

January 15, 1975

SENATOR WARNER: At this point, Senator Cavanaugh, I don't know that that decision has been made. It is impossible to do so.

SENATOR CAVANAUGH: Well, as your committee is currently operating, do you intend to report to the Legislature on the 15th day?

SENATOR WARNER: If the information has all been available. Senator Cavanaugh, I cannot specifically say that that's possible. Let me expand. The committee has put a deadline for the filing of depositions. Some of those which were filed with the Clerk of the Legislature, some time ago, indicated they were depositions taken on the 15th of January -- which is what -- is today. The practical time frame in which these can be submitted -- we don't know -- but we did instruct the -- or are in the process of instructing counsel for both parties to indicate to the committee by Friday of -- the 17th, by noon on whether or not they will be able -- or unable to meet the deadline for the filing of the depositions.

SENATOR CAVANAUGH: OK. As I read the statutes -- it says the contest shall be heard within 15 days after the matter is at issue, unless the same shall be continued by consent or for good cause shown. Alright, and my concern is that if we're not going to meet that deadline that we take the appropriate action prior to that time. My reading of the statute would be that the Legislature, the whole body, would have to act within 15 days.

SENATOR WARNER: I don't -- well, I don't know about that, I would assume that could be true Senator Cavanaugh. The point is that -- I would concur with you that if -- if that time frame cannot be done, then following the statutes you just read -- the whole body would have to extend the period and they would have to be shown good cause why it was necessary.

SENATOR CAVANAUGH: I think that we would also probably have to have the consent of the parties.

SENATOR WARNER: I would assume, Senator Cavanaugh, that the Legislature would not necessarily be bound by the consent of the two parties as long as we had allowed reasonable time for them to present what they felt was necessary for the Legislature to have in their possession in the way of information.

SENATOR CAVANAUGH: OK, thank you Senator Warner.

PRESIDENT: Thank you. Mr. Clerk, do you have any other notice of committee hearings or reports?

CLERK: Mr. President, notice of committee hearing from the Public Health and Welfare Committee. Signed, Senator Kennedy, setting forth hearings for January 21st. That's all Mr. President.

PRESIDENT: Bills on final reading?

CLERK: None, Mr. President.

PRESIDENT: Resolutions?

CLERK: None, Mr. President.

PRESIDENT: Introduction of new bills and reading by title?