

Senate - January 14, 1971

PRAYER BY CHAPLAIN: Oh God Our Heavenly Father with our lives tense and strained  
in a world agitated and divided, we/ would seek the peace which is a gift of thy  
grace to all those who with true purpose of hearts turn to Thee. With human  
problems pressing for solution we humbly pray that to thy servants here in the  
high functions of government there may be given open ears that they may hear voices  
calling to high endeavors; open minds ready to receive and welcome new light and  
truth as they are revealed to them; open eyes quick to discover thy in-dwelling  
in all the wondrous world thou hast made; open hands ready to serve and to share  
holding all good things in trust for thee and thine other children. We ask it in  
the name of Him who came not to be minister/ ed to but to minister. Amen.

MR. PRESIDENT: The secretary will call the roll.

MR. GOODWIN:	Anderson, E. J.	Hughes, Keith	Popham
	Anderson, J. C.	Jensen, Carl	Purfeerst
	Anderson, J. T.	Jensen, V. K.	Renneke
	Arnold	Josefson	Schrom
	Ashbach	Jude	Sinclair
	Benson	Kalina	Tennessee
	Bergerud	Kirchner	Thorup
	Blatz	Krieger	Ukkelberg
	Borden	Larson	Wegener
	Brown	Laufenburger	Willet
	Chenoweth	Mammenga	Wolfe
	Chmielewski	McCarty	
	Coleman	McCutcheon	
	Conzemius	Metcalf	
	Davies	Moe	
	Dosland	Novak	
	Doty	Nyquist	
	Frederick	Ogdahl	
	Gage	Olson, A. G.	
	Gearty	Olson, H. D.	
	Glewwe	Olson, J. L.	
	Gustafson	O'Neill	
	Hansen, Baldy	Overgaard	
	Hansen, Mel	Palmer	
	Hanson, N. W.	Parish	
	Holmquist	Perpich, A. J.	
	Holsten	Perpich, George	
	Hughes, J. M.	Pillsbury	

MR. PRESIDENT: Quorum present.

MR. DOTY: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Doty.  
Mr. President.

MR. DOTY: / I rise to a point of personal privilege.

MR. PRESIDENT: State your point of personal privilege.  
Mr. President.

MR. DOTY: / I wish to speak on what I believe was a personal affront by an unknown employee of this body. Mr. President, members of the Senate. Several days ago I dictated some information to my secretary regarding the struggle for control of the Senate. After dictating the preliminary draft, my secretary was instructed to deliver the master copy to the Xerox room located next door to the Secretary of the Senate's office. She was instructed to have 10 copies made and then to have them delivered to my office. When the information was returned to me I decided to withhold it from possible publication because I had learned that the Court decision dealing with Senate control was about to be released. That night I learned that my document which had, I thought, been seen only by this Senator, my secretary and someone in the Xerox office, I learned that this document was the subject of conversation in a downtown bar. The following day I asked the secretary of the Senate to check into it. After an investigation he reported he could come up with nothing. I was about to let the entire episode die when I learned that not only had someone spread the word about it but that an unauthorized Xerox copy of my document was given to at least one and perhaps more Senators on the Conservative side of the aisle. It's time, Mr. President, to bring this to the attention of this body. I have some questions which someone must answer. How is it that my document fell into the hands of Conservative members of this body? Who is responsible for what is, in my judgment, an irregular and unethical act? Do the conservative members of this body condone this act? I'm told that leaks of this type are nothing new around here. What one must do I'm told is be careful to whom you ask to have your

materials reproduced. There are I am told leaks all over the place. My reply to this, if it is true, is that we must no longer tolerate broken confidences. If I cannot ask an employee of this body, people hired by us to serve us, to keep information confidential, then I submit it is time for a change. If this body or of it any member/ tolerates such action, then we are ill equipped to pass laws which we expect people to obey. Mr. President, the unethical, unconscionable action regarding a piece of confidential information sickens me. It defies everything for which this body must stand. I am hereby requesting the secretary of the Senate to thoroughly investigate this regrettable incident and to take appropriate action against the employee who broke a confidence. Might I suggest, Mr. Senate, that the employee, whomever he might be, be immediately fired. I also suggest that all employees regardless of political loyalties be instructed to keep confidential all information which passes through their hands. This Senate cannot tolerate less than that.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I offer the following resolution. Mr. President, could I just briefly inform that you have on your desk - when he reads the resolution - you can follow if you wish. Mr. President, I move the adoption of the resolution.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution. The secretary will read the resolution.

MR. GOODWIN: BE IT RESOLVED, that the Secretary of the Senate be and he is hereby authorized to correct and approve the Journal of the Senate for the First, Second, Third, Fourth, Fifth, and Sixth days of the Sixty-Seventh Session as follows:

First day, page 8, insert a new paragraph immediately following the list of Senators who voted in the negative, reading as follows:

"The President then ruled that Mr. Palmer's vote was not eligible to be counted. Therefore there were nays 33 and ayes 33 and the appeal was rejected."

First day, page 8, amend the paragraph beginning "Mr. Holmquist" and ending "less than a Quorum." to read as follows:

"Mr. Holmquist declared the vote was 34 to overturn the decision of the Chair and 33 to sustain the decision of the Chair. Therefore, the appeal prevailed, the Chair was overruled and Mr. Goodwin was duly elected Secretary of the Senate."

First day, page 8, insert a new paragraph to follow the previous amended paragraph to read as follows:

"Mr. Holmquist then declared it was necessary to obtain a judicial determination of the issues raised by the President's refusal to count Mr. Palmer's vote, and the President's attempt to vote in the affairs of the Senate. Mr. Holmquist announced that 34 Senators would now leave the Chamber for the purpose of obtaining such judicial determination. Thereupon, the following named Senators arose and left the Chamber:

Anderson, E. J.	Holmquist	Nyquist
Anderson, J. T.	Holsten	Ogdahl
Ashbach	Hughes, Keith	Olson, J. L.
Bergerud	Jensen, C. A.	O'Neill
Blatz	Josefson	Overgaard
Brown	Kirchner	Palmer
Dosland	Krieger	Pillsbury
Frederick	Larson	Popham
Gage	McCarty	Renneke
Glewwe	McCutcheon	Sinclair
Hansen, Mel	Metcalf	Ukkelberg
		Wolfe

Thereafter, 33 Senators remained in the Chamber, which number was less than the quorum required for the legal transaction of business."

Mr. Coleman moved that the Senate do now adjourn until 11 o'clock a.m. January 6, 1971. Which Motion prevailed.

Second day, first page, sixth paragraph, insert a period after the word "with" and strike the following language; "and the Journal as printed and corrected, was approved."

Third day, first page, sixth paragraph, insert a period after the word "with" and strike the following language; "and the Journal as printed and corrected, was approved."

Fourth day, first page, sixth paragraph, insert a period after the word "with" and strike the following language; "and the Journal as printed and corrected, was approved."

Fifth day, first page, sixth paragraph, insert a period after the word "with" and strike the following language; "and the Journal as printed and corrected, was approved."

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I have listened to Mr. Goodwin read the attempt to correct the Journal of several days ago and would like to point out to the distinguished Senator from Meeker that his action is out of order; that the Rule 66 says that the Journal of each day's proceedings shall be open for corrections at any time during the Session of the succeeding day and unless corrected on that day, shall stand approved. Mr. President, by the rules that we have lived with in the Minnesota State Senate for many days, the attempt to make this correction violate the rules and cannot be done but rather than ask you to rule on that, Mr. President, at this time, I think perhaps I would like to ask the distinguished Senator from Meeker, how he proposes to get around that dilemma.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, members of the Senate. You will recall the opening session and I would like to ask the distinguished Senator from Ramsey, Mr. Coleman, if he recalls when any rules, temporary or otherwise, were adopted?

MR. COLEMAN: Mr. President.

MR. PRESIDENT. Mr. Coleman.

MR. COLEMAN: The rules, the temporary rules of the Minnesota State Senate, 67th / session were adopted on January 5 at approximately 3:30 p.m. in the afternoon.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Could I also ask the distinguished Senator from Ramsey, Mr. Coleman, if a quorum was present in the Chamber at that time?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: No one suggested the absence of a quorum at that time so I can only assume as the Courts do in similar situations that there was a quorum.

MR. PRESIDENT: The Chair/<sup>recognizes</sup> Mr. Dosland.

MR. DOSLAND: (inaudible)

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I would like to suggest to the distinguished Senator from Clay that the members of the Supreme Court had fled the Chambers at the same time and did not suggest an absence of a quorum either and that we did have properly adopted rules on that day. May I also point out to the distinguished Senator from Clay that in the absence - that we did have rules and if he wants to maintain this point I think we will have to get into it a little bit later on that there was not a quorum though he knows full well that committees meet in this legislature day after day after day without a quorum if no one suggests the absence of a quorum and those actions are upheld. I would also like to point out that we were operating and continue to operate under the general parliamentary law and at the time that we were meeting then that general parliamentary law prevailed and that law says that the rules that we've used in the past including Jefferson's Manual are the rules of this body so the motion to try to correct this is clearly - cannot be done without the unanimous consent of the body. So Mr. President, rather than hang on this point for a particularly long time, I would like to suggest to the distinguished Senator

from Meeker that he only has 33 votes in his caucus and there are 33 here. How does he propose to adopt this in the face of that and how does he intend to proceed in view of the fact that there are only 66 senators in this body and we are evenly divided.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I will be happy to yield to the question. I think I have said it often and quite clearly that there are 67 senators with certificates of election. They have taken the oath of office. They are duly a part of the Minnesota State Senate. Might I remind the distinguished Senator all he has to do is read 3.05 which by this time he and I both know from memory and I will just quote the very last sentence after the procedure that you as President followed meticulously all the way up to that point - the law says he shall then stand and be sworn. There are 67 senators who have taken the oath of office who are now ready to function and carry on the business of organizing the Senate.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: We had an earlier reference to the Supreme Court memo and I would like to ask the distinguished Senator from Meeker if he will point out in that release where it says that we have 67 senators. Mr. President, before he answers it, I might point out that the Conservatives went to the Supreme Court to ask that Mr. Goodwin be declared Secretary and that Mr. Palmer be declared seated. They did neither and I would like to know by what authority the distinguished Senator from Meeker alleges that there are 67 senators in this body.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Senator Palmer, naming a name and others, have taken the oath

of office.. The Supreme Court decision said they had a right to do so therefore they are a member of this body. The Senator knows full well that there is a procedure that if we only could continue and organize the Senate that can be followed so this Senate at that time in the normal course of events can survey, analyze and check the Court record and then determine if there is any question about the 67 senators.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: The distinguished Senator from Meeker did not answer the question. There is nothing in the Supreme Court opinion that says that we have - that Mr. Palmer is seated. I would like to ask the distinguished majority, former majority leader - I've already ...

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I will not make a point of order to that statement.

MR. COLEMAN: Would you be upheld?

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President. I would like to ask how in view of the fact that there is nothing in here that says Mr. Palmer is a member of this body, that he has been seated, that you were in fact turned down when you requested the Court to make that decision, how do you intend to force him on the State of Minnesota at this point until we have determined whether he is properly here?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I'm not being facetious, Senator, when I say this. If I were to project your argument to its ultimate, are you sure that anyone is here? This man received 60% of the vote from the 59th district; he has taken the oath of office, don't you think he is a part of the Senate? If his standing and be sworn can be questioned maybe there are some margins that are a little smaller that might also be involved.



MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: The distinguished Senator asked how I know that we are here. I that have a Bible/I refer to only infrequently that says there are 66 of us here. There is only one man whose seat is being challenged at this time and until we make that determination, I don't see how you can attempt to vote him on organizational matters, how you can ignore the fact of the rules, the historic rules of this Senate and try to make something out of the Journal that is clearly not there. Mr. President, if the distinguished Senator from Meeker would yield once more, I would like to ask him if he intends today to keep attempting to use the vote of Mr. Palmer and what his reaction would be if I said and I will if he feels it has to be in the form of a motion before we make the question, that we determine whether or not Mr. Palmer has the right to be here before we proceed with the business of the day. It's a question of highest privilege in Jefferson's Manual, the right of any member to be seated. Is there any truth to the allegation that Mr. Palmer used a DFL sample ballot in his race? Is there any truth to the allegation that he in his own paper of which he is an associate editor, that he really maligned the character of the incumbent at that time? Is there any truth to that? Let us take a look at it. Is there any truth to the fact that he campaigned as a Democrat by using the picture of the now governor and another member of this body up there. I think we should determine those things before we go ahead and I would like to ask the distinguished Senator from Meeker what he would do should that question be asked.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The Senator knows full well that such a procedure until the rules are adopted would be clearly out of order. If the Senator wishes to make a motion that Mr. Palmer stand aside, I guess I would have to yield that motion is in order, however, the procedure is set up whereby what you have outlined can be properly analyzed, can properly come before the State Senate. I just wish to remind

the members of this body that this has happened over and over again. I didn't go any farther back than 1931. There were nine senators involved in questionable - there elections were questioned - three of them stepped aside voluntarily, six stood and were sworn under 3.05; they voted x number of times on every issue except one and that was on the issue that directly affected their contests. This has been the interpretation of 209.10d since 1931. This is the interpretation we apply today therefore Palmer is a member of this body and he will be a member of this body until a different determination is made.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, did the distinguished Senator from Meeker say that or imply that though my motion to try at this moment before the Senate, Mr. Palmer would indeed be in order that he would vote Mr. Palmer on that motion?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The motion you make or the motion you have purported to make, does not deal directly with Mr. Palmer's case. This is just a procedural motion that you are making to get at the case out of order. When I say out of order, out of the ordinary legislative procedure that we have followed, well, I was very young then and you were a lot younger in 1931.

MR. PRESIDENT: The Chair recognizes Mr. Jensen.

MR. JENSEN: Mr. President, I recently came from the House. I would just like to add my comment about what Mr. Coleman is saying here and it seems he doesn't read on page 7 of the opinion of the Court. Page 7 of the opinion of the Court says, the third and final question is whether the Lt. Governor has power to refuse to accept Mr. Palmer's certificate of election or to permit him to vote in the organization of the Senate. Clearly the Lt. Governor has no such power. Now, it's clear, I think, that statement relative to your right not to take his vote so that at the present time Mr. Palmer's vote is to be counted just as much as my vote or just as much as

Mr. Coleman's vote so that if Mr. Coleman wants to make some sort of a motion to do something relative to excluding someone's vote and he would have to do that, I'm sure that he would have the right.

MR. KALINA: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Kalina.

MR. KALINA: Will Senator Jensen yield to a question? Do you have a copy of the opinion in front of you? Why don't you turn to page 8. Would you read the first full new paragraph on page 8 and explain what the first sentence means to \_\_\_\_\_.

SENATOR JENSEN: Senator Coleman, the first sentence, or Senator Kalina, the first sentence reads: "the determination of the status and eligibility of Mr. Palmer rests with the senate and they must determine his eligibility." (Inaudible)

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President. As an example of how poorly I feel this has been written, the Supreme Court of the United States has held that eligibility goes only to your age, citizenship and a member of the district from which you claim to be elected. How the word got in here is beyond me. I don't blame the distinguished Senator Jensen for misreading that. The Court misread it. I think what he refers to is the status but whether it's status or whatever it is the point is exactly the one I'm trying to make. The Court did not order us to seat Mr. Palmer. They indeed said that this, on page 8, they said the determination of the status and then they misused eligibility of Mr. Palmer rests with the Senate and they must determine his eligibility. On that question we do not intrude. Now we have not made that decision and I would like to ask how we are going to in the face of the repeated rejections on our part to arrive at some kind of a coalition and proceed with the business of the state, how the distinguished senator from Meeker intends to push that through today.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: Mr. President, I think it is time since we are all reading opinions here today that we look both in import and in literal statement of it, the language

in the final paragraph of the Court's opinion. It says, "We assume that the parties will now conform to this opinion without the necessity of issuing a formal writ."

Mr. President and gentlemen of the Senate I am willing to state one fact unequivocally. People of the State of Minnesota are tired of brawling in this Chamber. The people of the State of Minnesota want the Senate to organize and get on with the people's business. We have been obstructed from the conduct of the people's business now for some eight days. They want us to get to work. Governor Wendell Anderson spoke to this point in a press conference, I believe, yesterday. He indicated that he didn't see any impropriety in proceeding but he further indicated that when the Court decided the matter, he was sure that both sides would respect the Court's decision. What we have here today is an exercise in obfuscating what the Court said. It's an attempt by the distinguished senator from Ramsey and others to pretend that the Court's meaning is not plain and cannot be followed. Mr. President, I submit that that is simply not the fact. We have in this state a cohesive understandable statutory scheme to which the Court has addressed itself. It says, one, any person holding a valid certificate of election has a right to present it in this Chamber and to be sworn and to proceed with the work of organizing the Senate. The Supreme Court, speaking to that point/<sup>said</sup> that the distinguished President of the body had no right to refuse to accept such certificate of election nor did the President of the body have the right to demand that that person stand aside. The Supreme Court went on to say that the fact that this body divided on that question excluding the vote of the President by a vote of 33 to 33 did not amount to a rejection by <sup>this</sup> body of that member. The meaning of that is perfectly apparent. The member presenting a valid certificate of election, it must be accepted, stands to be sworn, votes in organization and continues to vote until a constitutional majority of this Senate, 34 senators, say that this he cannot do. Now, following that organizational phase that I've just tried to describe, 209.102d, which we have all read so often takes over and says that in an orderly contest in which the contestant appears and gives evidence and in which the contestee appears and gives evidence, the Senate shall then and only then make determination. It's

perfectly clear from reading that statute that it does not speak of organization. It speaks rather after the Senate has been organized. Now I recognize that the wounds of the struggle that has taken place during the last week go fairly deep. I know that all of us can fall into the trap that the distinguished senator from Ramsey has fallen into which is starting to believe one's own rhetoric but I submit, I submit, Mr. President, that we should all now look to the pledge and assurance given by Governor Anderson that the parties in this Chamber would obey the mandate of the Court and I refuse to accept, Mr. President, the proposition that there is simply no liaison whatsoever between Senators Coleman, Davies and Governor Wendell Anderson who served with them in this body for eight years. Now in any body/<sup>that is</sup> divided 34 to 33, we are going to have some electric moments. We are going to have some confrontation but let us get on with the business of organization, Mr. President,

let's get on with the confrontations and get on with the public business. If there is as Governor Anderson suggested in his inaugural address, a crisis in public confidence in government. I say that the performance of the DFL minority is exacerbating that public loss of confidence.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, if that speech, that eloquent speech by the distinguished senator from Blue Earth had been in the memo from the Supreme Court, we would have something entirely different. It was not. If one talks about believing one's own rhetoric, certainly to make the speech that the Court has spoken to that issue and/<sup>to</sup> make that plain, is incorrect. The relief asked for was that Mr. Goodwin must be declared, <sup>that</sup> Secretary of the Senate and Mr. Palmer must be declared seated. The Court said that they would not intrude on that, that it is up to the Senate. When the Court says that we assume the parties will now conform to this opinion without the necessity of issuing a formal writ, I think I would like to be the Senate the day that the Supreme Court tried to mandamus the Senate and see if they could interfere in those prerogatives. I don't suggest that they haven't thought about it but it would certainly be a very, very interesting day. The Court has said

that we must judge the eligibility of Mr. Palmer. The statutes clearly indicate this too. While he is seated under a cloud, the statutes also say that he shall not vote on any matter relative thereto. Certainly picking his own jury is something relative thereto and I have asked again of the distinguished senator from Meeker, does he intend to vote him on the selection of his own jury, on organizational matters? Is he going to continue to hear 34 votes where clearly he should only be hearing 33 votes? Is this going to be forced down the throats of the people of the State of Minnesota today? What did the people of the State of Minnesota say at the last election? They said there are going to be 33 DFLers in the Minnesota State Senate; there are going to be 33 Republicans or Conservatives, whatever they choose to call themselves in the Minnesota State Senate and there is going to be one man who alleges to be an independent, who is here under some kind of a cloud. The people of the State of Minnesota have said to the Minnesota State Senate and the members here get together and work it out, work together, that's what we want here. We have made that offer on the floor of the Senate. I have made it publicly in Senator Holmquist's office in front of all the media and that effort was rejected. The only way we are going to get on with the business of the State Senate is to recognize what the people of the state have said to us, to recognize that Mr. Palmer cannot vote on selecting his own jury, to recognize that it would violate every principle of human decency that on a matter so important, as Jefferson's Manual puts it, a man could dare to intrude his own vote on his own private interests. That's what we are talking about here today. Unless there is some agreement or unless the senator from Meeker intends to force Mr. Palmer on every vote where he clearly has no right to be, I don't see what course we can have except to once more agree in the face of the fact that the Court has said they will not intrude on this matter. I don't see how we can do other than recess and form the kind of coalition that represents/what the people of the State of Minnesota have truly said to us.

MR. PRESIDENT: The Chair recognizes Mr. Jensen.

MR. JENSEN: Mr. President, would Senator Coleman yield to a question?

MR. PRESIDENT: Mr. Coleman, do you yield?

MR. COLEMAN: I yield.

MR. PRESIDENT: Mr. Jensen.

MR. JENSEN: Mr. President, Senator Coleman. As I understand it, we are now voting on a resolution relative to approving the previous journal of the Senate. I don't think that the point that Senator Coleman has raised relative to committees has yet come before us. I would just like to again call Senator Coleman's attention to the part of the decision that I previously read which said that the Lt. Governor has no power to refuse to count the vote of Mr. Palmer in the organization of the Senate. The question that I have of Senator Coleman is, are you trying to say that you have the right to refuse to count the vote of Senator Palmer?

MR. COLEMAN: Mr. President. That is exactly what the Court said and I am saying that we must determine whether he can sit here and until that happens, anything he would vote on that has to do with organization, anything that he has to do with correcting journals contrary to the rules of the Minnesota State Senate is clearly out of order and it is improper and the only way that the Conservatives can try to organize the Minnesota State Senate today is to use that 34th vote in a most improper way and to try to force it and to try to force something down the throat of the people of this state.

MR. JENSEN: Mr. President.

MR. PRESIDENT: Mr. Jensen.

MR. JENSEN: Will you yield to another question, Senator Coleman?

MR. PRESIDENT: Mr. Coleman, do you yield?

MR. COLEMAN: I yield. I hope we get right to the question.

MR. JENSEN: Mr. President, Senator Coleman, yes. The question is simply this. You claim that you have a greater right to vote on the motion that's before us to approve the journal than does Senator Palmer and if you claim that, will you tell me by what greater right you have that.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: The right is mine and the right is in the possession of 65 other members of the Senate because we are here with no cloud over us, no allegations of unfair campaign practices, no transcripts of things that were heard for three days in Duluth on what went on in the campaign in the 59th district there. There is no suggestion that Senator Jensen or Senator Pillsbury or Senator Coleman or Senator Davies or anybody <sup>else</sup> is here under a cloud. There is one man. Until that is resolved he cannot proceed in the business of this Senate.

MR. JENSEN: Mr. President.

MR. PRESIDENT: Mr. Jensen.

MR. JENSEN: Will you yield to one further question, Senator Coleman?

MR. COLEMAN: Mr. President, I yield.

MR. JENSEN: Mr. President, Senator Coleman. Are you then trying to say that if the DFL against all of the conservative senators here, that none of the conservatives senators would be able to say anything here?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Had there been that kind of a very expensive proceeding which would not happen, then no one on DFL or Conservative side whose election was under a cloud and whose election was clearly under that cloud, could vote on an organizational matter and I am also trying to say to the members of the Senate and plead with you, who is going to judge what happens in future elections if we allow this. If you perpetrate this today, is the auditor of a county going to be the only one who can make a decision <sup>on</sup> whether a man shall sit in this body? What is going to happen when the man comes down here with a certificate having shot his way into the body by any kind of tactic at all? Is he going to get in here because he has a certificate and we are going to do nothing about it except perhaps try to expel him? Are we going to turn this over to the Secretary of the State and if you get a certificate to show up, what happens when two men come with certificates for the



same district. What are we going to do then? I'm appealing to the members of this Senate to start thinking about not today but what the future of the Senate is going to be. I'm appealing to you for a coalition government that will move us forward the way we should do and that we should get on promptly with the decision on Mr. Palmer but until we do that, he should step aside and recognize what his obligations are there.

MR. PALMER: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Palmer.

MR. PALMER: Will the distinguished senator from Meeker or Ramsey rather yield to a question?

MR. COLEMAN: Mr. President, I offered the Chief Justice of the State of Minnesota a chance to speak in the Chamber the other day. I will be no less gracious to Mr. Palmer.

MR. PRESIDENT: Mr. Palmer.

MR. BROWN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Brown.

MR. BROWN: I think that during the opening day of / <sup>this</sup> Session, the member of the Senate be reproached for making a comment. It seemed not to have been in order. The Senator from Ramsey has talked about not making emotional speeches and being <sup>think</sup> rational on the floor and I/he should at this time apologize to the Senator from St. Louis, Mr. Palmer.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I do not recognize the right of Mr. Palmer to sit in this body <sup>toward</sup> and my remarks were directed / that end.

MR. PRESIDENT: Mr. Palmer.

MR. PALMER: I realize that I'm taking the time of this august body but I've sat here now for eight days and I've attempted to represent the people of St. Louis county in the State of Minnesota. I have done this because I was elected by a

majority of the people in St. Louis county by 3300 votes. The distinguished Senator from Ramsey county has indicated today that I'm guilty without trial. I resent this. I think this is in bad taste. I don't think this is a dignified manner at all in which to conduct the state's business. He alluded today that I was responsible for a DFL ballot, absolutely false. He alluded today that I was responsible for a newspaper article that prejudiced some voting people. Now he's suggesting that I'm responsible for these things. He has not read the transcript of that trial. The committee that will hear this has not formed, has not functioned and I suggest that we get on with the business of the State of Minnesota. I'm here to represent the people. I do not intend to be prejudged because of a political ploy and this is exactly what's being done here. I'm here to represent the people. I intend to stay here. I will not leave my seat.

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. DAVIES: Mr. President and members of the Senate. Mr. Palmer has not had the experience of living in this body as some of us have and is taking this matter very personally as I can understand. The point of the matter though is that it's not his right particularly to a seat that's at stake in these early days. Whether the Republican caucus which he has chosen to align himself with when he gets seated finally, if he does, shall have a two vote majority on this committee and a three vote majority on that committee and a four vote majority on this other committee and whether the chairman of each of those committees will be Republican or whether the vice-chairman of each of those committees will be Republican, that what's at stake at this particular moment. One of the reasons that we have sought to have Mr. Palmer stand aside if that decision is made with his vote, the chairmen are all Republican, the vice-chairmen are all Republican and two vote majorities and three vote majorities and four vote majorities are all Republicans, then 33 other members of this body will have benefited greatly in their particular political point of view will have benefited greatly and that I don't feel that I want to test either the statesmanship

or any other quality of any Republican member of this body as to whether at that moment they can give an honest judgment as to the election campaign conducted by Mr. Palmer. You've heard allegations, you've heard them in the press, you've heard rumors and so on. I have heard no one suggest that those allegations involve a frivolous contest. If it were a frivolous contest you could test my statesmanship by moving to seat him and I think I would vote. Sure I'd vote, if it were frivolous. That's the protection against Senator Jensen's 33 contest. The fact that something is frivolous we can stand up. Let's look at the merits of/ that contest isolated from the issue of control and this is why for more than a week now the DFL senators have said, let's have a coalition, let's form and organize the Senate independent of Mr. Palmer then we can all with a minimum of conflict of interest judge that contest. The public can't expect any less than an honest judgment and an honest judgment is impossible when each of us knows what is at stake in unseating Mr. Palmer because once it's organized for him to be unseated would mean that the two vote majority, three vote majority, four vote majority on every committee, the chairmanships, the vice-chairmanships, the Senate employees and the nicer offices and the better parking spots / a single senator with one term experience with office space all by himself, no other senator in there. I've got four in my office after 12 years. You know all those go down the drain. If that's the kind of statesmanship I just don't want to ask any member of the former majority group to exercise. That's asking too much.

MR. HOLMQUIST: Mr. President. Did you ask a question? Mr. President.

MR. PRESIDENT: No question.

Did

MR. HOLMQUIST: /the senator from Hennepin, Mr. Davies, ask a question?

MR. DAVIES: Mr. President.

MR. PRESIDENT: Mr. Davies.

MR. DAVIES: I thought it was appropriate at this moment to respond to the personal references by Mr. Palmer and to make the point that we are ready to do

business right now, right now. We can recess, go into your office, go to the Criterion, Minnesota Club, okay Minnesota Club.

MR. PALMER: Mr. President. May I ask the distinguished senator from Hennepin to yield to a question?

MR. PRESIDENT: Mr. Davies, do you yield to a question from Mr. Palmer?

MR. DAVIES: Yes, I yield.

MR. PRESIDENT: Mr. Palmer.

MR. PALMER: Thank you very much. I chose not to bring a telephone booth into this Chamber and caucus by myself. To protect us we want to make one point crystal clear here. The people of the State of Minnesota elected 67 senators. It was not this body that decided there were going to be 33 Liberals and 34 Conservatives. The people decided this at the polls and if the DFL caucus, the Liberals or whatever you want to call the other group should decide that they want control, then they should do it, go about doing it at the next election and let the people conform to the rule of the people and the rule of this body and not this group playing politics right now at the expense of the people.

MR. DAVIES: Mr. President.

MR. PRESIDENT: Mr. Davies.

MR. DAVIES: I didn't hear a question but we are not saying that we want to control, we say that we have 33 votes, the Republicans have 33 votes, it's split, let's split it and then let's honestly judge the 67 contest.

MR. WOLFE: Mr. President. Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Wolfe.

MR. WOLFE: Would the distinguished senator from Hennepin yield to a question?

MR. PRESIDENT: Senator Davies, do you yield?

MR. DAVIES: Yield.

MR. PRESIDENT: Mr. Wolfe.

MR. WOLFE: Mr. President. If I can believe the news media and what I read and what I see, I believe Senator Palmer was wooed and offered certain things by the Liberal group hoping that he would caucus with their group. Mr. President, I would

ask Senator Davies would he respond to this question. If Senator Palmer had decided to caucus with the Liberal group, would there have been a chairman and the a majority of Liberals on/reapportionment committee at this moment or would there not have been? Now you get very eloquent about the fact that there might be a majority of Conservatives. I'm asking you would it be any different if the Liberals had done it?

MR. DAVIES: Mr. President.

MR. PRESIDENT: Mr. Davies.

MR. DAVIES: Mr. President, members of the Senate, I think Senator Wolfe suggests that if the decision of Mr. Palmer had been otherwise his position might be \_\_\_\_\_ . I --

MR. CHENOWETH: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Chenoweth.

MR. CHENOWETH: Mr. President. I wonder if to clarify this point that has been raised if Mr. Palmer might yield to a question.

MR. PRESIDENT: Mr. Palmer yields.

MR. CHENOWETH: Mr. Palmer, is it true that during your campaign for public office that you told the people in your district that you would vote with the majority group of this senate?

MR. PALMER: I indicated I would go with the majority. This was correct, the majority of the Senate if you want to put it that way this was the way it was done. I would just like to comment but are you suggesting now that we try this case or are you going to let this go to the appropriate committee as it should?

MR. CHENOWETH: Mr. Palmer.

MR. PRESIDENT: Mr. Chenoweth.

MR. CHENOWETH: Mr. President. I only wanted to clarify that point. I have not prejudged this case and I don't feel as though this is the time to make a decision. My point is this, that Mr. Palmer campaigned for public office on the public position that he would caucus with the majority group. Now due to the fact

that there is no majority group in that there are 33 Democrats in this room and 33 Republicans, in order to keep that promise to the people of the 59th district and the people of the State of Minnesota, I think he can resolve the problem by merely moving at this time to move for a coalition government between both Liberals and both Conservatives so that we can insure that there will be a fair and impartial hearing on his matter and also that he will keep his campaign promise to the people of the 59th district.

MR. PRESIDENT: The Chair recognizes Mr. Kalina.

MR. KALINA: Mr. President, I just wanted to rise to answer Senator Wolfe. Senator Wolfe implied that some offers had been made to Mr. Palmer by our group. I was present in Duluth with Governor-elect Wendell Anderson and Senator Coleman and we met with Mr. Palmer and we did make him an offer, yes, sir, we offered him a partnership in Better Government and that's all we offered him.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President. Before I call for the question on the Resolution, I feel I must respond to some of the remarks that were made by Senator Davies. Senator Davies has indicated in his remarks that there would not be a true evaluation of the Palmer case. There is evidence in the records which indicates that at no time, at no time has there been a partisan decision. I don't know what happened prior to 1931 but since 1931 there has never been strictly a partisan decision. The comparable case was when Senator A. J. Rockny took the seat of office stood and was sworn under 3.05, he voted during the pendency, it was 34 to 33 and I read here from the record - Rockny was ultimately seated by a vote of 56 to nothing and I would like to think that there isn't a member of this body but that he is fair, he is honest and he is sincere and he is going to look at the evidence and he is going to make a true determination based on that evidence. The procedure has been clearly outlined. It's going to take place. As has been brought out so far this afternoon, Senator Palmer is a member of the Senate, he shall vote in the proceedings except those directly connected with his own destiny. I'd like to call for the question so we can proceed in the organization.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Holmquist has called for the question. The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President. Under what rule does Mr. Holmquist call for the question?

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President. Why don't you call for it?

MR. COLEMAN: Mr. President, that was not my question. Having denied there are any rules the distinguished senator is now trying to use them but rather than get into that, may I ask the distinguished senator from Meeker if he would answer one question. What does he mean when - by the phrase directly relative thereto when he talks about Mr. Palmer's voting?

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President. The Elections and Reapportionment committee in due time will examine the record kept by the district court. At that time they will make a recommendation to this body. It is my opinion that Senator Palmer cannot vote on that question. Any subsequent question directly based on his particular case according to law shall not participate therein.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I believe that the senator from Meeker has responded quite clearly and I believe that the indications are that he intends to vote Mr. Palmer on every matter before this body. He is going to hear 34 votes. This apparently would apply to an appeal of the decision of the Chair or anything else because it is not relative thereto. I say that's nonsense, that when you are picking your own election committee, when you are picking your chairman and your vice-chairman and when the promise for an early hearing on the Palmer case has now gone to some time that that man is not entitled to the vote on that. Now what would we do if this vote were attempted and pushed through us on a 34 to 33. Where do we go for relief? We think it was a very, very serious error on the part of the Senate to go to the Court in the first place.

Were we to go to the Court, I know what the decision would be now. Mr. President, members of the Senate, I think that this whole proceedings, the Court decision was an error, the <sup>proceeding</sup> is wrong, there is no justification for what is going to be done today, <sup>but</sup> it is quite apparent to me that they intend to vote brute power. Not knowing how to use the rules, they are going to go back to the old power game. I don't intend to take the time of the Senate anymore but I intend to take the case to the people that when the Minnesota State Senate instead of arriving at a decision fairly had to force it down our throats and hear those magic 34 votes when they weren't there, this is something that certainly the people will hear of but if that's the decision of the other side of the aisle to attempt to force that today, I will not delay it any longer but there will be discussions on this.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The senator suggested when the President of this Senate who is a member of his party participated in voting that that was just a gesture of kindness <sup>it</sup> and had no aroma of power or coercion?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: When the senator, when the former senator and now Lt. Governor voted, he did so under page after page after page of precedent in other states. He did so under the findings of the early debates in our Minnesota State Constitution where the restrictions were attempted to be placed on the role of the Lt. Governor and they were refused. When the Senate said they would not seat Mr. Palmer and would not overrule the Lt. Governor, he was obliged to vote then to organize. Yes, we wanted to organize. We have a vision for the people of the State of Minnesota that includes things we don't think will come from the other group. Based on past experience we are going to have a very difficult time, getting bills heard, getting bills out of committee but I say rather than continue the debate now, debate on an issue we think is terribly wrong, that we are going <sup>to go</sup> ahead and then we are going to challenge you to do the things for the people of the state



that need to be done. If you are going to seize power in this way then I hope that you are able to use it.

MR. PRESIDENT: The question is on -- the Chair recognizes Mr. Jensen.

MR. JENSEN: Mr. President. Senator Coleman made one statement that I would like to amplify just a bit because I think it is important. He said that we are making precedent here today in this session and I think it is important because I haven't seen any article in any paper bring this matter up. I do think it is important because what Senator Coleman is trying to make us believe that we should do today would make a farce of elections in the future because if the next election the Liberals should get 31 votes, not 33 or 34, but say that they should get 31 votes then they could start contests in five places where Conservatives were elected and I'm not saying that they would be frivolous. I suspect that somebody could probably go into my campaign and find some technical violation and I'm sure that you can go into practically any campaign here and find some technical violation and I'm not saying that Senator Palmer's contest is not frivolous but what I am saying is that we were to follow what Mr. Coleman wants us to do, this would be a terrible situation because if they had 31 votes they could start enough contests so they would have a majority. This would force us perhaps to start a contest and this would be ridiculous so we just have to operate/<sup>it</sup>in the manner that the Constitution set up.

MR. DOTY: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Doty.

MR. DOTY: Mr. President, would the distinguished senator from Meeker yield to a question?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I'm sorry I left my seat. I yield.

MR. DOTY: Senator Holmquist, the press is here today. They are all going to go back now and talk about the affair here in the Senate. Will you please tell the

press and tell this state if you think it would be possible for us to hear and have  
on the Richard Palmer case  
the final vote/within let us say, two weeks at the most?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The committees that are reflected in one of the resolutions that I am going to present that will hear the particular Palmer case, is shared by a member of this Senate. I know that this man will do everything within his power to expedite the hearing and disposal of the Palmer case.

MR. DOTY: Would the senator from Meeker yield to one further question

MR. HOLMQUIST: Mr. President, I yield.

MR. DOTY: Senator Holmquist, would you agree/if the case went let's say more  
that  
than three weeks that really we are probably going too long and that we really ought to try to wrap it up as quickly as possible and not prolong the whole thing?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I cannot honestly, Senator Doty, and I know you are asking this question sincerely. I cannot honestly tell you just how long it is going to take but I do tell you with sincerity that I know the chairman of this committee and the members thereof will do everything within their power after the witnesses have been heard, after the evidence has been scrutinized to bring this before the Senate.

MR. DOTY: Mr. President.

MR. PRESIDENT: Mr. Doty.

MR. DOTY: Senator Holmquist, who is the chairman of that committee?

MR. HOLMQUIST: Mr. President, its resolution is coming up pretty soon. There is no chairman right now.

MR. DOTY: Could you reveal who you are going to suggest?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I think it would be completely out of order because I have

Resolution No. F that will bring this out.

MR. PRESIDENT: MR. DOTY.

MR. DOTY: I would challenge whoever that man is, I don't know who it is I don't have the list, I would challenge that senator to get up and tell us how long he thinks it might take. Senator Hughes?

MR. PRESIDENT: The Chair recognizes Mr. Bergerud.

MR. BERGERUD: (inaudible)

MR. DOTY: You said that, I didn't. No, I'm just --

MR. PRESIDENT: Mr. Doty.

MR. DOTY: No, I'm just --

MR. BERGERUD: (inaudible)

MR. DOTY: Well no, if things don't go our way, my concern is that we get this thing out of the way right away. Of course if it could go our way, Senator --

MR. PRESIDENT: Mr. Bergerud.

MR. BERGERUD: (inaudible)

MR. DOTY: All right, fine. I hope this chairman of the committee will let us know.

MR. PRESIDENT: The Chair recognizes Mr. Dosland.

MR. DOSLAND: (inaudible)

MR. HUGHES: Mr. President.

K.

MR. PRESIDENT: The Chair recognizes Mr./Hughes.

MR. HUGHES: Mr. President, members of the Senate. Upon such time as I undertake any further responsibilities in this body, I will answer any questions honestly put to me bearing on those responsibilities.

MR. PRESIDENT: The Chair recognizes Mr. Kalina.

MR. KALINA: I have in front of me, Mr. President, all the Senate committees scheduled for the 1971 Session. I assume Mr. Holmquist is the author of that. In looking at the schedule for Wednesday, I see that Elections & Reapportionment meets for one hour at 8 o'clock A.M., and I don't see that they meet anymore and it sounds

to me like there may be some great evidence here on something that really should be looked at at its merits and I wonder if the Senator Hughes from Stearns would advise the body whether or not he is listed as the chairman of that committee, incidentally, whether he would anticipate holding more than one hour meeting per week in regards to these contests.

MR. HUGHES: Mr. President.

MR. PRESIDENT: Mr. Hughes.

MR. K. HUGHES: In accordance with what I just said, Senator, I respectfully decline at this time to respond to that question. At such time as I assume any further responsibilities, I will respond.

MR. PRESIDENT: The question is on the Resolution offered by Mr. Holmquist that the Secretary be authorized to correct and approve the Journals of the Senate for the first, second, third, fourth, fifth, sixth days of the 67th Session.

MR. PRESIDENT: Mr. McCarty. (Apparently Mr. McCarty spoke but it was inaudible)

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: Mr. President, I will yield. I didn't require it.

MR. PRESIDENT: Roll call vote has been requested. The Secretary will proceed with the roll.

MR. HOLMQUIST: Mr. President, has everyone voted?

MR. PRESIDENT: There being 34 ayes and 33 nays, the Resolution is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I offer the following resolution.

MR. KALINA: Mr. President, point of order.

MR. PRESIDENT: Mr. Kalina, state your point of order.

MR. KALINA: How is it that we use the electric voting board without rules?  
follow  
Don't we have to/an aye and no vote under the Constitution and the statutes? Or  
do we have rules for it?

MR. HOLMQUIST: Apparently the President of the Senate ordered this to be.

MR. KALINA: Mr. President, did you switch on the machine or did the Secretary?

MR. PRESIDENT: The Secretary has control of the machine. Mr. Holmquist.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I offer the following resolution.

MR. PRESIDENT: Mr. Holmquist offers the following resolution. The Secretary will (inaudible).

MR. GOODWIN:

*Be It Resolved*, that the permanent rules of the Senate for the Sixty-sixth session be adopted as the temporary rules of this session to be effective until the adoption of permanent rules by a majority vote of the Senate, subject to the following conditions.

That Rules 53, 54, 62 and 69 shall not be operative, and that any resolution or other question before the Senate may be brought to a vote at any time by a majority vote of the Senators present.

That Rule 32 be amended by adding a sentence at the end of the first paragraph to read as follows:

"A member or a committee desiring to introduce a bill, a memorial, concurrent or joint resolution, shall place the same in the hands of the Secretary of the Senate, and the Secretary of the Senate, after processing, shall deliver all such bills, memorials, concurrent or joint resolutions to the President of the Senate who shall introduce the same."

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I move the adoption of the resolution.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution.

MR. HOLMQUIST: Mr. President and members of the Senate, I just wish quickly to call your attention to the rules that have been exempted and to the one rule that is recommended to be amended. Rule 53 deals with the appointment of committees. Rule 54 deals with the standing committees. Rule 62 deals with the notice of debate and Rule 69 deals with the staffing. Now Rule 32 has to do with the introduction of bills and we felt that this amendment was necessary and I'm going to yield to a senator or maybe two senators who have done work in this field to explain why the rule should be amended at this time. A member or a committee deciding to introduce a bill, memorial, concurrent or joint resolution, shall place the same in the hands of the Secretary of the Senate and the Secretary of the Senate after processing,

shall deliver all such bills, memorials, concurrent or joint resolutions to the President of the Senate who shall introduce the same. I have appointed a subcommittee that will study the permanent rules, also a subcommittee that will study the joint rules. The subcommittee that will study the joint rules will be meeting with a like committee from the House of Representatives. The chairman of that subcommittee will be Senator Ogdahl. I will yield to him at this time.

MR. OGDahl: Mr. President and members of the Senate.

MR. PRESIDENT: Mr. Ogdahl.

MR. OGDahl: Mr. President, the reason for amending Rule 32 in the introduction of bills is primarily technical. For the first time in the history of the State of Minnesota, we are doing bill drafting by computer as well as amending by computer. This requires some disciplines on our part if we are going to actually make the maximum use of the computer system. These disciplines will require us to put the bills into the hands of the Secretary of the Senate so that he can deliver them to the Revisor of Statutes to make dead sure of their form and pattern that they are correct and that they are at that time placed into the base of the computer. These bills will then be delivered back to the Secretary of the Senate, they will be numbered, they will be placed on their proper place on an agenda/<sup>that</sup> each morning will be placed on your desk to/<sup>so that you can</sup> see exactly what's being introduced. This procedure will expedite greatly and save us a considerable amount of time in the future on days where we have very substantial numbers of bills that are going to be introduced. It's a situation that we have worked on in a bipartisan manner. There are some bugs that do have to be ironed out but for the time being we will proceed on this basis. I think we can expedite/<sup>the business of</sup> the Senate very smoothly and comply with the requirements of the computer system.

MR. NOVAK: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Novak.

MR. NOVAK: I wonder if the Senator would yield?

MR. OGDahl: Mr. President, I'll yield.

MR. PRESIDENT: Mr. Novak.

MR. NOVAK: Senator, as you know I served on the committee but the thought has occurred to me, it did not occur to me before nor do I remember hearing it discussed, is there a deadline or could you agree to a deadline between the time in which the bill is submitted to the Secretary of the Senate and the time in which it is reported back. What I'm getting at, I guess, is that we would not want any unnecessary delays in the interim because very often the introduction of a bill, the timing of the introduction of a bill is critical. Could we have your thought about that?

MR. OGDahl: Mr. President.

MR. PRESIDENT: Mr. Ogdahl.

MR. OGDahl: Senator Novak, in the discussions it was agreed that these of course would be expedited at the earliest possible moment. Of course I foresee some possible problem if 200 bills were suddenly delivered upon the Secretary of the Senate's desk in one given day, however, I don't see that it's going to hold up the introduction of those bills if we discipline ourselves to the delivery of those bills to the Secretary of the Senate by at least 3 o'clock of the preceding afternoon. This has not been written into the rules. The rules, the committee that will discuss the rules of the Senate will talk this over. There are <sup>as</sup> you know some constitutional problems involved with some of these things and they want to thrash them out thoroughly before we adopt any of the procedures of which you will be a part of.

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. DAVIES: Senator Ogdahl, in our earlier discussions during the interim on this rule change, we talked about authorizing that if a person didn't want to go through that procedure they could introduce directly (inaudible)

MR. OGDahl: Mr. President, Senator Davies, that is correct. These are things - we are not precluding any member from objecting to this or going on his own. It's a discipline that we have to adhere to and obviously some senator is going to do this - someone in this body is going to have to check the form and format of that

bill if it's going to be put into the base of the computer because if we are going to use to  
 he computer to its maximum we know that this will extend/the early printing of session  
 laws and early printing of the statutes and we do have to have some discipline as it  
 relates to form and format (inaudible).

MR. HOLMQUIST: Mr. Chairman.

The Chair recognizes

MR. PRESIDENT:/ Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I would like this particular resolution laid over  
 temporarily (inaudible)

MR. PRESIDENT: There will be no objection to the resolution to be laid aside  
 with  
 temporarily to proceed / election of officers.

MR. JOSEFSON: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Josefson.

MR. JOSEFSON: Mr. President, I wish to place in nomination/ the name of  
 Harry A. Gahr for  
 Sergeant-at-Arms.

MR. PRESIDENT: Mr. Josefson has nominated Harry A. Gahr/ as the  
 Sergeant-at-Arms.  
 Any further nominations? If not we will have a roll call vote on the nomination of  
 Mr. Harry A. Gahr Sergeant-at-Arms. The secretary will take the roll. There were  
 67 yeas. Mr. Gahr is elected Sergeant-at-Arms for the Senate. (The Sergeant-at-Arms  
 of the Senate advanced to the Bar of the Senate, where he subscribed to the oath of office,  
 as administered by the President of the Senate.)

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I would like to move that the election of other elective  
 officers be made on one roll call, unless there should be more than one nomination for any  
 office.

MR. PRESIDENT: Mr. Holmquist moves election of the other elective officers be made  
 one roll call unless there should be more than one nomination for any office. Any  
 discussion? All in favor signify by saying "aye", opposed - the ayes have it. So  
 ordered.



MR. E. J. ANDERSON: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Anderson.

MR. E. J. ANDERSON: I would like to place in nomination the name of Mr. Ray Krueger for First Assistant Secretary.

MR. PRESIDENT: Mr. Anderson has nominated Mr. Ray Krueger as First Assistant Secretary. Any further nominations?

MR. GLEWWE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Glewwe.

MR. GLEWWE: Mr. President, I would like to place in nomination the name of Donald Miller for Second Assistant Secretary.

MR. PRESIDENT: Mr. Glewwe has placed in nomination the name of Donald Miller as Second Assistant Secretary. Any further nominations?

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President, I would like to place in nomination the name of a man with a vast experience as Secretary of the Senate who is willing to continue to use his experience so that we can move the business of the state forward. I would like to place the name of that distinguished and experienced young man that is noted for his brilliance and good speaking voice, Mr. Patrick Flahaven.

MR. PRESIDENT: To what position?

MR. COLEMAN: For the Fourth Assistant Secretary.

MR. PRESIDENT: Fourth Assistant Secretary. Any further nominations?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Will the Senator please yield to a question?

MR. COLEMAN: Mr. President, I yield.

MR. PRESIDENT: Mr. Coleman yields.

Senator

MR. HOLMQUIST: ~~Mrx~~/Coleman, the name of Donald Miller had been placed in nomination by Senator Glewwe --

MR. COLEMAN: For Second Assistant Secretary.

MR. HOLMQUIST: My question to you is that you are not placing this nomination in opposition to Mr. Donald Miller.

MR. COLEMAN: No, Mr. President. I made it clear it was for a position that we have discussed, / the position of Fourth Assistant Secretary.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Could I please make a point of inquiry?

MR. PRESIDENT: State your point of inquiry.

MR. HOLMQUIST: Mr. President, I believe that this particular office is appointed and not elected.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: As long as it is going to happen I guess I don't care quite how it happens. I will withdraw the nomination.

MR. PRESIDENT: Mr. Coleman has withdrawn the nomination of Pat Flahaven for Fourth Assistant Secretary.

MR. PRESIDENT: Mr. Ogdahl.

MR. OGDahl: Mr. President, I would like to place in nomination the position of Enrolling Clerk, Joseph Beaton.

MR. PRESIDENT: Mr. Ogdahl has placed in nomination the name of Joseph Beaton for the office of Enrolling Clerk. Any further nominations?

MR. OLSON: Mr. President.

MR. PRESIDENT: Mr. Olson.

MR. OLSON: I would like to place the name of / Mahlon Holman for Engrossing Clerk.

MR. PRESIDENT: Mr. Olson has nominated / Mahlon Holman for the office of Engrossing Clerk. Any further nominations?

MR. LARSON: Mr. President.

MR. PRESIDENT: Mr. Larson.

MR. LARSON: It is my privilege to nominate Mr. Keith N. Elliott for Assistant Sergeant-at-Arms.

MR. PRESIDENT: Mr. Larson, L. W., nominated Keith Elliott for the office of Assistant Sergeant-at-Arms. Any further nominations?

MR. PRESIDENT: MR. Anderson.

MR. J.T. ANDERSON: Mr. President, it is my privilege to place in nomination the name of Father John J. O'Neill as Chaplain of the Senate for the first half of the 67th Session and I would also like to place the name of Reverend Leman Olsenius as a Chaplain for the second half of the 67th Session.

MR. PRESIDENT: Mr. Anderson has placed in nomination for Chaplain the first half of the Legislative Session, the Reverend J. J. O'Neill and for the second half of the Session, Reverend Olsenius. Are there any further nominations? Any further nominations. If not, the Secretary will take the roll. Tennesen votes aye. 67 ayes and no nays. The individuals nominated for the respective offices hereby declared elected will step forward to the Bar of the Senate. Do you / solemnly swear/ that you will support the Constitution of the United States and the Constitution of the State of Minnesota, that you will faithfully and impartially discharge the duties / devolving upon you as an officer in this Senate and the Legislature in the State of Minnesota to which you have been duly elected so help you God.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I would like to renew the resolution that was laid over.

MR. PRESIDENT: Mr. Holmquist renews his resolution on the adoption of the temporary rules. Any further discussion? If not, the Secretary will take the roll. Have all those who desire to vote, voted? The Secretary will take the roll. being There/are 64 ayes and no nays, the resolution is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I would like to offer the following resolution.

MR. PRESIDENT: Mr. Holmquist offers the following resolution. The Secretary will read it.

MR. GOODWIN: BE IT RESOLVED, by the Senate, that the following rules be and they are hereby adopted as part of the permanent rules of the Senate to receive such position in the rules to be hereafter adopted as the Committee on Rules and Administration may assign.

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JOURNAL OF THE SENATE

[7TH DAY

The Senate shall employ for the session the following:

NUMBER OF POSITIONS	POSITION	SALARY PER DAY
2	Administrative Assistant	1 at \$35 1 at \$45
1	Assistant Executive Secretary	" \$28
7	Assistant Senate Counsels	1 at \$55 1 at \$49.50 1 at \$48 1 at \$35 1 at \$33 2 at not over \$40
1	Assistant Sergeant-at-Arms	\$21
1	Captain of Pages	\$19.50
1	Chaplain	\$17.50
	(Two, each serving one-half of the session)	
1	Chief Committee Clerk	\$30
1	Chief Indexer	\$28
1	Chief Legislative Analyst	\$54
1	Chief Messenger	\$22
19	Clerk I	\$18.50
1	Clerk II	\$21
5	Clerk-Typist I	\$19
3	Clerk-Typist II	\$21
7	Committee Clerk	\$22
18	Committee Secretary	\$26.50
1	Engrossing Clerk	\$21
1	Enrolling Clerk	\$21
2	Executive Secretary	\$33
1	First Asst. Secretary of Senate	\$31.50
1	Fourth Asst. Secretary of Senate	\$27.50
2	Indexer	\$24
6	Intern	\$17
1	Legislative Analyst I	\$30 to \$35
2	Legislative Analyst II	1 at \$41 1 at \$45
4	Legislative Clerk I	3 at \$18.50 1 at \$19
2	Legislative Clerk II	\$21
1	Machine Operator	\$18.50
4	Messengers	\$16.50
13	Pages	\$17.50
6	Researcher II	\$30
3	Researcher III	1 at \$40 2 at \$38
1	Second Asst. Secretary of Senate	\$27.50
8	Secretary	\$24
1	Secretary of the Senate	\$65

The Secretary of the Senate shall receive the sum of \$3,000 for extra work after the session and for compensation of clerical help for such post session work.

7TH DAY]

THURSDAY, JANUARY 14, 1971

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NUMBER OF POSITIONS	POSITION	SALARY PER DAY
1	Senate Counsel	\$67
25	Sergeant	\$17.50
1	Sergeant-at-Arms	\$25
22	Stenographer I	\$22.50
2	Stenographer II	\$24
1	Supervisor of Stenographers	\$26.50
1	Third Asst. Secretary of Senate	\$29.50

The appointment to the foregoing positions shall be made by resolution specifying the names of such appointments and the positions to which the same are appointed, adopted by a majority of all members of the Senate.

The President of the Senate is hereby authorized to appoint an administrative assistant at \$35.00 per day and a secretary at \$24.00 per day.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, would the Senator from Meeker yield to a question.

MR. PRESIDENT: Will the Senator from Meeker yield?

MR. HOLMQUIST: Mr. President, could I please move the adoption of the resolution first?

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution.

MR. HOLMQUIST: Thank you. Mr. President, I yield.

MR. COLEMAN: Mr. President, I would like to ask the Senator from Meeker if there are any changes in this resolution for employees from the one that we saw last week and the one that was essentially the one that was submitted by the DFL.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: There are no changes.

MR. COLEMAN: Mr. President, members of the Senate, there is a rather significant change in approach here from what we have been doing, at least what we were doing for the last ten days. The members of the Senate will recall reading in the Journal that we appointed, when Mr. Flahaven was elected Secretary of the Senate that he was paid

\$82.50 a day and that Mr. Goodwin was paid \$77.50 a day. The discussion at that time was we felt that as the Senate moves through the years that each group should have someone who is very capable of running the affairs of the Secretary of the Senate - we realize they are very important. Our motion to pay Mr. Goodwin that close to Mr. Flahaven was an indication of what we thought the importance of the office was, how changes might occur in the future and we had to have somebody ready and reflected no rancor on our part at taking control for that brief glorious week and I know that the Senator from Meeker and I have discussed this privately but I wanted to bring it out to the whole group that we are not abandoning Mr. Flahaven. We think the salary is very, very much too low and that we are either going <sup>to</sup> well, I don't think we will move to amend it this time but I expect to continue the discussions with the Senator from Meeker and see if we can't bring some equity into this position.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I think probably the resolution is self-explanatory and the Senator from Ramsey has indicated that this is essentially the same resolution that he has discussed before. I just want to point this out clearly to the group that not all of these positions have been filled and it's possible that maybe a week later, maybe two weeks later, there will be resolutions brought in to fill some of the vacancies. This establishes the \_\_\_\_\_ and the next resolution that will follow will appoint the personnel to the various positions. If there are no further questions, I move the adoption of the resolution.

MR. PRESIDENT: Mr. Conzemius.

MR. CONZEMIUS: Mr. President, I really rise in opposition to this resolution. When I was first elected to the Senate, I voted for many of these positions and salaries of basically in a matter/formality. It seems to me that I would like to see a copy of these positions. I'm not trying to unduly <sup>delay</sup> the organization of the Senate. I just had two freshmen legislators in this body ask me how many employees do we have. What are the salary breakdowns, what is the total salary paid. I would like to see, Senator Holmquist, a copy on my desk so that I have some idea of what I'm voting on, the total

outlay of monies here, the total number of positions, I don't want to delay your resolution. I think it is a reasonable request.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I don't want the Senator to misunderstand my response but Senator Coleman said that about the identical resolution was adopted earlier, I just kind of assumed that you probably had read that one before you voted thereon.

MR. PRESIDENT: Mr. Conzemius.

MR. CONZEMIUS: It's the "about" I'm concerned with.

MR. PRESIDENT: Any further discussion? If not, the Secretary will take the roll on the resolution. Are all those desiring to vote, voted? The Secretary will close the roll. 56 ayes and 10 nays. The resolution is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I offer the following resolution.

MR. PRESIDENT: Mr. Holmquist offers the following resolution. The Secretary will read the resolution.

MR. GOODWIN: BE IT RESOLVED, By the Senate, that the following named persons be and they are hereby appointed for the session to the respective positions hereinafter stated and at the salaries of the respective positions heretofore fixed:

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[7TH DAY

*POSITION*

Assistant Senate Counsel

*NAME*

David J. Kennedy  
 Bruce Campbell  
 Robert J. Duckstad  
 John St. Marie  
 Robert J. Sands  
 Peter Wattson  
 Jon Ellefson

*POSITION*

Administrative Assistant

Assistant Executive Secretary

*NAME*

Archie D. Chelseth  
 Ruth Peterson

Captain of Pages  
 Chief Committee Clerk  
 Chief Indexer  
 Chief Legislative Analyst  
 Chief Messenger  
 Clerk I

Steven L. Perkins  
 Merlyn O. Valan  
 Patricia Norling  
 Earl D. Evenson  
 Helen Levinson  
 Frank Andert  
 Mary Daleiden  
 Susanne Heille  
 John A. Hill  
 William Jennings  
 Harriet Korman  
 Margaret Larson  
 Erwin Melsness  
 Ralph Owens  
 John Tegenfeldt  
 Harry Westby

Clerk II

Clerk-Typist I

Norma Jean Enno  
 Anne Steffel

Clerk-Typist II

Carol Bloomer  
 Joyce Van Guilder  
 Marion Vogel

Committee Clerk

Jane Eggers  
 Donald Mack  
 David Schoeneck  
 Beverly Stone  
 Gilbert D. Thompson  
 Stephan Pezalla, Jr.

Committee Secretary

Helen T. Blomquist  
 Dorothy A. Bzoskie  
 Josephine Dario  
 Romaine M. Houle  
 Paula K. Korhonen  
 Mabel G. Loomis  
 Helen M. Lyons  
 Judith A. Martin  
 Janine Mattson  
 Phyllis J. Meryhew  
 Carole Muck

Executive Secretary

Helen V. Mushel  
 Lucy A. Nelson  
 Mildred Springborg  
 Dagny H. Swanson  
 LaVerne Warnberg  
 Marjorie Harrison  
 Beulah E. Due

Dorothy J. Abell  
 Dorothe B. Jensen

Fourth Asst. Secretary of Senate

Patrick Flahaven

Indexer

Esther Rylander  
 Duane Crandall

Intern

Jeanne A. Bear  
 Kevin S. Burke  
 Linda Kremer



Legislative Analyst I  
Legislative Analyst II

Legislative Clerk I

Legislative Clerk II

Machine Operator

Messengers

Pages

Researcher II

Researcher III

Secretary

Senate Counsel

Sergeants

None

Dorothy A. Westberg  
David Buelow

Lee Bergerud  
Henry Nelson

Kathryn Craig  
Fred C. O'Neil, Jr.

Judith C. Miller

Carol Beyers  
Ronald Fuller  
Stanley Johnson  
Linda Vavrosky

Barbara Dill  
Judith Edhlund  
Kerry Hansen  
Dave Horazdovsky  
Lois Josefson  
John Kremer  
Charles Matson  
Franklin Michaels  
Sandra Munsey  
Margaret J. Olson  
Dan Vesely  
Mary Lee  
Belinda Jo Ball

Larry R. Fredrickson

Jerry Agnew

Sally Charpentier  
Leona Lewis

Joyce Moore  
Betty Rosas  
Joanne Stassen  
LuVerne Swanson  
Laura Ziegelmeyer

H. Blair Klein

Donald Arndt  
James Darrell  
Paul Destasio  
William Gardner  
Carl Hemicke  
Marion Jenson  
Torval Jorvig  
George Larson  
Carl Mousky  
John Murphy  
Danial Orsello  
James P. Quigley  
Gerone Reed  
James Sullivan  
Joseph Zajac  
Roy D. Burns  
Allen Galloway  
Joseph R. Okoneski  
William H. Halverson  
Ralph Graham  
Robert E. Graham

## Stenographer I

Mary C. Casey  
 Marilyn J. Hauser  
 Betty M. Jacobson  
 Mary E. Turk  
 Delores Pospesel  
 Shirley Cardwell  
 Kathy Gagne  
 Eleanor Dierckens  
 Laura Lindorfer  
 Bernice Ashley  
 Vicki Cowing  
 Lois DeLong  
 Michele Flaherty  
 Linda Redalen  
 Bette Reitter  
 Kathleen Sundquist  
 Patricia Anderson

## Stenographer II

Esther Tangen

## Supervisor of Stenographers

Violet Crawford

## Third Asst. Secretary of Senate

J. B. McRobert

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I move the adoption of the resolution.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution naming employees to the positions established.

MR. HOLMQUIST: <sup>Mr. President.</sup> As I indicated earlier, there are a number of positions that were created in the previous resolution that are not filled in this one. I notice the Senator is about to get to his feet. Tomorrow we shall take care of any resolutions that aren't evident in naming the personnel. I'm thinking particularly, Senator, of the two research people that you have appointed to serve in that one position.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I thank you Senator, and I was also thinking of the Secretary and the Clerk for the presiding officer of the Senate. I didn't hear their names read. Did I just fail to hear them or are not they in this resolution.

MR. HOLMQUIST: Mr. President, I informed the President of the Senate that that resolution will be brought in tomorrow.

MR. PRESIDENT: Any further discussion.

MR. PRESIDENT: The Chair recognizes Mr. Dosland.

MR. DOSLAND: (inaudible)

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: If there is no further question, I ask / <sup>the</sup> question.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution. The Secretary will take the roll. All those who desire to vote, voted? The Secretary will close the roll.

MR. PRESIDENT: There being 66 ayes and one nay, the resolution is adopted.  
Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I offer the following resolution.

MR. PRESIDENT: Mr. Holmquist offers the following resolution. The Secretary will read the resolution.

MR. GOODWIN: BE IT RESOLVED, that the following named persons be and they are hereby appointed as a committee on mileage, Messrs.: Josefson, Larson, and Jensen, V.K.

MR. HOLMQUIST: Mr. President, I move its adoption.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the mileage committee.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President, maybe I should make a brief explanation here. According to law, all the Senators are allowed mileage for one round trip to the State Capitol during the Session. This committee will simply see that the proper mileage is estimated and presented to the Secretary of the Senate who will issue the checks. The State Auditor will issue the checks, rather.

MR. PRESIDENT: All those in favor of the resolution appointing Messrs.: Josefson, Larson, and Jensen to the mileage committee, will signify by saying aye. Those opposed, no. The ayes have it. The resolution is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I offer the following resolution.

MR. PRESIDENT: Mr. Holmquist offers Senate Concurrent Resolution No. 1.

MR. GOODWIN: (Read the following Senate Concurrent Resolution No. 1)

A Concurrent Resolution relating to parking space on the Capitol Grounds and Aurora Avenue for members of the Minnesota State Legislature.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring therein, that the custodian of the Capitol be and he is hereby directed to reserve all parking space necessary on the Capitol grounds and Aurora Avenue for the use of the members of the Legislature during the Legislative Session of 1971 and allowing reasonable space for parking to the general public having business at the Capitol, and for the purpose of assisting the custodian of the Capitol in this matter, the Committee on Rules and Administration of the Senate and the Rules Committee of the House of Representatives are authorized to designate such personnel for the purpose of carrying out this resolution.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I move the adoption of the resolution.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the Concurrent Resolution No. 1.

MR. HOLMQUIST: Mr. President, members of the Senate, this particular problem has been with us at least for the last 15 or 20 years. Parking is a serious matter. There just isn't enough room. Consequently this time, numbers have been designated on Aurora avenue and each Senator will be given a sticker to put on the windshield of his car and that particular spot that is assigned to you by number, will be yours for the entire Session. We are hoping that maybe in the future we will find some better way of solving this problem.

MR. PRESIDENT: Is there any further discussion? If not, the motion is the Concurrent Resolution relating to parking space on the Capitol Grounds be adopted. All in favor signify by saying aye, those opposed no. The Concurrent Resolution No. 1 is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I offer the following resolution.

MR. PRESIDENT: Mr. Holmquist moves the following resolution. The Secretary will read the resolution.

*Be It Resolved*, by the Senate, that there are hereby constituted the following named standing committees of the Senate for the 1971 Session, composed respectively of the number of members set opposite the name of each committee, and composed of the members whose names are herein listed, viz:

## SENATE COMMITTEE ASSIGNMENTS

### AGRICULTURE (18)

Anderson, E. J., Chairman	Metcalf
Renneke, Vice-Chairman	Olson, A.
Chmielewski	Olson, H.
Frederick	Olson, J. L.
Gage	Purfeerst
Jensen, C. A.	Schrom
Jensen, V. K.	Ukkelberg
Josefson	Wegener
Larson, L. W.	Willet

### CIVIL ADMINISTRATION (23)

Popham, Chairman	Hansen, Mel
Glewwe, Vice-Chairman	Hughes, J. M.
Anderson, J. T. -	Hughes, K. F.
Arnold	Jude
Ashbach	Laufenburger
Blatz	Novak
Coleman	Ogdahl
Davies	O'Neill
Dosland	Overgaard
Gearty	Pillsbury
Gustafson	Wolfe
Hanson, C. R. Baldy	

### COMMERCE AND INSURANCE (19)

Bergerud, Chairman	Jensen, C. A.
Pillsbury, Vice-Chairman	Jude
Anderson, E. J.	Kalina
Arnold	Kirchner
Benson	Laufenburger
Davies	McCarty
Gage	Novak
Glewwe	Olson, J. L.
Hansen, C. R. Baldy	Overgaard
Holsten	

### COMMITTEE ON COMMITTEES (8)

Sinclair, Chairman	Holmquist
Anderson, J. T., Vice-Chairman	Larson, L. W.
Anderson, E. J.	Palmer
Bergerud	Popham

## CORRECTIONS AND COMMITMENTS (15)

Metcalf, Chairman	Kirchner
Nyquist, Vice-Chairman	McCutcheon
Anderson, J. T.	O'Neill
Brown	Perpich, A. J.
Chenoweth	Renneke
Conzemius	Schrom
Dosland	Tennessen
Hanson, N. W.	

## EDUCATION (25)

Krieger, Chairman	Hughes, J. M.
Overgaard, Vice-Chairman	Hughes, K. F.
Anderson, J. C.	Mammenga
Arnold	Metcalf
Bergerud	Olson, J. L.
Blatz	Parish
Borden	Perpich, A. J.
Brown	Pillsbury
Chenoweth	Popham
Doty	Sinclair
Hansen, Mel	Tennessen
Holmquist	Thorup
Holsten	

## ELECTIONS AND REAPPORTIONMENT (17)

Hughes, K. F., Chairman	Jensen, V. K.
Brown, Vice-Chairman	Josefson
Anderson, J. C.	Moe
Ashbach	Ogdahl
Benson	Parish
Bergerud	Renneke
Chenoweth	Sinclair
Hansen, Mel	Willet
Holsten	

## FINANCE (21)

Sinclair, Chairman	Hughes, K. F.
Arnold	Jensen, V. K.
Ashbach	Josefson
Benson	Kirchner
Davies	Krieger
Dosland	Mammenga
Gage	Novak
Glewwe	Ogdahl
Hansen, Mel	Olson, J. L.
Hanson, N. W.	Popham
Hughes, J. M.	

## GENERAL LEGISLATION (13)

Jensen, C. A., Chairman	Anderson, E. J.
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Anderson, J. C.  
Doty  
Frederick  
Hansen, Mel  
Mammenga  
Moe

Nyquist  
Olson, A. G.  
O'Neill  
Pillsbury  
Purfeerst

#### HEALTH AND WELFARE (14)

Kirchner, Chairman  
McCutcheon, Vice-Chairman  
Anderson, E. J.  
Anderson, J. T.  
Chmielewski  
Coleman  
Dosland

Frederick  
Olson, H.  
Perpich, G.  
Purfeerst  
Renneke  
Ukkelberg  
Willet

#### HIGHER EDUCATION (19)

Olson, J. L., Chairman  
O'Neill, Vice-Chairman  
Benson  
Conzemius  
Dosland  
Frederick  
Gage  
Gustafson  
Holmquist  
Jensen, V. K.

Josefson  
Krieger  
Mammenga  
Moe  
Olson, A. G.  
Palmer  
Perpich, G.  
Sinclair  
Ukkelberg

#### JUDICIARY (24)

Dosland, Chairman  
Gage, Vice-Chairman  
Benson  
Bergerud  
Blatz  
Borden  
Brown  
Davies  
Gearty  
Gustafson  
Holsten  
Hughes, K. F.

Jensen, C. A.  
Kalina  
Krieger  
McCarty  
McCutcheon  
Novak  
Nyquist  
O'Neill  
Parish  
Popham  
Tennessee  
Thorup

#### LABOR RELATIONS (17)

McCarty, Chairman  
Arnold  
Bergerud  
Coleman  
Gearty  
Glewwe  
Holmquist  
Holsten  
Laufenburger

Mammenga  
Olson, J. L.  
Overgaard  
Palmer  
Perpich, A. J.  
Renneke  
Wegener  
Wolfe

## LOCAL GOVERNMENT (14)

Ashbach, Chairman	Metcalf
Chmielewski	Olson, H.
Coleman	Overgaard
Hanson, N. W.	Pillsbury
Hughes, K. F.	Renneke
Larson, L. W.	Thorup
McCutcheon	Wegener

## NATURAL RESOURCES AND ENVIRONMENT (23)

Ukkelberg, Chairman	Krieger
Palmer, Vice-Chairman	Larson, L. W.
Anderson, J. C.	McCarty
Anderson, J. T.	Olson, H.
Ashbach	Perpich, A. J.
Borden	Perpich, G.
Brown	Pillsbury
Conzemius	Popham
Doty	Schrom
Glewwe	Willet
Hanson, N. W.	Wolfe
Kirchner	

## PENSIONS AND RETIREMENT (8)

Hansen, Mel, Chairman	Josefson
Borden	Ogdahl
Frederick	O'Neill
Hughes, J. M.	Parish

## PUBLIC HIGHWAYS (21)

Josefson, Chairman	Laufenburger
Frederick, Vice-Chairman	McCarty
Anderson, E. J.	Moe
Chmielewski	Novak
Gage	Nyquist
Gearty	Palmer
Hansen, C. R. Baldy	Purfeerst
Hanson, N. W.	Sinclair
Jensen, C. A.	Ukkelberg
Jude	Wolfe
Larson, L. W.	

## REGULATED INDUSTRIES (15)

Larson, L. W., Chairman	Novak
Blatz	Ogdahl
Hansen, C. R. Baldy	Overgaard
Jude	Palmer
Kalina	Perpich, G.
Krieger	Schrom
McCutcheon	Wegener
Metcalf	



## RULES AND ADMINISTRATION (16)

Holmquist, Chairman	Krieger
Anderson, E. J.	Larson, L. W.
Bergerud	McCarty
Blatz	Ogdahl
Dosland	Olson, J. L.
Hansen, Mel	Popham
Hughes, K. F.	Sinclair
Josefson	Ukkelberg

## TAXES AND TAX LAWS (21)

Blatz, Chairman	Kalina
Holsten, Vice-Chairman	Larson, L. W.
Anderson, E. J.	Laufenburger
Anderson, J. T.	McCarty
Bergerud	Metcalf
Brown	Nyquist
Coleman	Olson, A. G.
Conzemius	Perpich, A. J.
Hansen, C. R. Baldy	Ukkelberg
Jensen, C. A.	Wolfe
Jude	

## URBAN AFFAIRS (19)

Ogdahl, Chairman	Gustafson
Wolfe, Vice-Chairman	Hughes, J. M.
Anderson, J. T.	Kirchner
Ashbach	McCutcheon
Blatz	Nyquist
Chenoweth	Palmer
Davies	Popham
Doty	Tennessen
Gearty	Thorup
Glewwe	

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I move the adoption of the resolution.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution.

MR. HOLMQUIST: Mr. President and members of the Senate, I would like to take just a moment to discuss these committee assignments of committees with you. In the Agricultural Committee, there are 18 members and there are 10 members of the majority group and 8 members of the minority group. As you go through the list, you will find this particular relationship. There are two committees that have a margin of one. There are four committees that have a margin of two. Now I'm comparing the majority with the minority group. There are 10 committees that have a margin of three. There is one committee, namely the Judiciary Committee, that has a margin of four. There was a change

in this committee to a margin of four because of Rule 76. Rule 76 points out clearly that a quorum in the Judiciary Committee is 7 members. Consequently we felt that a margin of four was very logical in view of that particular Rule. There are two committees with a margin of five. Those two committees are the Finance Committee and the Tax Committee. There has been a tradition in the Minnesota State Senate that no first-term Senator serve on either of these two committees. I have served on the Tax Committee for 20 years. I have been a member of the Legislature for 24 years. The four years I did not serve on the Tax Committee was my first term in the Senate. You will<sup>note</sup> that I'm not on this Tax Committee either because in order to have it evenly divided and allow those who had experience in the State Senate, I felt it was my duty to step aside. The same is true in the Finance Committee. There is a majority of five, Thirteen members of the majority group and 8 members of the minority group - 17 members of the minority group are serving their first term except for one exception. This person was out for one term and of course he probably enjoys the same situation as prevails with the Junior Senator of the United States in the National Congress. He begins <sup>again.</sup> / I know that some of you wonder about this but might I call this to your attention and very sincerely. Claude Allen was the Chairman of the Appropriations Committee in the House of Representatives for I believe, 18 years. He decided to run for the Senate and when he came to this body his first request was to be on the Finance Committee. He had the same luck as Senator Holmquist. It was denied. We feel that this is worthy of consideration. We feel that this tradition is one that has common sense. Those people who have been here should have an opportunity to serve on these committees - it's rather unusual this time that all people who had experience gets on this committee with one or two exceptions. This is why these recommendations have been made.

In order that we might operate as a viable body, it is necessary to have a majority. To have three certainly is <sup>acceptable</sup> / in all legislative bodies; it's nothing unusual. I explained the reason for the margin of four in the Judiciary Committee because of the form principle. I have tried to explain to you the reason for the margin of five in the <sup>in</sup> Tax Committee and the Finance Committee. On the Committee of Committees which has for

its purpose filling vacancies and also appointing memberships of commissions that might be created during the Session and also appointing Conference Committees, they are all members of the Majority. On the Rules Committee, likewise, they are all members of the majority. Mr. President, there have been some changes from an original proposal. You will note in the first instance the committees that were assigned originally remain the same except some have been taken away. Might I illustrate. Senator Jerald Anderson is on the Committee in Education, Elections and Reapportionment, General Legislation, Natural Resources and Environment. There was a proposal that he serve on five committees. Local Government has been deleted from that original proposal. These assignments were not made by the majority group. These assignments were made by Senator Coleman and his Steering Committee. The only amendments that have been made are those amendments necessary in order to give us a viable majority.

Now I must also share with you one other change, namely, that on Elections and Reapportionments. In the original recommendation by the minority, these were the assignments to Senator Coleman: Civil Administration, Elections and Reapportionment, Taxes and Tax Laws. Under this resolution, Senator Coleman will serve on the Committee of Civil Administration, Health and Welfare, Labor Relations, Local Government, Taxes and Tax Laws. I want this body to know that I was desirous of getting on the Committee on Elections and Reapportionment also but I had no more success than Senator Coleman. I think the committee structure that we have presented has been logical, clear, taking into consideration proportional representation as closely as possible with the exception of two committees where experience qualified a person to serve thereon.

Mr. President and members of the Senate, much thought went into this recommendation. There have been recommendations that more serious changes be recommended. These changes are recommended because we think they are eminently fair and they reflect the talents of the members of this body. I want to say this and I want to make it crystal clear that there were several Senators in which no change whatsoever was made. I don't have to recite that. It will become apparent to you <sup>as you</sup> scrutinize the Resolution. With that explanation, Mr. President, I move the adoption of the resolution.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: (the tape was reversed at this time so some of Mr. Coleman's speech on your group wasn't taped)/ and I said my experience is that in the Minnesota State Senate after we have had a hard fight that there is no vengeance taken. My guess is that after their victory of today and if they can succeed once more tomorrow in doing something we think is improper, that they are going to be too elated with the results of what they have achieved to bother seeking any / vengeance. I said there are some practical reasons too. There is not going to be a division any greater than 34 to 33 at any time during the course of the Minnesota State Senate and people have got to realize that we can live together.

Mr. President, the list of committee assignments presented by the distinguished barely majority leader from Meeker is a step backward in the way we have run the Minnesota State Senate. It's not just a step backwards from 4 years ago in which the minority got everything it requested with one exception. It's a step backwards from one week ago. There is absolutely no way that anybody can come into this Chamber and say that this does not represent a change in attitude and a desire to get some kind of / vengeance. There are more changes in this committee assignment list than were suggested by the distinguished Senator from Meeker. Number one, on Agriculture. A man that was on there a week ago is gone today, Senator Roger Moe; and Civil Administration, a man who was not on there on the list that was brought in by the Conservatives a week ago - Senator Gearty is on, a man who was on a week ago on their list is off, Senator Alec Olson has been taken off the list. On the Commerce and Insurance Committee, the name of Senator George Perpich was on there when they brought the resolution to my office a week ago. It's off today. On/Corrections and Commitments Committee, the name of Senator Conzemius was on their list a week ago; it's off today. On the Education Committee the name of Senator Wegener was on a week ago; it's off today. On Elections and Reapportionment Committee one week ago, the names of Senator Borden and Senator Coleman were on; they are off today. The name of Senator Thorup was on; it's off today. The name of Senator Willet was not on; it has been added. In the Finance Committee one week ago today on

the list that the Senator from Meeker brought to my office, the name of Senator Gearty was on there because of his experience in the House; it's off today and the same Finance Committee, the name of Senator Tony Perpich was on; it's off today. In the Health and Welfare Committee, the name of Senator V. K. Jensen was on; it's off today. The name of Senator Coleman was not on; it's on today. In Higher Education, Senator Doty was on a week ago; he is off today. Senator Purfeerst was on a week ago; he is off today. In the Judiciary Committee Senator Conzemius was on a week ago; he is off today so that we, too, can have a layman on that committee. In the Labor Committee, Senator Coleman was not <sup>on</sup> a week ago; he is on today. Senator Tennessen was on a week ago; he is off today. In Local Government, J. C. Anderson, a high request on his part; he was on a week ago; he is off today. I was not on a week ago; I'm on today. Senator Schrom was on a week ago; he is off today. Senator Willet was on a week ago; he is off today. Senator Thorup was not on a week ago; he's on today.

In Pensions and Retirement Committee, Senator Hansen, who served on the interim commission, should have been on, never was on at any time but a week ago Senator Thorup was on that; he's off today. Public Highways, Senator Gearty was not on a week ago; he's on today. Senator Olson has been omitted on today's list. Senator Willet has been taken off the list that was in existence in this body a week ago. Regulated Industries, Senator Novak was not on a week ago; he is on today. Taxes and Tax Laws - a week ago the story apparently wasn't going to be the same that if you had experience in the House you could serve on that committee because we see the name of Senator Chenoweth appearing on that list. It's off today. We see the name of Senator Gustafson appearing on that list; it's off today. We see the name of Senator Parish on that list; it's off today. We see the name of Senator Perpich appearing for the first time; it was not on a week ago.

Mr. President, I've never seen anything like this. When I first came to the Senate when there wasn't any recognition in the minority at all we did better than we are doing now. This is not bowed for good relations between this closely divided Senate.

Mr. President, pursuant to Rule 30, I move that the resolution be divided as to the committee on Elections and Reapportionment.

MR. PRESIDENT: Mr. Coleman has moved that the resolution be divided -

MR. COLEMAN: Mr. President, it's not a motion, it's a point of order. I have a right to do that under Rule 30 - I'm sorry it was a mistake.

MR. DOTY: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Doty.

MR. DOTY: Mr. President, as a newcomer to this Senate, I guess one has what some people laughingly call "idealism". This list is an outrage. It was my understanding that there was an agreement between the two parties that representation would be as proportional to the membership of the Senate as possible. It is an outrage because it has been altered. It is an outrage because a number of committees that some of us were on, we have been taken off. It is an outrage because we didn't get a copy of it until 10 minutes before this Senate convened. It is an outrage fourthly because there are too many committees and it's an outrage because it was the Conservative caucus in this Senate that cried raw power when the Liberals tried to control it and now we see a maneuver like this. Ours was raw power. I suppose you'd call this a well-cooked power but there is no excuse for it. The distinguished Senator from Meeker county alluded to tradition in the Senate. We tried to talk about tradition in the case of the distinguished Senator from St. Louis county but that was rejected. Now we will go back to tradition especially as it relates to the Tax Committee and several others.

And finally, I call on Senator Jensen to live up to his word in a newspaper article in the St. Paul Dispatch sometime ago where he said he would back the Liberal Caucus as it concerns proportional representation on committees. Senator Jensen, I call on you now to live up to your word.

MR. PRESIDENT: The Chair recognizes Mr. Pillsbury.

MR. PILLSBURY: Mr. President, I would just like to say a few words and then Senator Jensen can speak for himself if he wishes. I'm a freshman Senator too, Senator Doty. I came here with the same / idealism that you did. It's been a little difficult these last 8 or 9 days for anyone with idealism to hold their tongue and to accept some of the things that we have seen transpire here. I would like to feel, however, that in this effort to be as fair, as objective and as constructive as possible in the determination of committees and committee chairmen that the list that you have before you, the

resolution you have before you, does strive to do just that. If we have a comparison - I wasn't here in the last Session - we can review the list of committee assignments that was presented to me when - earlier this week by the Liberal Caucus at that time. If you will just refer specifically to the list, you will see that I was put on Health and Welfare as opposed to Natural Resources, for example. I was put on Labor Relations, - that in the 33rd District is a very important issue, so I feel that if you want to compare committee assignments with something that you and I are both familiar with, namely, those that were introduced last week, I really would like to submit that the distinguished Senator from Meeker county has been extremely objective, extremely fair and I would like to urge the passage of the resolution.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, in response to the distinguished Senator from Hennepin. I sent a letter to every member of the Conservative group asking that they return to me or to their own leader, the list of committee assignments that they would like should we succeed in organizing the Minnesota State Senate. Only two members returned lists to me. I don't know how many were returned to the Senator from Meeker. I did get a communication from the distinguished Senator from Hennepin, Mr. Pillsbury, who said he received my letter and he is devoting his life to see that we did not take charge and was sending his list to Senator Holmquist. We were in no position to name the people that were going to be in the Conservative Caucus on our committee assignments. We did not have any more than three - a majority of three, on any committee and most of them were two reflecting the division that was in this body. I called Senator Holmquist's office before the Session began and said here is the committee list, here is the breakdown between Conservatives and Liberals, there are going to be 7 Liberals - the DFLer's are going to be 5, Republicans or whatever, name your people. I never heard, so if you have some objection to the kind of list we submitted earlier, it is only because we did not hear from you and we were not able to properly honor anything that you had requested. If you think you are on fewer committees than our list then you are on your own, yes. We reduced the number of committees, we reduced the number of assignments from something like 408 to 290 total assignments for the Minnesota State Senate because we thought it would

move better in that manner but there is simply no justification for taking this kind of action at the start of a long, difficult session for deciding that what you thought was good enough 10 days is no longer good enough today and I wonder if the distinguished Senator from Meeker would tell us just what transpired other than the desire to get some kind of <sup>vengeance</sup> / as to cause that change.

MR. DOTY: Mr. President. All right I will yield to the Senator from Meeker.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President. In response to the question asked by the distinguished Senator from Ramsey, Mr. Coleman, you will note in terms of proportionate representation there are two committees with a margin of one. There are four committees with a margin of two. There are ten committees with a margin of three. I believe I had occasion to look at the committee<sup>s</sup>/submitted by your caucus and all members of the Committee on Committees and all members of the Rules weremembers of your caucus so there is no change there. In the Judiciary committee, the Senator knows that we have Rule 76 which allows a quorum of 7. Certainly having a margin of four is not unreasonable. The Senator also knows and he served long and well and faithfully in this body and made many contributions to our society and I thank him for it; the people of Minnesota thank him but he knows, he knows that it has been a time honored tradition that only experienced Senators serve on Taxes and on Finance. This is the only violation, if we are going to go right down to proportional representation in this whole program and that is because of a time honored tradition. Senator, there is no -there can be no interpretation of retribution in this recommendation. I can tell you honestly and sincerely from sources otherwise there maybe were some recommendations of that kind. Everyone of the 17 freshmen members of the minority caucus has four committees. There is only one who has five. We have several senators who have identically the same committees they had before and we felt, Senator Coleman, that with your ability and your talents you should have an opportunity to express hem in more than three committees so we gave you five. If the Senator wishes to interpret it in the way he said it, that's his right. We interpret it as an honest presentation of assignments with reasonable majorities so we can go ahead with the work



before the state Senate. And Mr. President I want to make this crystal clear and I've said this at all times. If the citizens of Minnesota were dissatisfied with the 1967 Legislature and the 1969 one, I'm willing to take my share of the responsibility for it because I was in the majority and if I am going to be responsible for the legislation and the program that passes in the Minnesota State Senate, I certainly am entitled to have a workable majority in each and everyone of the committees. This is not unreasonable. This is just common sense and all you have to do is to go to the National Congress and you'll find that this is accepted practice. However, as surprising as it may seem, whenever a bill lost in the National Congress, the minority was blamed. I'm willing to take the responsibility and let the citizens of Minnesota make a just decision in either 1972 or 1974 when they have an opportunity to again vote on members of the Minnesota State Senate.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: It was a fine speech that did not answer the question and won't ash. There is no sense in getting up in this body today and pretending that <sup>the</sup> traditions of the Minnesota State Senate would have guided the conduct of the people who drew up the list that's submitted today. This is not the list that was before us one week ago. Now did tradition change that much? It's not tradition, Mr. Chairman - Mr. President, it's exactly what I say it is. Mr. President, I have an amendment at the desk.

MR. PRESIDENT: Mr. Coleman has an amendment. The Secretary will read it.

MR. GOODWIN: BE IT RESOLVED, by the Senate, that there are hereby constituted the following named ---

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President, the amendment is the list that came from the Conservative leader's office to my office at about 10 o'clock or 11 o'clock on January 5th. I'm asking the members of this body and I want a roll call to vote to restore the balance that was there then. The balance that has at least two people, a spread of two people in every committee. I do not object to that. We did the same thing when we were trying to

organize the Minnesota State Senate. You have to have at least two people to keep contro  
 have had  
 committee structure. Where you / a balance of three people or majority of three people,  
 that preserves it, it does not change it. All it does is ask the members of this body  
 in a roll call vote to give us the proportional representation that we have had in the  
 past and to give us the kind of representation we need now if we are going to do the  
 business of this state. Mr. President.

MR. PRESIDENT: Mr. Coleman moves the adoption of the amendment. The Chair  
 recognizes Mr. Doty.

MR. DOTY: Mr. President, I would like to speak in favor of the amendment which  
 is an attempt to restore proportional representation to the proportion of the majority  
 and minority state senators in this body and I would hope, of course, that would  
 pass... I call on Senator Jensen to honor the commitment made on the front page article  
 of the St. Paul Dispatch in which he said he would support a movement for proportional  
 representation.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I move the call of the Senate.

MR. PRESIDENT: Mr. Holmquist moves a call of the Senate.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I move further proceedings under the call be dispensed with.

MR. PRESIDENT: Mr. Holmquist moves that further proceedings under <sup>the</sup> call be  
 dispensed with. All in favor signify by saying aye, opposed no.

MR. HOLMQUIST: Mr. President. I ask for a roll call vote on the amendment.

MR. PRESIDENT: Mr. Holmquist has moved a roll call vote on the amendment proposed  
 by Mr. Coleman. Any further discussion? The Chair recognizes Mr. Jensen.

MR. JENSEN: Mr. President I have already intruded ~~to~~ much on the time of  
 that  
 the Senate but I thought I maybe should at least make a comment about the commitments/I  
 were  
 made/relative to changes in the rules and they included giving the minority group the  
 of the  
 opportunity to make their own appointments. If Mr. Doty wants further explanation/I

would be glad to give it to him after.

MR. PRESIDENT: The Chair recognizes Mr. Hansen. (Mel)

MR. HANSEN: The distinguished Senator from Ramsey indicated that all of the committees had a two vote margin. My recollection of it is there were three of them with two of those margins in the initial plan that was proposed by Senator Holmquist.

MR. PRESIDENT: Any further discussion? If not, the Secretary will take the roll. Have all those who desire to vote, voted? The Secretary will close the roll. There are 32 ayes and 35 nays; the amendment fails.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I recognize the request the Senator from Ramsey has made under the division of the question. I ask separation be made as he indicated, and the rules called for the and / question be called on the remainder.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I'm sorry, Mr. President, I did not hear the statement on the part of the Senator from Meeker.

MR. PRESIDENT: Mr. Holmquist.

MR. COLEMAN: Do you agree to divide the question?

MR. HOLMQUIST: Mr. President, under Rule 30 any member may call for division of the question when the same will admit of it. A motion to strike out and insert is indivisible. A motion to strike out being lost shall not preclude an amendment nor a motion to strike out and insert. You have asked to divide the question. I'm not taking issue.

MR. COLEMAN: Mr. President, then it's my understanding that at this moment that the first vote will be on the committees except for the Elections Committee and after that then vote/we will vote on the Elections Committee.

MR. PRESIDENT: The Chair recognizes Mr. Bergerud.

MR. BERGERUD: (inaudible)

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President, we will be voting on the acceptance of the Resolution before the Senate except for the committee on Elections and Reapportionments.

MR. PRESIDENT: Any further discussion?

MR. BORDEN: Mr. President.

MR. PRESIDENT: Mr. Borden.

MR. BORDEN: I wonder if the Senator from Meeker would yield to a question before we proceed to that vote.

MR. HOLMQUIST: Mr. President, I will yield.

MR. BORDEN: Mr. President, assuming the Resolution before us is adopted, which not only appoints committee members but committee chairmen, would it be in order at the time of the adoption of the Permanent Rules for us to consider a rule providing that the members of each committee shall elect a chairman and a vice-chairman from their own membership. Would that be in order at the time of the adoption of the Permanent Rules?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Senator Dosland has been appointed by me to be the Chairman of the Subcommittee that will write the Permanent Rules and any revisions thereto. I know the Senator will be happy to invite members of the minority caucus to come before his committee with any proposals they deem worthy. If this is one of your proposals, I'm sure that your invitation or your attendance at that particular meeting will be welcome.

vote

MR. PRESIDENT: Any further discussion? A roll call has been requested. The Secretary will take the roll. Have all those who desire to vote, voted? The Secretary will close the roll. There were 35 ayes and 32 nays; the resolution is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I now call for the question on that part of the resolution that was divided.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I have an amendment at the desk.

MR. PRESIDENT: The Secretary will read the amendment.

MR. GOODWIN: Mr. Coleman moves to amend the resolution as follows: Add to the committee on Elections and Reapportionment the following: Messrs. Kalina, Coleman and Laufenberger.

MR. COLEMAN: Mr. President I move the adoption of the amendment.

MR. PRESIDENT: Mr. Coleman moves the adoption of the amendment. Mr. Coleman.

MR. COLEMAN: Mr. President I don't think we need to say much more than that we should have proportional representation on that committee to consider as objectively as that we possibly can the case of Mr. Palmer and also the important work/we have before us on elections. Mr. President I renew my motion. I asked for a roll call vote and as this is a selection of a jury, I would assume that Mr. Palmer will not vote.

MR. PRESIDENT: Any further discussion?

MR. PALMER: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Palmer.

MR. PALMER: I would like to submit to this body one point here. I don't believe that in this Elections and Reapportionment Committee is considered a jury. I think the case of one Dick Palmer, the entire Senate body of 66 members here, excluding me, is the jury. I think that should be made crystal clear at this time. Thank you.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: The statutes clearly state that a man shall not vote on anything relative to his own election contest. Apparently the way things are going today, instead of being heard in the full Senate, it's going to be first heard in great detail in the Elections Committee. Those who have served in the Minnesota Senate know that's the only place where you get the details necessary to make a decision. This is in effect the preliminary jury, the body that will make the report to this Senate and I urge the adoption of the amendment.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I think 210. or 209.10D has been discussed quite clearly in this Senate. I think that celebrated counsel throughout Minnesota has expressed themselves on the meeting thereof. If this had meant that a person could not vote in the proceedings and the organization of the State Senate, I'm sure it specifically would have said so and the words related thereto clearly on the base of court case after court case indicates that this means on the contest itself and on the destiny of the individual involved. There is no question at all that every Senator in this Chamber is entitled to vote.

MR. PRESIDENT: Any further discussion? If not, the Secretary will take the roll call on the amendment.

MR. PRESIDENT: All those who desire to vote, voted? The Secretary will close the roll. There being 33 ayes, 34 nays, the amendment fails.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Call for the question on the separated part of the Resolution, which is the Elections and Reapportionment Committee.

MR. PRESIDENT: A roll call vote has been requested on that part of the question that was divided as it relates to the Elections and Reapportionment Committee. Any further discussion?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: It was my thought a moment ago to ask for a ruling from the President on whether or not Mr. Palmer can vote on this matter. The Senator from Meeker has already suggested that Mr. Palmer is not only going to vote on that but would vote to overrule the Chair. I see no sense in going through that but I want my objection to the proceedings noted.

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Popham.

MR. POPHAM: Mr. President. It was my impression that our sort of little Sinai

Peninsula of war was over yesterday and we were going to get on with the work of the Senate but I think perhaps it looks like we are going to, based on what has happened this morning and this afternoon, it seems like it is going to go on indefinitely. I think though that it should be clear, if that's what we've got in mind, if that's what we've got in mind, because it is ridiculous to talk in / <sup>this</sup> Chamber about cooperation all the time and at the same time this type of thing goes on. Now we have to have an Elections and Reapportionment Committee and everybody here knows it and it doesn't have to be to hear this election contest or any other election contest. They can all be referred to the Rules Committee or the Committee on Local Government or anyone else to hear it and decide it and I think <sup>that</sup> we better understand one thing perfectly clear, to use an expression that's had a lot of use here today, that cooperation here is a two-way thing. The Senator from St. Louis <sup>has</sup> objected to the committee structure here <sup>and</sup> /to talk about vengeance. Well, you know I think you can talk about that if you want, you can make statements but I think if he really felt that that was the case, he really felt that it would advance the cause of his caucus, perhaps he could suggest - could have suggested that we take a recess here and have the majority group look at the committee assignments. I would suggest that there is a certain sentiment in this body not in support of what the action has been here today on the part of the majority group, Conservative group. I think that we want to go through this whole exercise here, that's fine, but I think that we should also then keep in mind that that 's the way the Liberal group has elected here to conduct this <sup>to</sup> ~~exercise~~. I can imagine that when we get /the result or whatever election contest we have to consider there will be disclaimers about anyone prejudge them or playing any politics with them and attempt here to keep a very objective mind. I'd like to suggest if there is anything that has been calculated here in the last eight days to discourage an objective consideration, whatever these election contests are, it's been the activities that have been engaged in.

MR. HUGHES: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Hughes.

MR. HUGHES: I would like to ask the Senator, distinguished majority leader if he would yield to a question.

MR. HOLMQUIST: Mr. President, I will yield.

Jerome

MR./HUGHES: Mr. Holmquist, I've been sitting you know for quite sometime during

is full discussion and you nor I are, neither one of us, attorneys and yet questions have been asked and I haven't been excited about this matter with respect to my own constitutency because I have been somewhat baffled and I would like you to respond to for my edification and education on the matter. Historically, and I know a little bit about history, parliamentary law <sup>precedes</sup> English constitutional law and at the very beginning of this Senate Session I felt we were operating under Parliamentary law. It's just my opinion. I would guess if I sat in the Supreme Court I would have minority opinion on the matter, in looking at it as objectively as I could because to me there is a paradox here. You don't usually/refer to a Senate, the National Senate / <sup>when you</sup> the local <sup>and</sup> Senate sometimes as a club <sup>an</sup>. We do among ourselves. We don't usually allow someone to sit in the club or/organization and vote on all kinds of matters before that person is truly a member of that club or organization. Now I'm quite clear with respect to the decision made yesterday up to the line on page 8 that we referred to earlier when it says in the second paragraph of that page, "the determination of the status and eligibility of Mr. Palmer rests with the Senate and they must determine his eligibility." Now I have a little bit of a question with that and then I'm looking at Jefferson's Manual and I've had some discussion in the past with Jefferson's Manual- we've referred to it but I'm just going to quote that and then I will finish. "Where the private interest" and I'm quoting from page 107, "if a member are concerned in a bill or question he is to withdraw and where such an interest has appeared, his voice has been disallowed even after the division. In a case so contrary not only to the laws of decency but to the fundamental principle of the social compact which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial/ <sup>observance</sup> and <sup>observance</sup> I repeat, immemorial / <sup>observance</sup> should be strictly adhered to and as far as I can understand and as far as I clearly understand in my own mind, we are still operating with Jefferson's Manual and so I will appreciate some edification and education from the majority leader.

MR. HOLMQUIST: Mr. President.



MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President, Senator Hughes, we talk about tradition and we talk about cases in the past and in the present and we base our judgment on two things, tradition and law. It is very clear, Senator Hughes, that on six occasions back to 1931, these men followed 3.05, stood and were sworn and participated in the activities and work of the Senate during their pendency, during the pendency. The Supreme Court has ruled that the person who has a certificate shall stand and be sworn. I see no inconsistency whatsoever in Senator Palmer voting on any issue that is not directly connected with the contest or the court record that has been presented to the Legislature. Consequently, I feel, maybe you don't Sir, and reviewing the discussion that has been made on this floor by eminent jurists that this would probably be your opinion and there is another opinion. The overwhelming evidence simply states that if we did other wise and please note <sup>Senator</sup> this, / , if we did otherwise, we would open the whole organization of the Senate up to a group of spurious contests with only one thing in mind, namely seeking control. This court case/<sup>that</sup> has come down in my judgment is historical. It's going to prevent a recurrence of what has taken place in these six or seven days in the organization of the State Senate. In 1974, if the division is about the same and it happens that some record has been kept on some Senator that requires review, it will be crystal clear. He stands and participates in all the activity except when the Senate sits as a jury deciding on his case. Senator Palmer, I think, has expressed it very clearly that the Elections and Reapportionment Committee is not a jury; the 66 members of this body are.

MR. HUGHES: Mr. President I'm not going to go into a long discussion here, Senator but I respectfully disagree with the arguments you have presented and I have all the way along. I think that either we abide by the Jefferson Manual <sup>in</sup> our parliamentary procedure or we don't use the manual. It is clearly in my opinion that in this case we are making a judgment here in the terms of <sup>the</sup> / seating of a member and the member who is under question here should not be voting.

MR. PRESIDENT: Any further discussion? A roll call vote has been requested on that part of the Resolution establishing <sup>a</sup> / Senate Committee that was divided, that is,

on the Committee on Elections and Reapportionment now be adopted. The Secretary will take the roll. Have all those who desire to vote, voted? The Secretary will close the roll. There being 34 ayes and 33 nays, the motion is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I offer the following resolution.

MR. PRESIDENT: Mr. Holmquist offers the following Resolution. The Secretary will read the Resolution.

MR. GOODWIN: BE IT RESOLVED, That the President of the Senate be and he is hereby directed to appoint a committee of four to notify His Excellency, the Honorable Wendell R. Anderson, Governor of the state of Minnesota, that the Senate is now organized pursuant to the Constitution and law and is ready to receive any message he may desire to give it.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I move the adoption of the Resolution. It is very clear the President shall appoint the four members.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the Resolution that four members be appointed to notify the Governor. Any further discussion? All in favor signify by saying aye, those opposed, no. The President appoints Senators Conzemius, O'Neill, Pillsbury and Tennesen.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I offer the following Resolution.

MR. PRESIDENT: Mr. Holmquist offers the following Resolution. The Secretary will read the Resolution.

MR. GOODWIN: BE IT RESOLVED, That the Secretary of the Senate be and he is hereby instructed to inform the House of Representatives that the Senate is now organized.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President I move the adoption of the Resolution but Mr. President, I move that this lay over for a brief moment. I think the next order of business rightfully should be election of the President Pro Tem.

MR. PRESIDENT: There / <sup>being</sup> no objection --

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist. The Resolution to notify the House of Representatives that the Senate is now organized will be laid aside temporarily.

MR. HOLMQUIST: Thank you. Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The next order of business is the election of a President Pro Tem. The President Pro Tem of the Senate is in reality a constitutional officer, because in the event of a vacancy in the Chief Executive's office and in the case that a vacancy also occurs after it has been succeeded by the Lt. Governor, he would then become the Governor of the state of Minnesota. Upon several occasions in our state, the President Pro Tem has been the Lt. Governor. A man to fill this position should be qualified and every Senator is; however, I am happy this afternoon to present to you a man who is eminently qualified to fill this role. His judgment has been sound. His industry has never been found wanting; his sincerity is always apparent. I am happy to nominate for President Pro Tem, Senator Joseph Josefson.

MR. PRESIDENT: Mr. Holmquist has nominated Mr. Josefson for President Pro Tem.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President, it is with a great deal of pride that I nominate for President Pro Tem a man who has served long and gloriously in this body and knows what has to be done, would make an excellent constitutional officer, an excellent judge and at this time in particular an excellent President Pro Tem, Senator Edward Novak.

MR. PRESIDENT: Any further nominations.

MR. PRESIDENT: Mr. Laufenburger.

MR. LAUFENBURGER: (inaudible)

MR. PRESIDENT: Any further nominations. The Secretary will call the roll.

(Roll call.)

Mr.

MR. PRESIDENT: Mr. Josefson, 33 -/Novak 32 - Mr. Josefson is elected to the office of President Pro Tem. Mr. Sinclair and Mr. Frederick please escort Mr. Josefson to the bar for the oath of office. (The President of the Senate administered the oath of office to Mr. Josefson)

MR. JOSEFSON: Friends, I am indeed grateful to you my colleagues and likewise grateful to the kind citizens of the 20th District for having made this possible through reelecting me time and time again. Service in the Minnesota Senate over these many sessions has brought many satisfying relationships with many of you. I hope to develop the same kind of relationship with all of you new Senators and I must say at this time there are times when the public confidence in government seems to be dwindling that us that are privileged to serve renew our efforts, not delay any longer, work to restore and to rebuild for a better tomorrow. Thank you very much.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Is there a message from the House at the desk?

MR. PRESIDENT: You have a resolution that you set aside temporarily notifying the House?

MR. HOLMQUIST: Could I ask you if there is a message from the House?

MR. PRESIDENT: Yes, there is.

MR. HOLMQUIST: Would you read that please?

MR. GOODWIN: Mr. President, I have the honor to inform the Senate that the House of Representatives is duly organized pursuant to law and invites and is ready to meet with the Senate at 12:10 p.m. January 6, 1971 to receive the message of the Honorable Wendell R. Anderson, Governor of the State of Minnesota. Signed by Edward A. Burdick, Chief Clerk of the House.

MR. HOLMQUIST: Mr. President. Is there a message --

MR. PRESIDENT: One more from the House, another message.

has

MR. GOODWIN: Mr. President, I have the honor to announce that the House/appointed a committee of 5 members of the House to act for the like committee on the part of the Senate to notify the Governor that the House of Representatives and the Senate of the

state of Minnesota are duly organized pursuant to law and are ready to receive any message that he may have. Mrs. McMillan and Messrs. Scherer, Knutson, Anderson, I. and Flakne have been appointed to such committee on the part of the House. Signed by Edward A. Burdick, Chief Clerk of the House.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The resolution notifying the Governor that the Senate has been organized has been passed. Before us now is a resolution instructing the Secretary of the Senate to notify the House that the Senate is organized. Will you please bring that up?

MR. PRESIDENT: The Secretary will read the resolution.

MR. GOODWIN: Be it resolved that the Secretary of the Senate be and/<sup>he</sup> is hereby instructed to inform the House of Representatives that the Senate is now organized.

MR. HOLMQUIST: Mr. President, I move the adoption of the resolution.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution. Any discussion? If not, all in favor signify by saying aye, opposed no. The ayes have it.

MR. HOLMQUIST: Mr. President, I offer the following resolution.

MR. PRESIDENT: Mr. Holmquist offers the following resolution, Senate Resolution No. 1. The Secretary will read the resolution.

#### SENATE RESOLUTION PROVIDING FOR PAYMENT OF POSTAGE FOR MEMBERS OF THE SENATE

There being no provision for payment of postage used by members of the Senate in the transaction of their official duties,

*It Is Resolved*, that the Secretary of the Senate be authorized to purchase postage to furnish each member of the Senate \$90.00 in postage, and that each member named as chairman of a standing committee in the Senate resolution designating committee assignments, be furnished with an additional \$30.00 in postage for the necessary business of such committee, and each member of the Senate shall receipt to the Secretary of the Senate for postage received.

MR. HOLMQUIST: I move the adoption of the resolution.

MR. PRESIDENT: Mr. Holmquist moves the adoption of the resolution.

MR. HOLMQUIST: This is simply the postage resolution that is offered each year based on the increased cost of postage which was reflected in the last resolution and I require a roll call.  
further

MR. PRESIDENT: Any discussion? If not, the Secretary will take the roll. Have all those who desire to vote, voted? The Secretary will close the roll. There being 63 ayes and 0 nays, the resolution is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I would like to move that the schedule of committee meetings, room numbers as reflected on the message brought to your desk be printed in the journal.

MR. PRESIDENT: Mr. Holmquist moves that the committee schedule, and room numbers be printed in the journal. All in favor signify by saying aye, opposed no. The motion is adopted.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Are there any executive communications at the desk?

MR. PRESIDENT: No executive communications at the desk.

MR. HOLMQUIST: Mr. President. I now moved that the Senate adjourn to 11 a.m. tomorrow and I'll hold that for any announcement.

MR. PRESIDENT: Mr. Kalina.

MR. KALINA: Will the Senator from Stearns yield?

MR. K. HUGHES: Mr. President, I'll yield.

Senator

MR. KALINE: Mr. President, earlier you desired not to get involved with the Election committee. Now that you are chairman of the Election Committee, I wonder when you are scheduling your first meeting to hear the Palmer matter.

MR. K. HUGHES: Senator, earlier I wasn't involved in the Elections Committee and

Now I am and according to the schedule of meetings, the Senate Elections and Reapportionment Committee is slated to meet next Wednesday morning at 8 a.m. at which time we will get immediately underway with the business that is before us, which Senator, will include the election contest if that has been referred to that committee.

MR. KALINA: Mr. President.

MR. PRESIDENT: Mr. Kalina.

MR. KALINA: Senator, I assume that you will have duplicated transcripts so everybody will have the material before them at that meeting?

MR. K. HUGHES: Senator, we will make every attempt to handle the matter, if it is before us as judiciously and as expeditiously as possible and we will welcome any suggestions that you or anybody else has in regard to the handling of that matter.

MR. KALINA: Mr. President.

MR. PRESIDENT: Mr. Kalina.

MR. KALINA: Senator, do you anticipate holding more than one meeting for one hour per week on that matter?

MR. PRESIDENT: Mr. Hughes.

MR. K. HUGHES: Senator, I've been - Mr. President, Senator, I've been chairman of that committee for half an hour, I guess and I think that with some reflection and thought I will be better able to answer that question. There are several alternative routes that may be followed and I will discuss them at the time that I'm prepared to do so.

MR. KALINA: Mr. President.

MR. PRESIDENT: Mr. Kalina.

MR. KALINA: Senator,  
MR. KALINA: /you'd agree, then to expedite the matter would be the interest of all the people in Minnesota?

MR. HUGHES: There is no question, Senator, that every effort will be made to do so with thoroughness and fairness.

MR. PRESIDENT: Mr. Bergerud.

MR. BERGERUD: (inaudible)

MR. PRESIDENT: The question now is the Senate adjourn until 11 a.m. Friday, January 15.

MR. WOLFE: Mr. President.

MR. PRESIDENT: Mr. Wolfe.

MR. WOLFE: Before we leave this body, I think someone should respond to the point of personal privilege - it was brought up by the Senator from St. Louis, Mr. Doty. I have already sent him a note. I want to reaffirm as part of the majority group here that I am as concerned as he is about the problem that he has had, that I will do everything in my power to assist him to discover if there has been a problem here and what caused it.

MR. PRESIDENT: Any further -- all in favor of adjourning until 11 a.m. tomorrow morning, signify by saying aye, opposed no. The ayes have it, the Senate stands adjourned until 11 a.m. Friday, January 15.

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