

**Rodney N. Searle**

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**Committees:**  
Appropriations  
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Environment and Natural Resources  
Labor-Management Relations  
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# Minnesota House of Representatives

Martin Olav Sabo, Speaker

November 30, 1978

The Honorable Joan Growe  
Secretary of State  
State of Minnesota  
Room 180, State Office Building  
St. Paul, Minnesota 55155

Dear Madam Secretary:

Due to the unique and unparalled situation presently facing the Minnesota House of Representatives (ie, the 67-67 split in I-R and DFL members), I would like to solicit your official opinion on several matters which will be of paramount importance when the House is organized on January 3, 1979.

As you know, Minnesota Statutes, Section 3.05 provides that:

"At noon of the day appointed for the convening of the legislature, the members thereof shall meet in their respective chambers. The lieutenant governor shall call the senate to order; and the secretary of state, the house of representatives. In the absence of either of these officers, the oldest member present shall act in his place."

Minnesota Statutes, Section 3.06 then goes on to read:

"Thereupon, a quorum being present, the respective houses shall elect officers any of whom may be removed by resolution of the appointing body:

The Senate ...

The House, a speaker, who shall be a member thereof, a chief clerk ..."

The specific questions to which I would like your response are:

1. Will you be present on January 3, 1979 to call the House of Representatives to order?
2. As the presiding officer, how would you rule regarding the proper number of votes necessary to elect a Speaker of the House? Do you believe that a simple majority or plurality of those present and

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voting would be sufficient? Or, do you feel that a Speaker-candidate must be elected by a majority of the whole House (ie, 68) regardless of the numbers of members present and voting?

3. In the event a Speaker is not elected, would you continue to preside until one is elected? Would you appoint another individual or member to preside until a Speaker was chosen?

I would greatly appreciate your answers to these difficult questions at your earliest convenience.

Thank you.

Very cordially,



Rod Searle

RS:jr