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SENATE JUDICIARY COMMITTEE

MINUTES

January 26, 1971

The meeting was called to order by Chairman Monroe at 10:02 a.m.

Committee Members present: Chairman Monroe
Senator Close
Senator Dodge
Senator Foley
Senator Swobe
Senator Wilson
Senator Young

Guests: Grant Davis - Legislative Counsel
Jean Ford - League of Women Voters
Ernest Gregory - Environmental Health Department
Eileen Hinson - League of Women Voters
Barbara Morgan - League of Women Voters
Roger Trounday - Director, Dept. of Health, Welfare & Rehabilitation
Orville Wahanbrock - Ass't Director - Dept. of Health, Welfare & Rehabilitation

Chairman Monroe introduced the guests from the Health Department and Grant Davis of the Legislative Counsel and suggested that we take up S.B. #8 first so that our guests from the Health Department would not have to wait.

S.B. #8 - Clarifies language pertaining to State Board of Health rules and regulations.
Senator Monroe

Chairman Monroe gave a brief discussion of the purpose of this bill and asked Mr. Gregory for his comments. Mr. Gregory stated that the Department of Health wants to help strengthen enforcement at the local levels by permitting them to have more stringent rules. At this point there is some question of legality on several of the new rules they have just put into effect.

There was discussion about the confusion that having two sets of rules would cause and Mr. Gregory explained that there would probably be some confusion but it would be short-lived.

Jean Ford of the League of Women Voters stated that the League does support this bill and explained why.

Senator Swobe made a motion to "do pass." Senator Foley second the motion. Motion carried.

Orville Wahranbrock introduced Roger Trounday as the new Director of the Department of Health, Welfare and Rehabilitation and offered any help they could give us. Roger Trounday stated that he would be sitting in on a good many of our committee hearings.

S.B. #2 - Increases public administrator's bond in certain counties.
Senator Close

Senator Close felt that it would be appropriate to amend this bill so that judges could have the right to compel a bond if an estate was over \$250,000 or make a separate bond mandatory. He informed the committee that the cost for bonds was as follows:

\$100,000 bond for one year	\$460
\$75,000	360
\$50,000	260
\$25,000	135

Senator Dodge asked if there was a bond available that would cover the public administrator for each exposure up to a certain limit. There was some discussion as to how he could appropriate the costs to each estate. After some further discussion, it was decided that more information is needed about the bonds before final action could be taken. Senator Foley will contact some bonding people to attend the next meeting.

S.B. #7 - Prohibits possession or withholding of stolen goods.

Senator Wilson objected to the wording in Section 2 (b) "to make reasonable inquiry". Grant Davis explained that the wording comes from Deering, California Code, Subsection 2. Senator Foley pointed out that the California statute might be valuable if engaged in business, but the wording as it stands in this bill would involve innocent persons.

Grant Davis was asked to draft an amendment and submit it at tomorrow's meeting for further discussion.

S.B. #9 - Allows results of drug detection test in evidence.
Senator Monroe

There was some confusion of whether this bill was aimed at detecting what kind of drug was in possession, i.e., LSD, marijuana, etc., or detecting whether a person was using drugs in general. Grant Davis explained that as far as he knows, there is no test that is able to establish whether a person is using drugs.

Grant Davis stated that this bill was designed so that in a preliminary hearing in the smaller counties they would not have to call in a laboratory technician, which would be expensive for them. With kits, they would be able to establish what kind of drug was in question.

Senator Dodge pointed out that the bill should read "drug possession" not "drug use."

Senator Young asked if there was any question of the constitutionality of this bill. Grant Davis said there wasn't any question since the same effect could be had by an affidavit of the lab technician.

Senator Young asked if there was any objections to keeping this bill open for discussion and bringing a guest in who would be able to explain how a kit works.

S.B. #19 - Permits game wardens to issue citations for violations of fish and game laws.
Senator Young

Senator Young explained that this bill would give the game warden the proper jurisdiction for what in fact is now being done and expressed his approval of this bill.

Senator Foley asked for clarification of line 15, "and is not required to be taken before a magistrate", and wanted to know when a person is required to be taken before a magistrate. Grant Davis answered that in the case of a felony he would be required to go before a magistrate. After some discussion, it was decided to leave out the wording "not required."

Senator Young suggested we hold final action until further clarification from the Fish and Game people.

S.J.R. #1 - Proposes to amend constitution by permitting appointment of temporary district court judges.

Senator Close stated his concern that a person could be appointed to a succeeding 6-months term for his lifetime and exclude the necessity of election. Senator Young answered that was not the point of the bill. It was to have people available to take care of the accumulation of small cases that clog up the courts. He felt that they should be on a per diem or hourly pay basis, and supervised by a judicial administrator.

Senator Dodge felt that because there was such a shortage of judges, the temporary appointment might become permanent. Several members raised another problem of the appropriation of money for these judges.

There was general agreement that these appointments should be under the jurisdiction of the legislature. Senator Dodge suggested we amend the bill to read "legislature may prescribe for the appointment of."

Senator Young will check with Assemblyman Torvinen to be sure that this bill is compatible with their proposals on court reform.

The meeting adjourned at 10:57 a.m.

Respectfully submitted,



Eileen Wynkoop, Secretary

Approved _____