

February 5, 1975

was adopted the other day, the Committee records have all been filed for safekeeping with the Clerk and essentially they are as exactly as your motion apparently wants. Everything is indexed. Everything that was received is on file. All motions are set out separately and both those that were proposed and whether they were adopted or not adopted. I have difficulty of determining of what the real purpose might be for your motion.

SENATOR CAVANAUGH: The purpose here and I am not going to argue for this motion. The purpose is that I think it was a significant enough transaction that there should be a complete and official record of the Legislature. If you have some objection to that, you are free to exercise it. I will not argue for the motion. It is my feeling as to procedurally how we conclude this entire matter and that's all that it is about.

SENATOR WARNER: Mr. President, if I may, the other thing that occurs to me as a possibility, at least, you refer to the Legislature's action being concluded. I assume based upon, at least, the basis of the presentations that were made, Section 321001.31 was unconstitutional, it is conceivable that if the matter was taken to court, the court could return the whole matter to the Legislature. So to that extent, I assume it is possible that the entire matter is not necessarily completed. I have no argument with the need for a good record which I think is exactly what is in the clerk's office, perhaps, or at least as far as the Committee files are concerned. Perhaps we should delay the motion, Senator Cavanaugh, until members who would wish to could have an opportunity to see the form in which it is filed and if they feel that it needs something more, why that obviously could be added. Would you object to that?

SENATOR CAVANAUGH: My feeling, Senator Warner, is that some official action should be taken regarding this record so that in the future--it ties it all up. It's tidy as far as I'm concerned. I don't care. As I say, I am not going to argue the motion.

PRESIDENT: Do you have further questions or--

SENATOR CAVANAUGH: If people want an official record, they can vote for it. If they don't want an official record, they can vote against it.

PRESIDENT: Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, I have a question of Senator Cavanaugh. Senator Cavanaugh, will you tell me who that deposition belongs to. Is it--when does a person lose his right of privacy in a deposition, such as, the Committee has those that nobody has looked at. Now they were written at various different places and they were for the specific purpose of that Committee's investigation of the election contest. The Legislature decided there wasn't such a contest. Do those depositions belong to the Legislature or do they belong to those individual people?

SENATOR CAVANAUGH: It would be my understanding, Senator Kelly, that anything that was submitted to that Committee in the course of its--in the period of time that it was in existence is the property of that Committee and, therefore, of the Legislature.

PRESIDENT: (Mike not activated) that the vote be taken on Monday?