

HOUSE OF REPRESENTATIVES  
JUDICIARY COMMITTEE  
February 13, 1979

The regular meeting of the Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building on Tuesday. All members were present except Representatives Conroy, Seifert and Uhde.

Scheduled for hearing were the following bills: House Bills 618 and 620 and Senate Bills 104, 152, and 164.

HOUSE BILL NO. 618: Representative Keedy as chief sponsor of the bill explained the difference between negligent homicide and deliberate homicide. This bill would raise the mandatory minimum sentence for deliberate homicide from 2 years to 10 years and the mandatory minimum sentence of 2 years for negligent homicide and for aiding or soliciting suicide. He went through the bill briefly and explained other provisions. Representative Rosenthal asked what is the minimum sentence now for deliberate homicide. This was discussed at length and Representative Holmes questioned the wisdom of having suicide and euthanasia included.

Representative Keedy agreed that he did not think these should be treated as a crime. There was no further discussion and the hearing closed on House Bill 618, after a series of questions and answers.

SENATE BILL NO. 104: Senator Steve Brown commented that an agency must have express rulemaking authority under Title 53. The bill was entirely rewritten in the Senate. We should define section by section their explicit rulemaking authority. In Section 3 in the Statement of Intent it lists the rulemaking authority. On page 3, lines 4 and 5 have a substantive change. Section 2 deals with the general relief of the department. Senator Turnage raised the question whether SRS could modify the laws, and the answer is no. He explained the bill further.

Representative Roth asked if the rules would be permanent and hard and fast. The Senator said, they may change depending upon the amount of money from the legislature or from the federal government and the program requirements at the federal level. He elaborated on this a little further.

Representative Eudaily asked about page 3, part 22, does this help support the problem of the nursing homes. There was discussion about this and it was agreed they would be covered elsewhere.

With no further discussion or question the hearing closed on Senate Bill 104.

SENATE BILL NO. 164:

Senator Peterson stated that the bill was being introduced at the request of the Administrative Code Committee, and would provide for procedures for recodification. He said that someone from the department would explain the bill in more detail.

BOB PYFER:

This bill basically requires the agencies to recodify their rules. The Administrative Code Committee felt that since they were going to have to be codified anyway they thought it was a good thing to do this. There is a new 3 part numbering system. This will really simplify things a lot. He went on to explain further.

Representative Uhde came in.

Mr. Pyfer said this changes the biennial review and clarifies the existing rule-making.

Representative Keyser asked how long they could anticipate that it would take. Mr. Pyfer said July 1, 1980 is the deadline and that it states so on page 3, line 16. There was some discussion about this. Mr. Pyfer said if they do not recodify their rules they will become invalid and they would have to go through the entire process of the Administrative Review Act.

There was no further discussion and the hearing closed on Senate Bill 164.

HOUSE BILL NO. 620:

Representative Lory, this bill is designed to cut some of the paper work. It would revise the procedure for preaudit of liquidated claims by the Department of Administration.

DAVE LEWIS:

Department of Administration. This is to clarify a problem that has come about in the last couple of years. If no appropriation is available for the payment of a liquidated claim, the department shall audit it and, if it is a valid claim, transmit it to the governor for presentation to the legislature.

There was very little discussion and no questions. Representative Scully asked if there were other proponents.

JACK NOBLE:

I support House Bill 620. I would like to explain how this would reduce paper work. A department could not make any charge against any

appropriation unless the balance of the appropriation is available and adequate. If no appropriation is available for the payment of a claim, the department shall audit it and if it is a valid claim, it would go to the Governor. He went on and gave statistics of amounts of paper work at the University. We believe that passing this bill should be a saving of \$50,000 a year and still have effective controls

There was some discussion about the way the bill would work and whether it would actually save the state paperwork.

No further discussion and no questions the hearing closed on House Bill 620.

SENATE BILL NO. 152:

Senator Thomas. This bill is to revise the procedure for hearing and appeal when a youth is alleged to have violated his aftercare agreement. The county attorneys are in support of this bill. This is to refine the provisions so that a youths rights are protected.

NICK ROTERING:

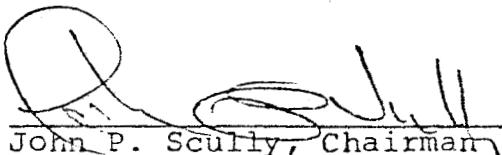
Department of Institutions. We are fully in support of this bill. He went through the bill briefly and explained their support.

KAREN MIKOTA:

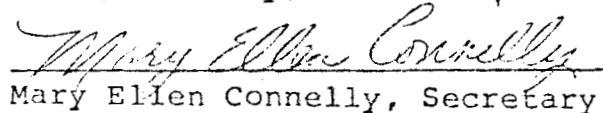
League of Women Voters. We are in support of the bill, however, we do have some questions about it. On page 2, line 24, we want to know why the word justified was taken out. And on page 4, lines 7 through 11. This seems to be inconsistent. I have a question about the timing about when he has to make his appeal.

There was discussion about this, and Mr. Rotering said, we feel that the word justified was redundant, there may be some others that mitigate. After some general discussion the hearing closed on Senate Bill No. 152.

There was no further business to come before the committee and the meeting adjourned at 8:30 to go into executive session to take action on bills still pending.



John P. Scully, Chairman



Mary Eileen Connelly, Secretary