Senator Young was concerned as to how the degree of liability of each would be determined.

Mr. Daykin advised joining of both tortfeasors was indirect in subsections 1 and 2. This would allow but not mandate joining them in an action.

Senator Young felt it should be made clearer and spelled out as it would be difficult for a lawyer to clarify the intent.

Mr. Daykin will prepare the amendments as suggested.

AB 351 - Provides for notice of removal of certain abandoned vehicles and limits garage owner's liens.

Mr. Torvinen explained the law now states that an owner must be notified within 15 days on a vehicle valued less than \$100.00, but with a vehicle over valuation of \$100.00 it is 90 days. This gives a garage the right to hold a stolen car for 90 days before the owner is billed for storage and towing fee. The storage bill can run into a considerable amount of money. This would provide that an owner must be notified within 15 days in both cases. Before it gave a garage owner a loophole that could become a racket. Mr. Torvinen was

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Senator Young asked who would make the appraisal and if there was a time limit to make the appraisal. He also asked how the notice would be made.

Mr. Torvinen advised the appraisal would probably be made by the garage holding the vehicle and the notice would be made by mail.

Senator Swobe moved "Do pass".
Senator Christensen seconded the motion.
Motion carried.

AB 89 - Changes form of statement by registered electors who are property owners in certain bond elections.

Mr. Daykin stated this changed the absent ballot statute which now provides a property owner that was out of state had to sign an affidavit he owned property before a notary public which was sometimes very inconvenient. This would allow him to sign a statement without having it notarized.

Senator Swobe moved "Do Pass".
Senator Hug seconded.
Motion carried.

AB 786 - Requires further verification of voting machine totals before canvassing vote.

Mr. Daykin explained this would mainly effect Clark and Washoe Counties where the voting machines were used. It would authorize the County Commissioners to correct any discrepancies discovered in entering the total results from the voting machine. This could be a clerical error and after checking the totals listed on the machine it could be corrected within a certain time before the canvass of the votes. The voting machine is locked immediately after the polls are closed and the correct totals show on the machines.

Senator Dodge moved "Do Pass".
Senator Young seconded the motion.
Motion carried.

AB 223 - Provides punishment for unlawful supplying of, and raises second offense penalty for possession of dangerous drug.

Mr. Daykin stated this would conform penalties under the dangerous drug act with the narcotic act penalties.

There was general discussion as to whether the dangerous drugs were now listed and what the dangerous drugs consisted of.

Mr. Daykin advised he felt there was a bill passed that would list the dangerous drugs and provide that any drug considered dangerous in the future could be added. Any drug dispensed under a prescription by a pharmacist was considered to be a dangerous drug. They were usually stimulants and depressants.

Senator Young remarked that if you gave your prescription to another member of your family you could go to prison.

Senator Christensen felt the drugs should not be listed but stated that "any drug considered to be dangerous" should not be sold, etc.

Senator Bunker moved "Do Pass".

There was discussion about the previous narcotic bills passed this session and if this would conform the penalties.

Senator Young suggested this be held until Monday so the members would have time to think about it.

Senator Bunker stated he had moved "do pass". He felt these bills should not be questioned as there was need for control over narcotics and drugs.

Senator Dodge agreed with Senator Bunker however there were penalties for this now.

Mr. Daykin stated the penalties for dangerous drugs were now one step below the narcotic penalties.

Chairman Monroe asked Mr. Daykin to compile information as to what narcotic bills have been passed this session and see what actually has been done and to report back to the committee Monday.

The meeting adjourned at 10:00 a. m.