

January 24, 1975

SPEAKER: The Legislature will come to order. The chair recognizes Senator Luedtke.

SENATOR LUEDTKE: Mr. President and members of the Legislature, the Judiciary Committee has scheduled earlier this morning, and we are late getting going, but we have got a tour of the Penal Complex and I know that the Speaker is going to take up a bill on General File, a bill, but we would like to be excused at this time so that we can go out there and that's Senators Anderson, Cavanaugh, Nichol, Schmit, and myself. Pardon. I would also, Mr. President, if I could say this at this point. We don't have a lot of members here but I would like to commend Senator Clark whom I see back there for having urged every member of this Legislature to sometime in the very near future, and I believe, Senator Clark, you are going to make some arrangements to have this done, that every member be able to visit the Penal Complex in the very near future and I commend Senator Clark for pushing this and the Judiciary Committee certainly backs him up.

CLERK: Mr. President, Budget Committee gives notice of Hearings. Signed Senator Marvel, Chairman. Mr. President, there will be inserted in the Legislative Journal lobbyists who have filed with my office during the past week. Mr. President, a motion on the desk.

SPEAKER: Read the motion, please.

CLERK: Mr. President, I move that the Special Committee transcript of January 10th meeting be copied and distributed to all members. Signed Senator Chambers.

SPEAKER: The chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. President and what members of the Legislature there are here, I'm asking that this particular transcript get special consideration, be copied as soon as possible, and a copy be given to each member because this transcript contains some of the discussion between the Committee, the Attorney General, and the assistant Attorney General and I think that since we are talking about having information that led to the Committee's presenting the issue of jurisdiction to this body, we would be good to have some of the discussion that occurred between the Committee and the Attorney General's office. One crucial point, and I am just giving this as an example, not as a pro and con or pro or con even, the issue before the Legislature, if I understand it, that we will discuss Thursday is whether or not the challenge is properly before the Legislature due to a statute requiring a bond which was not strictly complied with. Yet if you look at the transcript which I'm asking to have circulated to you, you will see where the Attorney General--the Assistant Attorney General told the Committee members that there were certain statutes they did not have to be bound by. He stated that the Committee could exceed these statutes in the interest of due process. That the statutes were not binding on the Committee and not one member of the Committee took issue with that statement by the Assistant Attorney General. In addition, the Assistant Attorney General stated that if the Committee does decide to disregard or deviate from the statute, it does not have to come back to the Legislature for additional direction because the directive from the Legislature gave them authority to do this and the direction from the Legislature took priority over the restriction in the statute. So when the Committee comes back and tells