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## Legislature tries remote testimony

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**Tags:** 2015 Washington Legislature Adam Kline district elections driving under the influence of marijuana Jamie Pedersen Jason Mercier Mike Padden state Supreme Court

OLYMPIA – A Pasco-based government watchdog made a pitch Friday for district elections to the Supreme Court and two Spokane Valley law enforcement officers told legislators about rising arrest numbers for driving under the influence of marijuana.

That would be fairly normal fare for a Senate Law and Justice Committee hearing except for one thing: The legislators were in Olympia and the researcher and the cops were in Spokane, testifying live over the Internet.

The committee was testing a system for remote testimony that chairman Mike Padden, R-Spokane Valley, said could be used for many legislative hearings during the 2015 session.

Except for a few audio glitches, which a staff member said was a problem with the Internet and not the equipment, the test went smoothly.

Legislative administrators still need to give final approval for remote testimony, but Padden said he's optimistic.

As for the subjects of the hearing, Jason Mercier, director of the Center for Government Reform, urged the committee to change the way state Supreme Court justices are elected to provide what he called geographic diversity. Justice Debra Stephens, who just won re-election, is currently the only member of the court from Eastern Washington.

The court has nine justices, but the state wouldn't necessarily need to draw nine districts with equal populations, Mercier said. It could use the three current Appeals Court districts and apportion justices based on those districts' populations. That would mean District 1, which is primarily King County, would elect four justices, District 2, which is much of the rest of Western Washington, would select three, and District 3, which is Eastern and Central Washington, would elect two.

Sen. Adam Kline, D-Seattle, said district elections would suggest justices should represent a geographic part of the state. They shouldn't, he said: "Their job is to apply to law to the facts."

The same could be said about race, ethnicity or sexual orientation, which have been mentioned in the past by governors appointing justices, Mercier replied. Geography is another way to get different experiences on the bench, he said.

Padden said he believes a plan for district elections for the high court will be discussed in the 2015 session but didn't know what form it would take. About half the states appoint or elect their Supreme Court by districts, but there are many different models, he said. The required constitutional amendment would need supermajorities in both houses and approval by the voters.

Later in the hearing, Spokane Valley police Chief Rick VanLeuven said that city has seen a rapid rise in arrests for driving under the influence of marijuana, from 17 in 2012 to 43 in 2013 and 48 so far this year. Testing a driver for marijuana takes longer than testing them for alcohol, said Deputy Todd Miller, a drug recognition expert, because it usually involves a search warrant and a blood test.

Herbert Hill, a Washington State University chemistry professor, said the school is working on a device that will detect marijuana if a suspect blows into it using technology similar to what airport security uses to detect explosives or chemical weapons on passengers' hands or bags. But the technology thus far doesn't provide a way to determine how much marijuana is in a driver's system, so a blood test would still be needed to determine if he or she is over the legal limit.

"It might save some time and lower the number of false positives," Hill said of current technology.

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