

PRESIDENT: Senator DeCamp.

SENATOR DECAMP: Mr. President, not going to make a lot of talk on it. I do oppose the amendment. I think if you are going to have a study done by it, you've got it...when you finish up doing the code now this year, you have the interim committee of the Judiciary Committee or any other legislative committees you want to set up and that who is supposed to be writing the laws. That is who has the duty. What you are doing here is you are just saying, now we finished and we're just turning the code over to basically the Executive Branch and they are going to appoint whoever they want to rewrite or do whatever with the code. I think they have the opportunity at a later date. That is the way the legislative process works to veto or make recommendations or changes or this kind of thing, but I think this amendment goes way beyond that. It sets up a special committee, basically, almost entirely appointed by the Governor. I just don't think you are going in the right direction.

PRESIDENT: Senator Fowler.

SENATOR FOWLER: I'd ask a question of Senator Bereuter first, if he would yield.

SENATOR BEREUTER: Yes, I yield.

SENATOR FOWLER: Is your intent, Senator Bereuter, that this be just a technical review of the criminal code and not to deal with substantial issues but just to make sure that it is technically correct?

SENATOR BEREUTER: Senator Fowler, I'm glad you asked the question. I would have brought that up in any kind of answer to Senator DeCamp. That is my intention. If you look at line 25 on page 1044 and the first few lines on page 1045, you notice that the purpose of this body is not to take on new areas of substantive criminal law but to take a look only at that which we have done. Then to point out any inconsistencies or ambiguities. I fear that if we turned the responsibility over to a legislative branch, to one of our committees, there would be a very great even irresistible temptation to take on new areas of substantive law.

SENATOR FOWLER: I'd have one other question for Senator Bereuter. To meet the concern Senator DeCamp has, would you object if the committee was to be appointed by the Executive Board of the Legislature as opposed to the Governor?

SENATOR BEREUTER: I would not object.

SENATOR FOWLER: I would, I guess, propose that as an amendment.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I can address my remarks to Senator Fowler's amendment and since it's just the appointing agent which is considered, I think I can address all of this in one package. Since the criminal code is pending legislation and since a judge, whether he be a district judge, a county judge, or whatever, may have to rule on the validity of provisions of this code or make decisions of cases based on this