

## 1971 Legislature - Senate Session Transcripts

Transcripts (289 pages) of controversial Senate sessions on 5-8, 12-14 Jan. 1971. ~~These sessions were taped; tapes are now in the Minnesota State Archives, Minnesota Historical Society.~~

(The public address system was not in operation at the beginning of the proceedings. At this point it was in operation and the following was recorded.)

MR. COLEMAN: The certificate of election is of no importance. If the House rejects the judgment of the court and determines that contest upon other evidence, the same results come out.

Mr. President, the distinguished Senator has quoted only from one section of the statute, but Section 209.D, 10D, modifies Section 302 and Section 305. The wording of the section concerning an unfair campaign practice charge indicates clearly that initiation of a statutory challenge overcomes Mr. Palmer's presumed right to be sworn in.

MR. PRESIDENT: Any further discussion?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President, the distinguished Senator from Ramsey has quoted some attorney general's opinions to cite the law where he uses as a basis for asking the Senator-elect to step aside. Might I read a portion? "The vote upon the contest shall be vive voce any member may offer reasons for the vote he intends to give and a majority of the votes shall decide, but no party to the contest shall vote upon any question relative thereto." The significant words, as I listened to the message of the Senator, are relative thereto. The scope of the language relative thereto is really not defined in 209.10. In the contest of that statute, however, it must be taken to mean the vote on the contest itself and any parliamentary procedure bearing directly on that contest.

(Mr. Holmquist)

There is no prohibition in the statute saying that he cannot participate in the organization of the Senate. Is the Senator from Ramsey reading into participation that now evidence goes out the door and decisions on contests of this kind are going to be made strictly on what we might refer to across the aisle lines? I intend to share with you some of the opinions that have been rendered in the past by past Minnesota State Senates. Further, nothing in the statute indicates relative thereto limits a duly qualified member of the Senate from otherwise participating fully in the conduct of the business of that body. Will the Senator please cite it? Where does it say he may not participate fully in the conduct of the business of that body? Indeed, this particular portion of the law would have no effect on the conduct of any business of the Senate until the matter of the contest was duly brought before it. This is exactly what has happened in the past and exactly what should happen now. In this 209.10, is the only statutory limitation found that in any way restricts the power of a seated member from exercising the right to vote and restricts that right only upon any question relative thereto, meaning directly relative to the election contest itself. How can the Senator infer that voting for a Secretary of the Senate is relative to an election contest? How can the Senator infer that voting for the Chaplain is relevant to an election contest? If it were, the law would have been written in just that way. It is very clear that it applies only directly to the caucus itself. It therefore follows, Mr. President, that even if challenged, the seated member has a right to vote on all matters

(Mr. Holmquist)

properly before the Senate, including organizational matters and specifically including membership on the elections committee which is formed prior to the time the Senate considers the election contest itself, and, therefore, prior to the time the statutory limitation takes effect. To restrict the right of a seated member to vote on any matter other than a matter directly related to his own election contest would operate to deprive his district, who had overwhelmingly voted for him the right of representation. The hearing of this contest will be expedited. According to law, however, it need not be -- it could be delayed. There have been occasions in history when two, three months have escaped before a determination was made. And I think it is highly ridiculous, certainly violates every democratic principle, every law that a citizenry of the State of Minnesota should be denied representation simply because of the limited interpretation placed on 209.10 by the Senator. This is important today, Mr. President, really for only one reason. And if it weren't for that reason, I am sure the Senator would never have called it to our attention. It is important simply because apparently there is going to be a vote, 34 to 33. Not all of you, but some of you remember -- it happened in 1931 when a predecessor to a very eminent member of this body was the contestee, Mr. A. J. Rockne. The contestant was C. L. Grover. A corrupt practices case was the order of the day. Listen to the decision of the presiding officer at that time. Rockne was (inaudible). The division was as close as it is today. And I hope the Senator from Ramsey will listen carefully to the announced results of this particular disposal of the matter



(Mr. Holmquist)

by the Minnesota State Senate at that time. Rockne was ultimately seated by a vote of the 56 members. There isn't a member of this august body, and you are all responsible, reliable, honest, sincere people or you wouldn't be here, and when you look at the record kept by the court, you want to make an honest decision. That is exactly what happened in 1931. And I feel that the eminent and distinguished Senator from Ramsey is possibly prejudging what he quotes relative thereto, the actions of an elections reapportionment committee and the actions of the members of this body. In 1935 Mr. McKenzie was the contestee. Oscar W. Olson was the contestant. This was a corrupt practice suit. Mr. President, McKenzie was seated and voted throughout the pendency of the contest. In 1943, now within the memory of most of us, the late Homer Carr was the contestee. Dwight Swanstrom was the contestant. Carr was seated and voted throughout. Like those who have been challenged, he had a certificate of election, the statute was followed. I could cite several more, but I will go to more current experience. Louis Murray was the contestee; Julius Spokely was the contestor. Now, we probably can define where their organizational allegiance might be. Louis Murray organized with the Liberals. He had the most votes. Julius Spokely previously had been organized with the Conservatives. This was a corrupt practices case, Mr. President. We do not know from the records, it is not indicated, whether or not Senator Murray stepped aside. But what is important is that the Minnesota State Senate was controlled by the Conservative group. They examined the record kept by the court, and they came up with this result and this recommendation: that he be seated. And when the question was

(Mr. Holmquist)

put to the Minnesota State Senate, the vote was 62 to 0. Mr. President, there is no way under law in which anyone with a certificate of election could be denied to take the oath of office. It would be my considered opinion at this time that you as President of the Senate invite the Justice of the Supreme Court, after the roll has been called, to administer the oath to everyone who has a certificate of election.

MR. PRESIDENT: Any further discussion?

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Popham.

MR. POPHAM: Mr. President, I rise in opposition to the attempt that has been made here to interfere with the organization of the Senate. I think it is very clear what is at stake here. Certainly everyone in this chamber knows what is at stake and I think it is important that the public understands this also. What's really at stake here is whether or not this Minnesota Senate is going to honor the results of an election of the people (inaudible) at stake or whether there are people who are prepared to vote, a record vote, to set aside the vote of the people for purposes of political (inaudible). There isn't any question here about what really the law is. We have (inaudible) very clear (balance inaudible).

MR. PRESIDENT: Is there any further discussion on the point of order?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I don't think that anybody in this chamber today takes this statute, the Constitution, and a

(Mr. Coleman)

possible contest that has been initiated, it is not a possible contest, more seriously than I. Now I have not raised the issue of partisanship. I have been quoting from the Constitution. I have been quoting from opinions, and I will have some more quotes now. I would like the members who caucus with the other group to listen to these arguments and see where the law lies to see what the precedent has been. Most of all, Mr. President, I hope that you will have an opportunity to consider these points as I bring them up. Let me try to bring them up in the order in which they were discussed.

First, we have some discussion from the distinguished Senator from Meeker relative to the word "relative" and I would just like to speak to that point for one moment. I would try to take these points as they come up. Minnesota Statute 209.10, paragraph D, says no party to the contest shall vote upon any question relative thereto. The word directly got into the debate before. It does not belong there. A review of the Minnesota Laws of 1905 new language, that is as the language appears, of today appears. The old language occurs in 1894; there were no changes in the session laws between those dates. The revisor intended no substitutive change. He sought to clean up the old language. And what was that old language? What did the revisor know that he was putting in there and keeping in the statutes? It says, "no party", and I am quoting directly from the 7th revision of 1866, Chapter 1, Section 51, "no party shall vote either upon the final decision or upon any preliminary question that has reference thereto." That is what our statute means. In the report of Commissioner Ford for the revision of statutes in 1866, they state that significant

(Mr. Coleman)

changes were made only in sections 1940 and 41, not in 51. Therefore, we can assume that no significant change was made in section 51. This means that the language goes back to the founding of the State of Minnesota.

In Nebraska, in a case in Nebraska, 124 Nebraska 248, City of Mitchell vs. Western Public Service, January 1933, relating to suggests a reference to Webster's dictionary. There the intransitive verb "relate" is defined, which means to stand in some relation, to have bearing, or concern, to pertain. The word "relative" means on anything prior to the final determination of the contest and I raise my point of order and my challenge and appeal to the Chair for a ruling on that basis on that word.

Let me go a bit further. I am pleased to see that the distinguished Senator from Meeker does agree that there is a contest. I think we made a significant stride. May I go a bit further? The point was raised that there is no provision for depriving a district of its seat, that something would be wrong there, that it is unconstitutional. Let me read to you what the Supreme Court of the United States of America has said on that very matter. The temporary deprivation of equal representation which results in the refusal of the Senate to seat a member pending inquiry into his election qualifications is the necessary consequences of the exercise of a constitutional power and no more deprives the state of its equal suffrage or in this case, a district, in the constitutional sense than would a vote of the Senate vacating the seat of a seating member or a vote of expulsion. That's what the court has said of that matter.

Now we got to talking about precedent a few moments ago

(Mr. Coleman)

and I think I ought to say a few things about precedent. What are the most recent precedents of the Minnesota State Senate? Let me read them to you.

In 1967 in the Journal of our Senate during the Roll Call on the first day of the session, January 3rd, Eugene F. Welter, 31st district, was challenged. What did Mr. Welter do? He stood aside pending the outcome of that election contest. He did not try to take his seat. The distinguished Senator from Meeker refers to a case in 1951, a Journal of the Senate. He does not know and there is nothing, perhaps, that he has seen that indicates what happened when Mr. Murray came here. He says that he got a majority of the votes later on and indeed he got a unanimous vote but what happened when Mr. Murray tried to claim his seat on opening day? On January 17th a petition from Julius Spokely, petitioner in reference to the election contest of Murray was received and referred to the committee on Elections. Mr. Murray was asked to step aside. I have confirmed this in writing from Mr. Murray. He was not seated. He was not sworn in until after that contest had been decided. There is precedent and the two most recent precedents are to ask the member to step aside at this particular point.

The distinguished Senator from Hennepin has raised the point about the attorney general and some things that he has had to say about precedents. Here are some precedents that perhaps he did not have an opportunity to look at. The House of Representatives is, of course, the sole judge of qualifications of its members and its power of action is in no way restrained by the circumstances that a certificate of election has been issued. There are other examples here.

(Mr. Coleman)

The distinguished Senator from Hennepin raised the question on a quotation from the attorney general's opinion about (inaudible). Mr. President, not the distinguished Senator from Hennepin but the attorney general, the outgoing attorney general, took that out of context. As a matter of fact, the clause preceding the quoted part states "unless so provided by statute if the certificate is not conclusive of an election as against direct attack."

Mr. President, I have answered the points on "relative". I have tried to answer the constitutional question and I have more opinions here that we can look at, but I think that we have established the point today that Mr. Palmer is not entitled to be seated. I have not prejudged his case. Others here have brought that out. All I am asking you to do is to rule on the Constitution and the statutes and I renew my point of order.

MR. PRESIDENT: Is there any further discussion on the point of order?

MR. DOSLAND: Mr. President.

MR. PRESIDENT: Mr. Dosland.

MR. DOSLAND: Mr. President, it appears to me that something ought to be said about the nature of the contest. We all know there are (inaudible) election contests. One is the point of (inaudible) of which a candidate received the largest number of votes legally cast in his contest. The other kind of election contest determines whether or not either or both of the candidates in some way violated the corrupt practices act or in some way conducted themselves during the election in a fashion prohibited by law. So there are, in fact, two kinds of election contests. And in the process of contesting an election, the district court

(Mr. Dosland)

has certain powers and certain duties. First of all, the district court has to determine which of the two candidates received the largest number of votes legally cast in that election. And it's my understanding, Mr. President, that if there be any contest where (inaudible), in fact, determines which contest (inaudible). Upon that premise if a certificate of election is issued in that particular election, it is brought before this body and (inaudible) prima facie evidence that holder of that certificate has the right to be seated in this body. If that were not the case, Mr. President, how else would we constitute this body? If, in fact, the holder of that certificate of election is not entitled to be seated, how would we constitute this body? If what Senator Coleman says is true, here is what the distinguished Senator from Ramsey indicates, that presumably 34 election contests would reduce this body below a quorum. Sixty-seven election contests and what have you got? We have absolutely no way of determining what or who constitutes this body. (Inaudible) varying types (inaudible) would certainly result in chaos (inaudible).

We provided in Section 302. that the certificates properly (inaudible) of the right to be seated and we have provided in Section 305 that all those certificates that are submitted shall then stand and be sworn, thereby constituting this body (inaudible) and there is no question that under Minnesota Statutes 645.44 (inaudible). The call of the roll and the presentation of the certificates (inaudible), it is my judgment (inaudible), the Senator from Ramsey is out of order because the first order of business (inaudible) to the call of the roll and I ask that that be done at this time (inaudible).

MR. PRESIDENT: Any further discussion?

MR. COLEMAN: Mr. President, just briefly, because there has --

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: -- been some repetition, Mr. President, so I believe I will be brief. I would like to read the entire sentence from Am Jour that was quoted in the attorney general's opinion. "A certificate of election is not title to public office but a mere -- we've got some legal -- muniment of title. It is only prima facie evidence of the holder's right to the office."

Mr. President, the other point that was raised by the distinguished Senator from Clay concerned Section 3 and it did not tie, as I attempted to earlier (inaudible), Section 290.10 where I pointed out at that time that when you tie the statutes together, which must be done, that clearly Mr. Palmer, until his election contest has been decided, cannot take the oath of office. I renew my point of order.

MR. PRESIDENT: Is there any further discussion?

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Popham.

MR. POPHAM: Mr. President, let's just note a couple of other things. One, is that when the then Senator Welter's question came up, he stepped aside and the reason was, as you all recall, that the minority indicated that if he did not step aside, there would be (inaudible) on the floor on the opening day of the session as we have now. Mr. Welter than made a decision that he would forego the right to take the oath and step aside (inaudible).



MR. PRESIDENT: Any further discussion?

MR. JENSEN: Mr. President.

MR. PRESIDENT: Mr. Jensen.

MR. JENSEN: Mr. President, Senators-elect. I agree with Mr. Coleman that the certificate of election is only prima facie evidence of our elections and our right to be here. I say that because our statutes only supply the procedure for bringing the contests to us, the clerical procedures. I say that because this (inaudible) contest (inaudible). Senator Coleman election - if his opponent would wish to bring a corrupt practices charge directly to the Senate, it could be done and we could hear it. The statutes don't control us in that regard. The Constitution gives us the right to be the judge of our own members but I personally don't believe that we can take any action prior to our being sworn in. But if you assume that we can take some action prior to being sworn in, then it will have to be action of the Senate and the Senate then must constitute the people who are here today with certificates of election. So I submit to Senator Coleman and anyone else that they will not be able to find any single instance where any Senator or Representative has ever refused to be allowed to be sworn in on a point of order by the presiding officer and I think the point is really quite ridiculous because, actually, and I am not derogating from your duties but your duty is only a clerical duty today and that is to call the roll, take the certificates of election and then the Chief Justice will swear us in.

For example, if this type of thing were possible, what would they do over in the House? Who is going to make such a ruling that on a point of order that somebody can't be sworn in? I

(Mr. Jensen)

think that on the face of it, it's ridiculous and I think that if you will check the record, you will find that in any instance where anyone has not been allowed to be sworn in, it has been done by the body and not by the person who has been charged with the clerical duty of calling the roll.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: Mr. Dosland.

MR. DOSLAND: Mr. President, this is a parliamentary inquiry. I would like to have the Chair precisely state the question that is before the body.

MR. PRESIDENT: Mr. Coleman will you restate your point of order?

MR. COLEMAN: (Inaudible.)

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Just very briefly, the order of business should be followed. You've appointed the clerk pro tem. My point of order is that he should proceed with the calling of the roll.

MR. PRESIDENT: There is a point of order before the body - that of before the chair - that of Mr. Coleman. We would proceed with that point of order and then proceed to any other business that's mentioned. Mr. Dosland.

MR. DOSLAND: Mr. President, it is my understanding that the Senator from Meeker has (inaudible).

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, if I may speak to that, though. I understand that that particular point is not debatable, if I may have your gracious assent, I would say that a point of order is of the highest privilege and can be instituted at any time

(Mr. Coleman)

including the calling of a roll and the Chair is well within not only its prerogative, but must answer the point of order before proceeding.

MR. PRESIDENT: To Mr. Holmquist's point of order, that the original point of order as raised by Mr. Coleman, the Chair rules that Mr. Coleman's point of order is in order. The Chair will address itself to the point of order that was raised by Mr. Coleman. Mr. Holmquist.

MR. HOLMQUIST: What was your ruling?

MR. PRESIDENT: That your - that Mr. Holmquist's point of order - that Mr. Coleman's point of order is not in order - that your point of order is out of order.

MR. HOLMQUIST: My point of order is out of order.

MR. PRESIDENT: Yes.

MR. HOLMQUIST: Mr. President. Would the distinguished President of the Minnesota State Senate care to give his reasons?

MR. PRESIDENT: My reasons first -- Mr. Coleman.

MR. COLEMAN: I believe that the distinguished Senator from Meeker is not within the parliamentary procedure in asking that that be given. You are required, when there is a point of order pending, you may not do anything other than rule and I would request that you sustain your ruling.

MR. PRESIDENT: The Chair will now address itself to the point of order by Mr. Coleman. The point of order has been raised requesting that Mr. Palmer of Duluth should stand aside while the oath of office is being administered to the rest of the Senators-elect upon the grounds that there is pending an election contest, contesting the validity of his election to the office of State Senator from the 59th legislative district and the validity

(Mr. President)

of election certificate issued as a result of that election. The Chair, having considered the point of order, is of the opinion that its decision must be based upon the following premises: Article IV, Section 3, of the Minnesota Constitution makes this body the sole judge of the election returns and eligibility of its own members. The election contest filed against Mr. Palmer relates to the validity of the election and not his eligibility to membership in this body. Article IV, Section 4, of the Minnesota Constitution provides that this body may determine the rules of its own proceedings. Article IV, Section 17, of the Minnesota Constitution provides that the entire Legislature shall prescribe by law the manner in which evidence in cases of contested seats in either House shall be taken. The Legislature has done so by enactment of Minnesota Statutes 209.10, Subdivision 1, in which by law it has authorized the district courts to receive evidence in election contests which have been duly and regularly instituted according to law and then should transmit all the files, records and proceedings and all the evidence taken to the presiding officer of the appropriate body. There has been filed with the President of the Senate such files, records, proceedings and transcript in a duly and regularly instituted election contest: In the Matter of Francis LaBrosse, Contestant and Mr. Richard Palmer, Contestee. Thus, that contest is now pending before the Senate and will be determined in due course. While Minnesota Statutes, Section 3.02 provides that a certificate of election shall be prima facie evidence of the right of membership of the person therein named, that statute does not abrogate the constitutional power of each House to determine whether one holding a certificate of election should be seated pending a determination of a challenge to the validity of his election.

(Mr. President)

Further, Minnesota Statutes, Section 209.10, subdivision 2, provides that this body shall hear the evidence on behalf of both parties, shall decide the contest by a majority of the votes given, and that no party to the contest shall vote on any question relative thereto. The last provision the Chair interprets to mean that no party to an election contest pending before this House may vote upon the final decision of that election contest nor upon any parliamentary questions with reference thereto. Further, the Chair notes that under the statute a majority of the votes given on the question of the contest shall decide. This indicates that the question before the body will be one of exclusion upon the statutory grounds rather than a question of expulsion which might under Article IV, Section 4, require a two-thirds vote. The United States Supreme Court has recently decided that once a member-elect has been allowed to take the oath and to be seated, he can subsequently be removed or unseated by expulsion which would require a two-thirds vote rather than an exclusion by majority vote. Since our statute requires a determination only by majority vote, I conclude that Mr. Palmer should not now be given the oath nor take his seat, so that there can be no question of the power or jurisdiction of this body to exclude him by majority vote, should a majority of this body so decide upon hearing all the evidence in this contest.

Finally, and of even greater importance, it is clear to me that the precedents of the state and House of Representatives of the United States and of both Houses of the Minnesota Legislature, as well as five opinions of the attorney general of this state, are that the challenged member-elect stand aside pending a determination of the election contest. I, therefore, rule on the point of order that Mr. Palmer stand aside when the oath of office is

(Mr. President)

administered to the other Senators-elect and that he not participate in the taking of the oath.

I further rule that the clerk pro tem include Mr. Palmer's certificate with the rest of the files, records and proceedings in the pending election contest and that he not accept the certificate for filing. In the point of order as it relates to Mr. Overgaard, the Constitution, Article IV, Section 17, provides that the Legislature shall prescribe by law the manner in which evidence shall be taken in election contest cases. The Legislature has done so by adoption of Minnesota Statutes, Chapter 209. There is now pending no proceedings against Mr. Overgaard nor has any evidence been taken or forwarded to the President of the body except in the case of Mr. Palmer. The point of order as it relates to the challenge of Mr. Overgaard is rejected. The clerk will now --

MR. HOLMQUIST: Mr. President. Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I appeal from the ruling of the Chair.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Dosland.

MR. DOSLAND: Would the Senator from Meeker yield?

MR. PRESIDENT: The Senator yields.

MR. DOSLAND: Mr. President, from the experience that I have (inaudible).

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I appeal from the ruling of the Chair as it applies to Senator-elect Richard Palmer.

MR. PRESIDENT: The question is on the appeal from the ruling of the Chair.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Just very briefly, Mr. President. We all listened very carefully to your explanation. At no time did you refer to 3.05; at no time did you recognize the statute which says that every person who has a certificate shall stand and be sworn: In your ruling you didn't recognize the fact that relative thereto was directly to the contest itself, therefore, I appeal from the ruling of the Chair. Mr. President, might I say, might I inquire as to how you wish to put the question?

MR. PRESIDENT: Mr. Holmquist, the question has been put by the Chair. The question is on the appeal from the ruling of the Chair.

MR. HOLMQUIST: Mr. President, might I suggest that the question be, shall the ruling of the Chair be sustained?

MR. PRESIDENT: Mr. Holmquist, the Chair put the question before the discussion began and it will stay as the question is on the appeal from the ruling of the Chair as it relates to Mr. Palmer.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Dosland.

MR. DOSLAND: I believe the inquiry is to the form of the question before us. The question is, of course, upon the appeal from the ruling of the Chair (inaudible) the membership to respond in the affirmative or negative. I respectfully suggest that the form of the question be, shall the ruling of the Chair be sustained?

MR. PRESIDENT: Mr. Dosland, members of the body, the question

is on the appeal from the ruling of the Chair as stated when Mr. Holmquist placed the motion before the group and it will so remain. The Chair will recognize Mr. Krieger.

MR. KRIEGER: I think what we are trying to clarify is, does a "yes" vote mean the ruling is sustained and a "no" vote mean it is rejected, or how do you want to put that particular question. We only have two choices, "yes" or "no"; we don't have "maybe", and I don't think it is clear right now as to what result we are anticipating with which way the vote shall go, either "yes" or "no".

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I think that the request, Mr. President, is for information on whether or not an "aye" or a "no" vote is sustaining you, or sustaining the member, rather, who raised the challenge.

MR. PRESIDENT: Mr. Coleman, those in favor of the appeal will indicate by saying "aye"

MR. COLEMAN: Mr. President, you are telling the members of this Chamber that if they vote "aye", they are voting to sustain Mr. Holmquist's appeal. If they vote "no", they are voting to reject Mr. Holmquist's appeal. Is that correct?

MR. PERPICH: That is correct.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Dosland.

MR. DOSLAND: Might I inquire, Mr. President (inaudible) roll call vote - - (inaudible)

MR. HOLMQUIST: Mr. President.



MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The Secretary pro tem calls the roll.

MR. PRESIDENT: The Secretary pro tem, Mr. Gearty.

MR. HOLMQUIST: Mr. President, before you proceed with the calling of the roll, might the Chair again define the significance of a yes and a no vote?

MR. PRESIDENT: All those who are in favor of the appeal that was raised, in support of the appeal raised by Mr. Holmquist, will vote aye. Those in opposition will vote no.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, as I understand, a large part of the ruling that you made, and the basis for ruling that way, is that Mr. Palmer cannot vote on any question relative thereto. My question, Mr. President, is, can Mr. Palmer, on the basis of your ruling, vote on this particular roll call?

MR. PRESIDENT: It is the ruling of the Chair that Mr. Palmer cannot vote on this roll call.

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

MR. PRESIDENT: The Chair recognizes Mr. Wolfe.

MR. WOLFE: Mr. President, nothing better illustrates the problem that faces the organization of this body than the farce that is going on at the present moment. Who votes? We are not sworn in; we are not members of this body until we do get sworn in. I can't vote on this thing. I'm not a sworn member. It illustrates the farce, the fact that you can rule on something as important as this before this body when the body has no

right to challenge your ruling, because none of us has been sworn in. How can we do this? This body must be sworn in, all members with certificates, so that we can vote and vote legitimately. This vote will have no meaning whatsoever.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, in response to the distinguished Senator from Hennepin, I would say on the contrary. All the precedents allow a challenge to be raised before the swearing in; we are proceeding properly; we now have a ruling from the Chair. The Chair has also ruled in the one Senator's case who was also questioned that he has no contest before him and may vote on this matter. I would say to the members of this body if Senator-elect Wolfe chooses not to vote, that I believe that is his dilemma, and I applaud his following his conscience.

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

MR. PRESIDENT: The Chair recognizes Mr. Wolfe.

MR. WOLFE: I challenge the efficacy of the vote after it has been taken. This body is not constituted at the present moment nor are any of us sworn in. The vote will not be binding on me or any other member of this body or the body as a whole.

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: Mr. President, we have certainly been inserted into a parliamentary thicket by Mr. Coleman's motion. I suspect that was precisely his intention. Now to clarify the situation that confronts us now, the roll is about to be called, and I ask

you, Mr. President, to confirm whether or not my parliamentary inquiry is correctly stated. The roll is about to be called. Those who would vote to overturn the Chair's ruling should vote yes, as I understand you. Those who would sustain the Chair's ruling should vote no. I raise that inquiry because it's the exact reverse of the usual parliamentary way of putting that question. But it doesn't matter as long as we understand it.

However, I would like to proceed to a second question. As I understood it, in response to Mr. Coleman's inquiry the Chair ruled that Mr. Palmer will not be entitled to vote. I think the Chair is in error in that ruling. However, I would respectfully submit, that so we may have an orderly record of these chaotic proceedings, Mr. Palmer's name should be called when District 59 is reached by Mr. Gearty. Mr. Palmer should then state his intentions as to whether he intends to vote and state his vote. If the Chair then chooses to disregard his vote, we will have, of course, a further appeal.

Would the Chair be so kind as to respond to my inquiry?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: The only statutory provision that might help you, we are all ready on a rule and a point of order and must proceed on that vote -- the statute says the districts shall be called in numerical order, and I would request that in view of that very clear statement in the statutes that the Clerk pro tem proceed to call the roll in numerical order.

MR. PRESIDENT: The Clerk will proceed with the roll.

UNIDENTIFIED: Numerical order.

MR. GEARTY: Anderson, E.J. Oh, you want them in numerical order. I'm sorry.

MR. PRESIDENT: Yes.

MR. GEARTY: I have an alphabetical list. I can call Number 1, but I would suggest that you identify yourself. I have the wherewithal now to proceed. District No. 1, Mr. Lew Larson.

MR. LEW LARSON: Aye.

MR. GEARTY: District No. 2.

UNIDENTIFIED: Present.

MR. PRESIDENT: Will Senator Holmquist yield?

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

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President. Thank you, thank you.

MR. PRESIDENT: Continue with the roll.

MR. GEARTY: District No. 2, Mr. Laufenburger.

MR. LAUFENBURGER: No.

MR. GEARTY: District No. 3, Mr. Frederick.

MR. FREDERICK: Aye.

MR. GEARTY: District No. 4, Mr. Krieger.

MR. KRIEGER: Aye.

MR. GEARTY: District No. 5, Mr. Hansen.

MR. BALDY HANSEN: Hansen, Baldy. No.

MR. GEARTY: Excuse me.

MR. BALDY HANSEN: Yes, Baldy. Votes no.

MR. GEARTY: I want to be sure about that. Yes, here it is. District No. 6, George Conzemius.

MR. CONZEMIUS: No.

MR. GEARTY: District No. 7, Mr. Purfeerst.

MR. PURFEERST: No.

MR. GEARTY: District No. 8, Mr. Brown.

MR. BROWN: Aye.

MR. GEARTY: District No. 9, Mr. Overgaard.

MR. OVERGAARD: Aye.

MR. GEARTY: District No. 10, Mr. Ernest Anderson.

MR. ERNEST ANDERSON: Aye.

MR. GEARTY: District No. 11, Mr. Gage.

MR. GAGE: Gage votes aye.

MR. GEARTY: District No. 12, Mr. Glewwe.

MR. GLEWWE: Aye.

MR. GEARTY: District No. 13, Mr. Jude.

MR. JUDE: No.

MR. GEARTY: District No. 14, Mr. Metcalf.

MR. METCALF: Aye.

MR. GEARTY: District No. 15, Mr. Renneke.

MR. RENNEKE: Aye.

MR. GEARTY: District No. 16, Mr. Holmquist.

MR. HOLMQUIST: Aye.

MR. GEARTY: District No. 17, Mr. Jensen.

MR. CARL A. JENSEN: Senator-elect Jensen, C.A., questions the right of this vote but he does vote aye.

MR. GEARTY: District No. 18, Senator Howard Olson.

MR. HOWARD D. OLSON: That's H. D. Olson. No.

MR. GEARTY: District No. 19, Senator John Olson. That's J.L.

MR. JOHN L. OLSON: Yes.

MR. GEARTY: District No. 20, Mr. Josefson.

MR. JOSEFSON: Aye.

MR. GEARTY: District No. 21, Mr. Jerald Anderson. That's

J. C.

MR. JERALD C. ANDERSON: No.

MR. GEARTY: District No. 22, Dr. Vernon Jensen.

MR. VERNON JENSEN: No.

MR. GEARTY: District No. 23, Mr. Alec Olson.

MR. ALEC OLSON: No.

MR. GEARTY: District No. 24, Mr. Benson.

MR. BENSON: No.

MR. GEARTY: District No. 25, Mr. Chmielewski.

MR. CHMIELEWSKI: No.

MR. GEARTY: District No. 26, Mr. Schrom.

MR. SCHROM: No.

MR. GEARTY: District No. 27, Mr. Blatz.

MR. BLATZ: Aye.

MR. GEARTY: District No. 28, Mr. Kirchner.

MR. KIRCHNER: Aye.

MR. GEARTY: District No. 29, Mr. Bergerud.

MR. BERGERUD: Bergerud votes aye.

MR. GEARTY: District No. 30, Mr. Wolfe.

MR. WOLFE: Aye (inaudible).

MR. GEARTY: District No. 31, Mr. Parish.

MR. PARISH: No.

MR. GEARTY: District No. 32, Mr. Nyquist.

MR. MYQUIST: Aye.

MR. GEARTY: District No. 33, Mr. Pillsbury.

MR. PILLSBURY: Aye.

MR. GEARTY: District No. 34, Mr. Mel Hansen.

MR. MEL HANSEN: (inaudible) votes aye.

MR. GEARTY: District No. 35, Mr. Popham.

MR. POPHAM: Aye.

MR. GEARTY: District No. 36, Mr. McCarty.

MR. McCARTY: McCarty votes aye.

MR. GEARTY: District No. 37, Mr. Ogdahl.

MR. OGD AHL: Ogdahl votes aye.

MR. GEARTY: District No. 38, Mr. Tennesen.

MR. TENNESSEN: Nay.

MR. GEARTY: District No. 39, Mr. Gearty.

MR. GEARTY: Gearty votes no.

MR. GEARTY: District No. 40, Mr. Kalina.

MR. KALINA: (inaudible) no.

MR. GEARTY: District No. 41, Mr. Holsten.

MR. HOLSTEN: Aye.

MR. GEARTY: District No. 42, Mr. Davies.

MR. DAVIES: No.

MR. GEARTY: District No. 43, Mr. McCutcheon.

MR. McCUTCHEON: Aye.

MR. GEARTY: District No. 44, Mr. Chenoweth.

MR. CHENOWETH: Nay.

MR. GEARTY: District No. 45, Mr. Novak.

MR. NOVAK: No.

MR. GEARTY: District No. 46, Mr. Coleman.

MR. COLEMAN: No.

MR. GEARTY: District No. 47, Mr. O'Neill.

MR. O'NEILL: Aye.

MR. GEARTY: District No. 48, Mr. John Tracy Anderson.

MR. JOHN TRACY ANDERSON: Aye.

MR. GEARTY: District No. 49, Mr. Ashbach.

MR. ASHBACH: Aye.

MR. GEARTY: District No. 50, Mr. Hughes, Jerry.

MR. JERRY HUGHES: No.

MR. GEARTY: District No. 51, Mr. Keith Hughes.

MR. KEITH HUGHES: Aye.

MR. GEARTY: District No. 52, Mr. Norman Hanson.

MR. NORMAN HANSON: No.

MR. GEARTY: District No. 53, Mr. Borden.

MR. BORDEN: No.

MR. GEARTY: District No. 54, Mr. Wegener.

MR. WEGENER: No.

MR. GEARTY: District No. 55, Mr. Ukkelberg.

MR. UKKELBERG: Aye.

MR. GEARTY: District No. 56, Mr. Dosland.

MR. DOSLAND: Aye.

MR. GEARTY: District No. 57, Mr. Thorup.

MR. THORUP: No.

MR. GEARTY: District No. 58, Mr. Arnold.

MR. ARNOLD: No.

MR. PRESIDENT: Mr. Gearty, the Chair instructs you not to recognize the vote of Mr. Palmer, that his vote not be recorded.

MR. GEARTY: District No. 59, Mr. Palmer.



MR. PALMER: Aye.

MR. GEARTY: District No. 60, Mr. Gustafson, Earl.

MR. GUSTAFSON: No.

MR. GEARTY: District No. 61, Mr. Doty.

MR. DOTY: No.

MR. GEARTY: District No. 62, Mr. A. J. Perpich.

MR. A. J. PERPICH: No.

MR. GEARTY: District No. 63, Mr. George Perpich.

MR. GEORGE PERPICH: No.

MR. GEARTY: District No. 64, Mr. Mammenga.

MR. MAMMENGA: No.

MR. GEARTY: District No. 65, Mr. Willet.

MR. WILLET: No.

MR. GEARTY: District No. 66, Mr. Moe.

MR. MOE: No.

MR. GEARTY: District No. 67, Mr. Sinclair.

MR. SINCLAIR: Aye.

MR. PRESIDENT: The vote is 33 aye, 33 no.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The appeal fails.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I distinctly heard the votes; there were 34 aye votes and 33 no votes.

MR. PRESIDENT: The Chair has in its possession a record of the vote tape just taken; it is 33 aye and 33 no.

MR. HOLMQUIST: Mr. President. Were the votes counted that were cast?

MR. PRESIDENT: All the votes that were legally cast were counted. The Chair had ruled earlier and the appeal was based on this ruling that Mr. Palmer could not take the oath of office. On the question if he could vote, the Chair ruled he was unable to vote.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: We have now reached a very ridiculous stage in our procedure. Here you have a man who was elected to public office with 60% of the vote, and the President of the Senate who under law has no right to participate in the internal affairs of the Senate is arbitrarily ruling that the Senator-elect from the 59th District cannot vote. This is not only constitutionally wrong; this is statutorily wrong; it is highly undemocratic, and I appeal your ruling on the efficacy of the Palmer vote.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Such an appeal is obviously out of order and is frivolous as we were voting on that very subject just a few moments ago. I can understand the disappointment, but we were voting on whether or not Mr. Palmer could be seated, be sworn in, and could vote on any matter relative thereto. Now if "being seated" and "being sworn in" is not relative thereto, then the Chair was wrong, but he certainly cannot vote, and that's clear, on anything that has to do with his election contest. I respectfully submit to the Chair that the ruling has been made, the vote has been taken, the Chair has announced its results, and I believe the next order of business of this body is the

calling of the roll of those who are authorized to be here and the swearing in of those who hold those valid election certificates and whose right to participate in these proceedings has not been declared out of order, not arbitrarily by the Chair, but on a request from me, on a point of order and on his challenge.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: There are 67 Senators present. They have their certificates of election. They all have a right to vote on this appeal from the Chair. There is no question about that. Will you please ask the Secretary pro tem of the Senate to again count the votes cast?

MR. PRESIDENT: The question as to the appeal, there was a ruling from the Chair regarding Mr. Palmer's taking the oath of office regarding his seating. The question during the appeal was if Mr. Palmer had the right to vote. I instructed the Clerk pro tem not to record the vote of Mr. Palmer.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I respectfully suggest that you have no authority to make that ruling. I again ask you to ask the Secretary pro tem to count the aye votes and no votes and record it to this body.

MR. PRESIDENT: The aye votes and the no votes on the appeal were 33 no and 33 aye.

MR. HOLMQUIST: Mr. President. There is a recording of the vote. Do you wish that the tape be played back? I distinctly

heard 34 ayes, there were 33 nos. Would you please ask the Secretary pro tem to announce the vote?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President. I am sure it is not deliberate, but I think that the statements of the distinguished Senator-elect from Meeker are confusing the issue. We had many points of discussion, if I may, Mr. President, on the matter relative thereto. The Chair ruled this was relative thereto. There is no question that voting on a seating is relative thereto. That was an ineligible vote. The chair has acted properly in failing to recognize that vote and I think the Chair should move on to the next order of business, which if I understand the statute is to have the Chief Justice swear in all those members whose eligibility is not under contest and I request that we proceed to that order of business.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I again ask the Chair to instruct the Secretary pro tem to count the aye votes that were given and the no votes and present the conclusion to the Minnesota Senate.

MR. PRESIDENT: The Chair had ruled earlier, the appeal was made to that ruling, the vote was taken, the votes of those eligible to vote were recorded. The ayes were 33, the nays were 33, and the appeal lost.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President. I again ask the President of the Minnesota State Senate to instruct the Secretary pro tem to count the aye votes and the no votes and report the verdict to the Senate.

MR. PRESIDENT: Are there any further comments? The Chair recognizes Mr. Jensen.

MR. C. A. JENSEN: Mr. President. I just have a question to ask of the Chair. Is it your position that you can count only such votes as you wish to count? Can you throw out my vote, too?

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: I would like to ask the distinguished Senator if he did not make note of those points as we were having our earlier discussion. The Chair has ruled on two men whose validity was questioned, the validity of their election contest. Pursuant to your constitutional duty, pursuant to your duty that requires you to uphold the laws of this state and having listened to the discussion relative thereto, you have ruled that Mr. Palmer cannot vote, but that there is no contest before any other member, they have the constitutional right to vote. It is quite clear that in this particular matter you have acted properly and I request the distinguished Senator from Meeker that we proceed with the business of organizing the Legislature.

MR. C. A. JENSEN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Jensen.

MR. C. A. JENSEN: Mr. President. I am not certain how many other contests of election that there are going to be. There may be four or five. As I pointed out previously, anyone can bring a contest of election for any one of us. It is up to us to make

this decision. Now I am advised that there probably will be a contest of election of Mr. Chmielewski's vote. Now if you are going to rule out of order any votes that have been made here by anyone who is likely to be contested then I think you will have to strike off Mr. Chmielewski's vote also.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: (inaudible)

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: Mr. President, do I correctly understand the Chair has ruled that Senator-elect Palmer's aye vote on the appeal will not be counted? Is that correct?

MR. PRESIDENT: It is the decision of the Chair that Mr. Palmer's vote will not be accepted or recorded on the appeal.

MR. GAGE: Mr. President, I appeal the ruling of the Chair with respect to Mr. Palmer's vote and request a roll call.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, it is quite possible (inaudible).

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: Mr. President, the Chair has made an explicit and very vital ruling. The Chair has ruled that the Senator from the 59th District who came here by a plurality of more than 3,000 votes will not be permitted to represent his constituents or to cast a vote in these proceedings. This, to me, is the most high-handed type of Star Chamber tactics. Now, I am making a serious appeal. You, Mr. President, are not a

member of this body. You are a member of the Executive Branch. You, Mr. President, have no right to vote in the affairs of this body. You, Mr. President, by your ruling are reaching into this body and attempting to vote, although constitutionally you are not a member thereof, by striking from the rolls Mr. Palmer's vote. You have made a ruling to that effect. I appeal that ruling and stand on my rights as a Senator-elect of this body to have that appeal heard and determined. I request a roll call.

MR. PRESIDENT: Is there any further discussion on the suggestion of Mr. Gage?

MR. WOLFE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Wolfe.

MR. WOLFE: I would like to only enforce what I said before, to reinforce it rather, and what Senator Gage has said. You, Mr. President, are not a member of this body. You are the presiding officer, and any ruling you make, sir, is subject to review by this body. Now, we are not constituted because we have not been sworn in. You are making rulings that are not subject to review by this body because of the fact that we have not been sworn in. I think you exceed your authority. I think you exceed your power.

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Popham.

MR. POPHAM: Mr. President, I would like to make a (inaudible) as to what the chair intends to follow (inaudible). . . . So I am going to ask you, Mr. President, (inaudible). . .

MR. PRESIDENT: A point of order was asked as it relates to the oath of office and seating of Mr. Palmer. The Chair ruled on that point of order. An appeal was made to the decision of the chair. The appeal lost; tie vote. Therefore, the position of the Chair was sustained that Mr. Palmer not take the oath of office and would not be seated today. The next order of business will be the roll call of the 66 Members-elect. Mr. Popham.

MR. POPHAM: Mr. President, (inaudible). . . .



MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: (inaudible). . .

MR. JENSEN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Jensen.

MR. JENSEN: Mr. President, I think this thing has become confused. Mr. President, I am asking you to make some sort of a ruling and I can see you are not going to listen, I am just trying to catch your ear. The question I'm wondering about is, we took a vote here on a point of order, and that point of order was your ruling that you didn't think that Mr. Palmer could be sworn in, I believe, or something of that nature. Now, you didn't count all the votes that were cast. So Mr. Gage's point of order now is whether you were in order in not counting all of the votes that were cast and I think this is an entirely different point of order and I think on this point of order you will have to count all of the votes that are cast.

MR. PRESIDENT: Is there any further discussion?

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: I assume the next order of business is the roll call on the appeal I made earlier.

MR. PRESIDENT: The Chair is of the opinion that we have voted once on the question of Mr. Palmer's seating, of Mr. Palmer's taking the oath of office, that we cannot vote twice on the same appeal.

MR. HOLMQUIST: Mr. President. Do you mean what you just said?

Mr. President, we have asked you time and time again to count the votes that were cast and to ask the Secretary pro tem to report the verdict. We have a tally. There were 34 aye votes and 33 nay votes, so your ruling was overruled. You have indicated that you don't wish to count this vote. Senator Gage has appealed that ruling. You have no alternative if you refuse to count the vote but to put the vote on this point of order.

MR. SINCLAIR: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Sinclair.

MR. SINCLAIR: I hesitate to get into this argument. I first think it is very unfortunate that the distinguished Lieutenant Governor takes the position (inaudible). My understanding is your first ruling (speaker was requested to use the microphone). My understanding was that the first ruling was on whether he could take the oath of office. That was appealed and apparently was upheld. Now it is a question of whether he can vote as we all do as an informal group here. None of us have been sworn in. It's just a question of voting on procedure and I would think that he hasn't been barred from that and has the right to vote so his vote should be counted.

MR. PRESIDENT: The Chair recognizes Mr. Kalina.

MR. KALINA: I have been sitting patiently listening and it is not as confusing as some might think. I think the President has already ruled, and he has taken a vote once, and it appeared to me that the tactics of the Senator from Meeker are dilatory in nature and delaying in nature and nothing more. It would appear to me that we should proceed with the business of this Senate.

Let's get 66 people sworn as has been done many times in the past in this body--just recently, in 1967, with Eugene Welter; with Louie Murray in the 1951 class, and let's quit playing games. Let's go on with the business. We will set up the structure that's necessary to hear the contest of Dick Palmer and will get state business moving. I think the President is consistent in every ruling he has made. I would think that. . . attempt. . . and he is willing to give another vote, which I don't think is correct and proper, Mr. Palmer couldn't vote on that appeal either. Why should he vote in one instance and not in the other instance? We must be consistent. If there were a motion to seat Mr. Palmer, I don't think there is a person in this body that would say he would have the right to vote on that matter because it is related to his interests. But I think we should go on with the business of the Senate and organize it. Let's get 66 people sworn here and proceed with the other statutory duties that we have.

MR. PRESIDENT: The Chair recognizes Mr. Jensen.

MR. C. A. JENSEN: Mr. President and Senator-elect Kalina. If what you say is correct, why don't you then make a motion to seat Mr. Chimielewski?

MR. PRESIDENT: Does the Senator want to yield?

MR. KALINA: (inaudible)

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: Mr. President, I made an appeal. That order of business has not been handled. Will the Chair please state what he intends to do with my appeal from the Chair's ruling that Mr.

Palmer's vote would not be counted?

MR. PRESIDENT: Mr. Gage, would you restate your appeal and what you are directing your appeal to.

MR. GAGE: Mr. President. I appeal the ruling of the Chair whereby the Chair refused to count the aye vote of Senator-elect Richard Palmer from the 59th District on the roll call taken on the earlier appeal.

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. DAVIES: Mr. President. Senators-elect, we have before us at this particular moment your own domino theory apparently that the further away you get from the issue, can Mr. Palmer or must Mr. Palmer take his seat, that the better his chances to vote are, to vote legally. And my contention would be that so long as the practical impact is whether he is going to take his seat and be sworn or not he cannot vote on any motion. That was the practical impact of the last motion, that would be the practical impact of this motion. I think this motion, in fact, is the same as the last one.

MR. PRESIDENT: Any further discussion?

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: If you are not going to put the vote on the appeal, I again very courteously ask you to properly record the aye votes on the first appeal and instruct the Secretary pro tem to report the verdict.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President. I agree with the distinguished Senators from Hennepin that we have handled this matter. If

there is some reason to believe that the members of the other group would like a roll call on this and there is no objection, I believe by unanimous consent we can then proceed to a roll call on the appeal by Mr. Gage. And, Mr. President, I would suggest that there is unanimous consent for that appeal and that we then proceed to see whether Mr. Gage's appeal is sustained in the same manner we voted the first time. And I think maybe we will be able to resolve something after that. I believe the question is the same. We are not moved away from the issue. I don't think it can be any different, but if somebody would like to try it, I believe then that we can have a roll call vote on this particular thing, hearing no objection from any member in the Chamber, any member-elect in the Chamber.

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: So that there will be no confusion on the roll call on my appeal from your refusal to count Senator Palmer's vote, a yes vote would overturn the ruling of the chair and a no vote would support it. Is that correct?

MR. PRESIDENT: State the last part of that.

MR. GAGE: I want to be clear on how we are voting on the appeal, Mr. President. The way you are stating the question, what will a yes vote do? Will it uphold the ruling of the Chair which I am appealing, or will it overturn the ruling of the Chair?

MR. PRESIDENT: A yes vote would sustain the appeal.

MR. GAGE: Thank you, Mr. President.

MR. PRESIDENT: Is there any further discussion? Mr. Bergerud.

MR. BERGERUD: Does the Chair take the position that he has the power to pass on whether or not the vote is good or not?

MR. PRESIDENT: The Chair is basing its opinion on a previous decision on a point of order.

MR. DAVIES: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. DAVIES: Mr. President and Senators-elect. We have no one else in this Chamber to make the decision--to enforce the provisions of Minnesota Statutes 209.10, Subdivision 2, Clause (d). The President of the Senate is the only person here to enforce that provision and I think he is doing very well at doing that job.

MR. ASHBACH: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Ashbach.

MR. ASHBACH: As a layman sitting here listening to the parliamentary maneuvers and the quotations and all the citations of law and Constitution, I have to come to these conclusions. The Constitution, as Senator Coleman has indicated, provides that each House shall decide its own destiny, or its own membership and the qualifications. It appears to me through parliamentary maneuvering you are in that position. I don't think it's proper. I think it is irregular. And I don't think it's legal in my opinion. I think every person here is entitled to vote. And as the law says, and I will read it again, and I have heard no reason why this shouldn't be considered, is that "all whose certificates are present shall stand and be sworn." Very simple. Very positive. No equivocation. It just seems to me that if

you are going to organize the Senate, the law is, the attorneys, the people, the lawmakers who put this law into effect many years ago, did a very wise thing. They foresaw the problems we have now, this dilly-dallying around. If we proceed according to these statutes, call the roll, and abide by the statutes we will be on our way and be organized and in business.

MR. PRESIDENT: The Chair has made a ruling on that point of order earlier.

MR. MEL HANSEN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Hansen.

MR. MEL HANSEN: Apparently the President does not comprehend the full portent of the point made by Senator Ashbach, and that is that the President of the Senate is not a member of the Senate and as such is not competent to judge the qualifications of the members. The ruling that you have been making, that you have attempted to make, I should say, does in effect put you in the position of judging the qualifications both of Mr. Palmer and ultimately of another member from Milaca county.

MR. PRESIDENT: Is there any further discussion on the motion by Mr. Gage? The question is on appeal from the ruling of the Chair.

MR. HOLMQUIST: Mr. President, will you again state the significance of the vote, aye or no?

MR. PRESIDENT: The question is on the appeal from the ruling of the Chair as it relates to Mr. Palmer's vote on the last and the previous appeal. Those who vote "yes" will be voting in favor of the appeal. Those voting "no" will be sustaining the Chair. The Clerk pro tem will commence the roll call vote.

MR. GEARTY: District Number 1, Mr. Lew Larson.  
MR. LEW LARSON: Aye.  
MR. GEARTY: District No. 2, Mr. Laufenburger.  
MR. LAUFENBURGER: Laufenburger votes no.  
MR. GEARTY: District No. 3, Mr. Frederick.  
MR. FREDERICK: Aye.  
MR. GEARTY: District No. 4, Mr. Krieger.  
MR. KRIEGER: Mr. Krieger votes aye.  
MR. GEARTY: District No. 5, Mr. C. R. Baldy Hansen.  
MR. C. R. BALDY HANSÉN: No.  
MR. GEARTY: District No. 6, Mr. Conzemius.  
MR. CONZEMIUS: No.  
MR. GEARTY: District No. 7, Mr. Purfeerst.  
MR. PURFEERST: No.  
MR. GEARTY: District No. 8, Mr. Brown.  
MR. BROWN: Aye.  
MR. GEARTY: District No. 9, Mr. Overgaard.  
MR. OVERGAARD: Aye.  
MR. GEARTY: District No. 10, Mr. Ernest Anderson.  
MR. ERNEST ANDERSON: Aye.  
MR. GEARTY: District No. 11, Mr. Gage.  
MR. GAGE: Gage votes aye.  
MR. GEARTY: District No. 12, Mr. Glewwe.  
MR. GLEWWE: Aye.  
MR. GEARTY: District No. 13, Mr. Jude.  
MR. JUDE: Mr. Jude votes no.  
MR. GEARTY: District No. 14, Mr. Metcalf.  
MR. METCALF: Aye.



MR. GEARTY: District No. 15, Mr. Renneke.

MR. RENNEKE: Renneke votes aye.

MR. GEARTY: District No. 16, Mr. Holmquist.

MR. HOLMQUIST: Aye.

MR. GEARTY: District No. 17, Mr. Carl A. Jensen.

MR. CARL A. JENSEN: Senator-elect Jensen questions the propriety and more importantly the validity of any proceedings prior to the time that we are sworn in, but I vote aye just for whatever purpose it may have.

MR. GEARTY: Senate District No. 18, Senator Howard D. Olson.

MR. HOWARD D. OLSON: No.

MR. GEARTY: District 19, Senator John Olson.

MR. JOHN OLSON: Aye.

MR. GEARTY: District 20, Mr. Josefson.

MR. JOSEFSON: Aye.

MR. GEARTY: District 21, Mr. Jerald Anderson.

MR. JERALD ANDERSON: No.

MR. GEARTY: District 22, Dr. Vernon Jensen.

MR. VERNON JENSEN: No.

MR. GEARTY: District 23, Mr. Alec Olson.

MR. ALEC OLSON: No.

MR. GEARTY: District 24, Mr. Benson.

MR. BENSON: No.

MR. GEARTY: District 25, Mr. Chmielewski.

MR. CHMIELEWSKI: No.

MR. GEARTY: District 26, Mr. Schrom.

MR. SCHROM. No.

MR. GEARTY: District 27, Mr. Blatz.  
MR. BLATZ: Yes.  
MR. GEARTY: District 28, Mr. Kirchner.  
MR. KIRCHNER: Kirchner votes aye.  
MR. GEARTY: District 29, Mr. Bergerud.  
MR. BERGERUD: Aye.  
MR. GEARTY: District 30, Mr. Wolfe.  
MR. WOLFE: Aye.  
MR. GEARTY: District 31, Mr. Parish.  
MR. PARISH: No.  
MR. GEARTY: District 32, Mr. Nyquist.  
MR. NYQUIST: Aye.  
MR. GEARTY: District 33, Mr. Pillsbury.  
MR. PILLSBURY: Aye.  
MR. GEARTY: District 34, Mr. Mel Hansen.  
MR. MEL HANSEN: Aye.  
MR. GEARTY: District 35, Mr. Popham.  
MR. POPHAM: Aye.  
MR. GEARTY: District 36, Mr. McCarty.  
MR. McCARTY: Aye.  
MR. GEARTY: District 37, Mr. Ogdahl.  
MR. OGDahl: Ogdahl votes aye.  
MR. GEARTY: District 38, Mr. Tennessen.  
MR. TENNESSEN: Nay.  
MR. GEARTY: District 39, Mr. Gearty.  
MR. GEARTY: Mr. Gearty votes no.  
MR. GEARTY: District 40, Mr. Kalina.  
MR. KALINA: No.

MR. GEARTY: District 41, Mr. Holsten.  
MR. HOLSTEN: Aye.  
MR. GEARTY: District 42, Mr. Davies.  
MR. DAVIES: No.  
MR. GEARTY: District 43, Mr. McCutcheon.  
MR. McCUTCHEON: Aye.  
MR. GEARTY: District 44, Mr. Chenoweth.  
MR. CHENOWETH: No.  
MR. GEARTY: District 45, Mr. Novak.  
MR. NOVAK: No.  
MR. GEARTY: District No. 46, Mr. Coleman.  
MR. COLEMAN: No.  
MR. GEARTY: District 47, Mr. O'Neill.  
MR. O'NEILL: Aye.  
MR. GEARTY: District 48, Mr. John Tracy Anderson.  
MR. JOHN TRACY ANDERSON: Aye.  
MR. GEARTY: District 49, Mr. Ashbach.  
MR. ASHBACH: Aye.  
MR. GEARTY: District 50, Mr. Jerome Hughes.  
MR. JEROME HUGHES: No.  
MR. GEARTY: District 51, Mr. Keith Hughes.  
MR. KEITH HUGHES: Yes.  
MR. GEARTY: District 52, Mr. Norman Hanson.  
MR. NORMAN HANSON: No.  
MR. GEARTY: District 53, Mr. Borden.  
MR. BORDEN: No.  
MR. GEARTY: District 54, Mr. Wegener.  
MR. WEGENER: No.

MR. GEARTY: District 55, Mr. Ukkelberg.

MR. UKKELBERG: Aye.

MR. GEARTY: District 56, Mr. Dosland.

MR. DOSLAND: Aye.

MR. GEARTY: District 57, Mr. Thorup.

MR. THORUP: No.

MR. GEARTY: District No. 58, Mr. Arnold.

MR. ARNOLD: No.

MR. PRESIDENT: The Chair instructs the Clerk pro tem not to recognize the vote of Mr. Palmer. Mr. Palmer's vote shall not be recorded.

MR. GEARTY: District 59, Mr. Palmer.

MR. PALMER: Mr. Secretary, so that everyone in this room clearly understands my vote, I, Dick Palmer, representing District 59 residents, vote "yes".

MR. GEARTY: District No. 60, Mr. Gustafson.

MR. GUSTAFSON: No.

MR. GEARTY: District 61, Mr. Doty.

MR. DOTY: No.

MR. GEARTY: District 62, Dr. A. G. Perpich.

DR. A. G. PERPICH: No.

MR. GEARTY: District 63, Dr. George F. Perpich.

DR. GEORGE F. PERPICH: No.

MR. GEARTY: District 64, Mr. Mammenga.

MR. MAMMENG: No.

MR. GEARTY: District 65, Mr. Willett.

MR. WILLETT: No.

MR. GEARTY: District 66, Mr. Moe.

MR. MOE: No.

MR. GEARTY: District 67, Mr. Sinclair.

MR. SINCLAIR: Aye.

MR. GEARTY: That completes the roll.

MR. GAGE: Mr. President.

MR. PRESIDENT: Mr. Gage.

MR. GAGE: Mr. President, will the clerk pro tem, Senator-elect Gearty, yield to a question?

MR. PRESIDENT: Will you please complete the recording of the vote?

MR. GAGE: The question deals, Mr. President, with the recording of the vote.

(Inaudible) - point of order -

MR. GAGE: Mr. President, may I have a response to my inquiry as to whether Mr. Gearty will yield?

MR. PRESIDENT: Mr. Gage, when the roll call is complete, Mr. Gearty will have the right to reply. The vote is 33 to 33 and the appeal fails.

MR. GAGE: Will Mr. Gearty now yield?

MR. GEARTY: I'll yield.

MR. GAGE: Mr. Gearty, in computing the results which you just handed to the Chair did you include the vote of Senator Palmer from the 59th District?

MR. GEARTY: I did not.

MR. GAGE: You did not.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Will you ask the Secretary pro tem to again reaffirm the figures that he submitted to you? We have a tally here that is distinctly 34 to 33 to override the decision of the President.

MR. PRESIDENT: The Chairman has the tally sheet in his hand and he has recounted the vote and it is 33 aye and 33 nay. The

(Mr. President)

appeal -

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I'll ask the question again before I read the particular item I'm going to discuss. Would you please ask the Secretary pro tem, it was audible, the microphone was used, to indicate to the Senate the number of aye votes and the number of no votes on this appeal?

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. DAVIES: Mr. President, I believe that you've announced there were 33 legal votes one way and 33 legal votes the other way. I think that concludes the business. We've already had an appeal. He's just announced that result. Let's get on with the business.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: In recognizing the presiding authority of the Lieutenant Governor it should be noted that he in no sense is a member of the Legislature. He has no authority to enter into the voting procedures. He has no authority to judge the validity of the vote cast by a man who has a certificate of election. This is constitutional, this is basic. I again ask you to instruct the Secretary pro tem to count the number of aye votes and the no votes and report to the Senate.

MR. PRESIDENT: The tally sheet is at the desk. The President has counted the votes cast aye and nay. There were 33 aye votes and 33 nay votes recorded.

MR. HOLMQUIST: This is not significant. I happen to be a math major. I distinctly counted the votes. I distinctly heard 34 aye votes and 33 nay votes. I ask you, Mr. President, did you

(Mr. Holmquist)

hear them?

MR. PRESIDENT: The Chair has in its possession -

MR. HOLMQUIST: Mr. President, did you hear 34 aye votes?

MR. PRESIDENT: The Chair heard numerous ayes and nays, did not count it. I am reading from the official tally sheet. It records 33 ayes and 33 nays. It was suggested to the Chair that we go on to the next order of business which is the calling of the roll of the districts. We have had an appeal; we have had two appeals on the ruling, and according to parliamentary procedure, one question on which the appeal has just been rendered, another appeal cannot be brought up. The Chair recognizes Mr. (inaudible)

(Unidentified voice): Our next order of business is that 66 senators be sworn, is that correct?

MR. PRESIDENT: That is correct.

(Unidentified voice: And who prescribes the oath of office? Is it the Supreme Court Chief Justice?

MR. PRESIDENT: The Chief Justice of the Supreme Court administers the oath of office but we have not had a reading of the roll.

(Unidentified voice): I do not see the Chief Justice here. We do not have any sergeant-at-arms formally. I wonder if we could bring his presence into the Chamber. Maybe a page could notify him that we are ready to proceed with the business of the state so that state government can continue on.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: State government can continue on when the President of the Senate assumes his responsibilities, which is to



(Mr. Holmquist)

announce the correct vote.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I think that what the distinguished member from Meeker County is really saying is that when you violate, or if you would be willing to violate, the constitutional mandate you have received and that he got a 34th vote, that then they would be willing to continue. I maintain, Mr. President, that we have had this motion, we have had an appeal, we have had an appeal from that, parliamentary procedure no longer allows any more appeals from that, it has been decided we move on with the next order of business and we will organize government. Mr. President, you have had no authority under the constitution or the statutes to do anything other than you have done. Now we have had two appeals, by unanimous consent we had the second one, now we must proceed with the calling of the roll of the districts and swear in the 66 members who have valid, uncontested election certificates at the desk. I request, Mr. President, that you direct the clerk pro tem to proceed with the calling of the roll.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Will the Senator from Ramsey, Mr. Coleman, yield to a question?

MR. COLEMAN: Mr. President, I yield.

MR. HOLMQUIST: Mr. President, Mr. Coleman, I ask you, did you hear 34 aye votes and 33 no votes?

MR. COLEMAN: Mr. President, it was clearly, I heard very, very clearly the statement of the presiding officer that under his

(Mr. Coleman)

constitutional duty he could not allow the man claiming to represent the 59th district to vote on anything relative to that contest. That decision was appealed and he properly did not recognize any vote from that district. Mr. President, in response to the question of the distinguished Senator-elect from Meeker County, I sat here and with my mathematical ears and fingers counted 66 valid votes.

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Popham.

MR. POPHAM: Mr. President, we really have here an unprecedented; probably, challenge by one in the Executive Branch to the Legislature. I think we had better recognize this for what it is. The minority of this body and you, Mr. President, are attempting to control the majority of the elected members. Now it is fine for this administration to talk about cooperation with the Legislature, but this certainly must be the proof of the pudding. If this is going to be the course of this long session, when the President is going to take the position that he can dominate this body by declaring the vote as he wills and by putting questions of appeal only when the Senator from Ramsey consents to it, it is quite obvious that this is going to be a very long session. And I just would respectfully point out, Mr. President, as we pointed out to you yesterday, that this proceeding here and how the President conducts it, is going to inevitably determine whether or not this session is going to be one of cooperation or whether it is going to be irrevocably polarized because if the Chair intends to go through this session, today, tomorrow, however long, counting only such votes as he chooses to count, it is obvious what the

(Mr. Popham)

impact here is going to be on this session, and as we said yesterday, I think it is important again to say again here for the record, that this fact has been brought to the attention of the Chair and the Minority before we got here in the hope that possibly this could be avoided. But let there be no mistake made that this attempt has been made by us and the full consequences, the full consequences of what happened here today in terms of delaying the work of this Legislature in coming to grips with the needs of this state, will fall on the shoulders of you, Mr. President, and all who on roll call votes have voted to support your rulings.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: I think we are really at the organizational point now, not at the political part of it. I think we have had the rulings, I think it is quite clear what the outcome of those rulings has been. The distinguished Senator-elect from Hennepin County has said let's get on with the business of the state. I said it twice in the last fifteen minutes, so has this distinguished Senator-elect and that distinguished Senator-elect. The burden is not on you, the burden of proof of anything of this nature is something that you must do no other than you have done. I do think now that we can get on with that. The next order of business is calling the roll call of all those with valid election certificates and the swearing in of those members. Mr. President, may we proceed?

MR. PRESIDENT: Will the Clerk pro tem commence with the roll?

clerk; I would like a tally sheet. I will start with district Number 1, Lew W. Larson.

(Unidentified) I have no certificates at the desk.

MR. WOLFE: (without recognition) Mr. President, Mr. President, point of inquiry. I understood, I believe, the Senator from Ramsey to say we were going to count, include all of those who have a valid election certificate. Is that what you are going to do, Mr. President? Are you going to recognize everybody with a valid election certificate?

MR. PRESIDENT: (Inaudible) ruling of the Chair.

MR. WOLFE: Mr. Chairman, I did not yield. I am asking a point of inquiry.

INAUDIBLE \_\_\_\_\_

MR. PRESIDENT: Mr. Gearty, continue with the roll call.

MR. GEARTY: Apparently I yanked them out of order. So if the Chamber would stand by for a moment,

we will get them in order. The 1st District, Senator Lew Larson, I have his certificate. The 2nd District, Roger A. Laufenburger, Roger Laufenburger's certificate. The 3rd District, Mr. Mel Frederick.

MR. FREDERICK: Mr. President, my certificate is at the desk.

MR. GEARTY: Mr. Mel Frederick's certificate is at the desk. The 4th District, Harold G. Krieger. Mr. Krieger's certificate is at the desk. The 5th District, C. R. Baldy Hansen. The 6th District, George R. Conzemius. Mr. Conzemius' certificate is in. The 7th District, Clarence M. Purfeerst. 8th District, Robert J. Brown. 9th District, Paul C. Overgaard.

MR. OVERGAARD: Mr. President, my certificate was issued to me by the Secretary of State, is at the desk, by act of the voters of my district and by proper issuance of that certificate after action of the court and is not there by the gracious consent of the President of the Senate or the distinguished senator from Ramsey County. It is there without blemish in spite of their frivolity.

MR. GEARTY: District No. 10, Ernest J. Anderson. District No. 11, Mr. Kelton F. Gage.

MR. GAGE: My certificate is at the desk.

MR. GEARTY: District No. 12, Mr. Rollin B. Glewwe.

MR. GLEWWE: Mr. President, my certificate is at the desk.

MR. GEARTY: District No. 13, Victor N. Jude.

MR. JUDE: Mr. President, my certificate is at the desk.

MR. GEARTY: District No. 14, John A. Metcalf. District 15, Earl W. Renneke.

MR. RENNEKE: My certificate is at the desk.

MR. GEARTY: District No. 16, Stanley W. Holmquist.

MR. HOLMQUIST: Mr. President, my certificate is at the desk.

MR. GEARTY: District 17, Carl A. Jensen.

MR. JENSEN: Mr. President, my certificate is at the desk and I do hope that it is safe with you.

MR. GEARTY: District 18, Howard D. Olsen.

MR. OLSEN: Mr. President, my certificate is at the desk.

MR. GEARTY: District 19, John L. Olson.

MR. OLSON: Mr. President, my certificate is at the desk.

MR. GEARTY: District No. 20, J. A. Josefson.

MR. JOSEFSON: Mr. President, my certificate is at the desk.

MR. GEARTY: District 21, Dr. Jerald C. Anderson.

DR. ANDERSON: Mr. President, my certificate is at the desk.

MR. GEARTY: District 22, Dr. Vernon K. Jensen.

DR. JENSEN: My certificate is at the desk.

Mr. Gearty: District 23, Alec G. Olson.

MR. OLSON: Mr. President, my certificate is at the desk.

MR. GEARTY: District No. 25, Florian W. Chmielewski.

MR. CHMIELEWSKI: Mr. President, my certificate is at the desk.

MR. GEARTY: I am sorry we skipped -- District 24, C. J.

Cliff Benson.

(Response inaudible)

MR. GEARTY: I am sorry I miscounted those. District number 26, Ed Schrom.

MR. SCHROM: Mr. President, my certificate is at the desk.

MR. GEARTY: District 27, Jerome V. Blatz. District 28, William G. Kirchner.

MR. KIRCHNER: Mr. President, my certificate is at the desk.

MR. GEARTY: District 29, Alf Bergerud.

MR. BERGERUD: Mr. President, my certificate is at the desk.

MR. GEARTY: District 30, Kenneth W. Wolfe. District 31,  
Richard J. Parish.

MR. PARISH: Mr. President, my certificate is at the desk.

MR. GEARTY: District 32, Dean A. Nyquist.

MR. NYQUIST: My certificate is at the desk.

MR. GEARTY: District 33, George F. Pillsbury.

MR. PILLSBURY: Mr. President, my certificate (inaudible)

MR. GEARTY: District 34, Mel Hansen.

MR. HANSEN: Mr. President, my certificate is at the desk.

MR. GEARTY: District 35, Wayne G. Popham.

MR. POPHAM: Mr. President, my certificate is at the desk.

MR. GEARTY: District 36, Glen A. McCarty. District 37, Harmon  
T. Ogdahl.

MR. OGD AHL: Mr. President, my certificate is at the desk.

MR. GEARTY: District 38, Robert J. Tennessen. District 39,  
Edward J. Gearty. Mr. President, my certificate is at the desk.

MR. GEARTY: District 40, Harold Kalina. District 41, Jack  
C. Davies, no, excuse me, District 41, Roy W. Holsten.

MR. HOLSTEN: My certificate is at the desk.

MR. GEARTY: District 42, Jack T. Davies. District 43, William  
McCutcheon. District 44, John C. Chenoweth.

MR. CHENOWETH: My certificate is at the desk.

MR. GEARTY; District 45, Edward G. Novak. District 46,  
Nicholas D. Coleman.

MR. COLEMAN: Mr. President, my certificate is at the desk.

MR. GEARTY: District 47, Joseph T. O'Neill.

MR. O'NEILL: Mr. President, my certificate is at the desk.

MR. GEARTY: District 48, John Tracy Anderson.

MR. ANDERSON: Mr. President, my certificate (inaudible)

MR. GEARTY: District 49, Robert O. Ashbach. District 50, Jerome M. Hughes.

MR. HUGHES: My certificate is at the desk.

MR. GEARTY: District 51, Keith F. Hughes. District 52, Norman W. Hanson. District 53, Winston Borden. District 54, Merton O. Wegner. District 55, Cliff Ukkelberg. District 56, W. B. Dosland.

MR. DOSLAND: Mr. President, my certificate is at the desk.

MR. GEARTY: District 57, Stanley N. Thorup.

MR. THORUP: Mr. President, my certificate is at the desk.

MR. GEARTY: District 58, Norbert Arnold. District 60 --

MR. PALMER: Mr. President, I ask to be heard.

MR. PRESIDENT: Continue with the roll.

MR. GEARTY: District 60 --

MR. PALMER: Point of personal privilege.

MR. GEARTY: Earl B. Gustafson.

MR. PALMER: Mr. President, Mr. President, my name is Dick Palmer. I have a valid certificate. It is there so that I can represent the people of the 59th District. It is recorded and at the desk. I want it so recorded at this time.

MR. PRESIDENT: It was at the decision of the Chair that your certificate will be placed with the file in the election contest with the files, records and proceedings of the pending election contest, and your certificate is in that file.

MR. DOSLAND: The certificate is at that desk.

MR. PRESIDENT: The certificate is in the ---

MR. DOSLAND: The certificate of Mr. Palmer is at the desk, is



that correct?

MR. PRESIDENT: Is at the desk as is his contest file.

MR. GEARTY: District 61, Ralph R. Doty.

MR. DOTY: Mr. President, my certificate is at the desk.

MR. GEARTY: District 62, Dr. A. J. Perpich.

DR. PERPICH: Mr. President, my certificate is at the desk.

MR. GEARTY: District 63, Dr. George F. Perpich.

DR. PERPICH: Mr. President, my certificate is at the desk.

MR. GEARTY: District 64, Gene Mammenga. District 65, Gerald Willet.

MR. WILLET: Mr. President, my certificate is at the desk.

MR. GEARTY: District 66, Roger D. Moe.

MR. MOE: Mr. President, my certificate is at the desk.

MR. GEARTY: District 67, Donald Sinclair.

MR. SINCLAIR: Mr. President, my certificate is at the desk.

MR. GEARTY: That completes the roll.

MR. PRESIDENT: The Chief Justice of the Supreme Court of Minnesota ---

MR. HOLMQUIST: Mr. President, could I ask a question?

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: How many certificates are at the desk?

MR. PRESIDENT: There are sixty-seven in my possession --

MR. HOLMQUIST: Thank you.

MR. PRESIDENT: The Chief Justice of the Supreme Court of the State of Minnesota, the Honorable Oscar Knutson, will now administer the oath of office to the Senators-elect. The oath will not be administered to Mr. Palmer for the chair has ruled, as sustained by this body, that he cannot participate in the taking of the oath.

CHIEF JUSTICE KNUTSON: Mr. Chairman, I am here as your guest to administer the oath to anyone who has a valid certificate of election here at the desk. If you do not wish to have me do so, you can have someone else administer the oath. (Applause) All of those who have ---

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President, (inaudible) There should be better order in the Chamber. Mr. Justice, I maintain (inaudible) \_\_\_\_\_ that anyone who can present and hold a valid election certificate (inaudible)

CHIEF JUSTICE KNUTSON: I am very willing to abide by that ruling. You may get someone else to administer the oath. (Applause)

MR. PRESIDENT: We will have order.

MR. COLEMAN: (Inaudible).

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Popham.

MR. POPHAM: Mr. President, again, I guess I would like to suggest that the presiding officer reconsider here whether we really want to prolong this convening of the Minnesota Senate and go to lengths that the Chief Justice is not going to administer the oath of office to the Senators-elect. I think, Mr. President, that there are things more important here. There is the integrity of this system of which we are all a part, and to me it is unthinkable that the presiding officer, the Lieutenant Governor of this state, would accept the fact that the Chief Justice would leave this Chamber without administering the oath as I believe it has been done since time immemorial. I really wonder, Mr. President, if the President wishes to be in a position where he is going to have carried this organization this far and whether this is really something that we

that we will all look back on with pride as a part of the organization of this legislative session. Again, Mr. President, I would like to respectfully remind you that there seemingly are no literal lengths to which you may not go, but the implications of this on this session have undoubtedly been thought about by you and others, but I would again suggest that I think we should maybe just think about it once more and maybe we should ask the Chief Justice to come back and to administer the oath. I really don't think that it accomplishes anything in whatever the objective here is, to have the Chief Justice leave. If there is another justice that is going to administer the oath, I don't see the result as changed. Mr. Palmer is going to take the oath as is his right and it will be the responsibility of the Chair to disregard his vote, if that is the Chair's desire, but that is what it will be and I would really suggest it isn't going to be changed by who stands at the podium and asks us to take the oath under the Constitution. So I just suggest that we would all be better off if we asked the Chief Justice to come back.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President, I would be very willing to have the Chief Justice come back and administer the oath to all of us in this body who have uncontested election certificates. I raised the point, he left. If he wishes to change his attitude on that particular matter, I would be very happy to have him come back and administer oaths to sixty-six of us validly here. It seems to me that when the distinguished Senator from Hennepin was just addressing the Chair about the onus that is going to fall on you, he

forgot something. We have been discussing for some time what your constitutional role is. You are clearly ex-officio the presiding officer of this body. The Constitution clearly states no other branch of government can intervene in the affairs of another branch of government unless the Constitution gives them the explicit right to do so. The Chief Justice of the Supreme Court or anybody else in the Judiciary or anybody else in the Governor's office cannot come in here and tell us how to run our business. Article IV, Section 3 or 4, we are the judge of our own elections contest. No one else can get in there. I think we ought to think about that too and get on with the organization. We are going to hear a lot about organization, about duty, about paralysis, and about everything else. Let's get it called. Let's get moving. I am perfectly willing to stay here as long as we have to to get the committees organized and get ready for action and to get bills heard and to meet the needs of the people of this state. We are not going to have that done by somebody from another branch of government coming in here and trying to tell us how he is going to administer oaths. I say that if he wants to come back and administer valid oaths, let's invite him back and let's invite him back without rancor. If he wants to do it on any other basis, he does not belong in this Chamber interfering in the constitutional prerogatives of the Minnesota State Senate. (Applause)

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMWUIST: Mr. President, might I read for you again in response to my question in which I asked how many certificates of election were at the desk, you replied 67. All whose certificates

(Mr. Holmquist)

are so presented shall then stand and be sworn.

MR. DAVIES: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. PRESIDENT: Will the Senator-elect from Meeker yield to a question?

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

MR. DAVIES: Was your comment preliminary to another appeal from the decision of the Chair?

MR. HOLMQUIST: I beg your pardon?

MR. DAVIES: Are you laying the groundwork for another appeal from the decision of the Chair? We have already decided that, Senator.

MR. HOLMQUIST: Mr. President. Mr. Davies. I am simply saying that Senator Palmer has a certificate of election. He shall stand and take the oath of office.

MR. DAVIES: This is clearly out of order. If you will let me speak for a moment I will point out that you don't stop reading the law when you get to the point that you like. Likewise, when you are reading an attorney general's opinion you don't start at the point you want to start at. You go to the beginning of the sentence, the beginning of the paragraph. You also go on reading the statutes to the end of the book. There are four volumes. It doesn't end with Chapter 3. Everybody on the other side of the aisle ends their reading of the statute at Chapter 3, forgetting entirely about Chapter 209.

MR. McCARTY: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. McCarty.

MR. McCARTY: Mr. President, I am greatly saddened by the

event that just took place here. Certainly you, and some other members of this body, owe an apology to the Chief Justice.

MR. KALINA: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Kalina.

MR. KALINA: It appears everybody is getting a little hot under the collar and I don't know why. I would suggest that possibly we take a recess because it's my understanding of the law that we are not required or compelled to be given the oath by the Chief Justice of the Supreme Court. Any notary public, as I understand it, who can take an acknowledgement can take the oath of office, so I am sure that we can possibly get a member of the State House of Representatives, if necessary, to prescribe the oath of office to us, but rather than to pick someone up off the floor here maybe we should consider taking a short recess to collect our thoughts a little bit and then find someone and prescribe the oath as the presiding officer has indicated.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I think the suggestion of the Senator is entirely out of order. We are convened today for the purpose of organizing the Senate. We have 67 valid certificates of election. I recommend that we follow the law and proceed to administer the oath to the 67 members.

MR. PRESIDENT: Has a recess been suggested?

MR. C. A. JENSEN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. C. A. Jensen.

MR. C. A. JENSEN: I would suggest that if you are going to call a recess I would like to ask for my certificate of election

(Mr. C. A. Jensen)

back so that I can keep it in my hands, and I am sure that Mr. Palmer would like to have his certificate of election back so that he can keep it in his hands. So if you are going to call a recess, then I want my certificate of election back here.

MR. COLEMAN: Mr. President. A point of order.

MR. PRESIDENT: A point of order is called for. (Gavel)

(Unidentified voice): Mr. Palmer's certificate is (inaudible)

MR. COLEMAN: Mr. President. A point of order.

MR. PRESIDENT: On the proceedings that were mailed from the District Court hearings in Duluth.

MR. COLEMAN: Mr. President, the Senator-elect is clearly out of order. There is no impinging of anybody's reputation in this body permitted at any time under the rules, and to introduce personalities, and to start that at this time is out of order.

(Applause)

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: First of all, Mr. President, I would ask you, having served in the Senate for eight years, as the presiding officer, to indicate that no applause is permitted in the Senate Chamber. Would you do that please?

MR. PRESIDENT: It has been the custom of the Senate not to have any applause during the proceedings.

MR. HOLMQUIST: Mr. President. It seems just entirely ridiculous that a recess should even be considered. We have been elected to do a job, and that is to do the state's business. Every single member present here today has a certificate of election. We have quoted the law just as firmly and just as convincingly.

(Mr. Holmquist)

We have had just as many opinions indicating that related thereto is directly related to the contest and it has nothing to do with the proceedings in this Chamber. It's as clearly stated, and we have more opinions than we can give, but that's gone now. I simply say, Mr. President, will you, as presiding officer of the Senate, have the oath of office administered to 67 Senators who have valid certificates of election?

MR. PRESIDENT: The Chair recognizes Mr. C. A. Jensen.

MR. C. A. JENSEN: Mr. President, I am not sure that Senator Coleman understood. I didn't mean to impugn you in any way, and if I did, I apologize. The reason I stated what I did was that I was afraid that if we took a recess that some of these certificates might just in the ordinary course of your distribution of matters end up in some other room than this one, and I think that all of these certificates of election should remain in this room.

MR. PRESIDENT: The Chair recognizes Mr. Kalina.

MR. KALINA: I wonder if Senator-elect Dosland would yield to a question?

MR. PRESIDENT: Mr. Dosland yields.

MR. KALINA: Mr. Dosland, I am looking at the Minnesota Constitution. I wonder if you have the volume in front of you. I am looking at Article V, Section 8, which calls for the oath of office to be taken by state officers. Would you agree with me that any person who is entitled to administer or take an acknowledgment is also duly authorized to give the oath of office, and that that oath of office is as it is written in Section 8, Article V?

MR. DOSLAND: Mr. President. I unfortunately do not have (inaudible) by the junior Senator from Hennepin. However, (inaudible).



MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I recognize the fact that a notary public is present. However, Mr. President, would you respond to the inquiry that is made by the Senator from Hennepin, Mr. Popham, about inviting the Chief Justice of the Supreme Court back.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: (Inaudible).....was competent to receive an acknowledgement. We do not have to have the Chief Justice back, he has left the Chamber, and I think that we ought to get sworn in and get going. There has been pointed out a remedy for our sitting here and not being sworn in, and I think it's a responsibility to see that that remedy is used.

MR. PILLSBURY: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Pillsbury.

MR. PILLSBURY: I am a new Senator here, a new Senator-elect, and I thought that I would listen to the debate here, but I think it's gone far enough. I was elected, and one of the main reasons I was elected, I promised to give the constituency, the people of the 33rd District, a more responsive government. We have here 67 people who were duly elected by the constituency of the State of Minnesota. I think, therefore, we should proceed to swear in, to give the oath of office to 67 Senators. Secondly, this is my first effort here at politics. I believe in tradition. We have a great tradition. The Chief Justice gives the oath of office to those Senators elected by their constituency. I think it would be rude; it would be an insult to the people of the United States and to the State of Minnesota if we were to break with tradition, and it

(Mr. Pillsbury)

would certainly be indicative that there are people here to are not willing to be responsive to the electorate of the State of Minnesota.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. Patrick O'Neill is a notary public. If it pleases His Highness you may invite him to the rostrum.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: That's clearly out of order (inaudible). (Applause)

MR. HOLMQUIST: Mr. President, I stand corrected. I apologize to the Senator. I stand corrected. Mr. President, will you invite Mr. Patrick O'Neill to give the oath of office?

MR. PRESIDENT: Mr. Patrick O'Neill, please come to the rostrum and administer the oath of office.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, before the oath is administered to the members who are without contest here, would you please review what you have done with the election certificate of the man from the 59th District, Mr. Palmer, who claims to represent that district, so we have that clearly in mind.

MR. PRESIDENT: Concerning my ruling and decision, I instruct the clerk pro tem to include Mr. Palmer's certificate with the rest of the files, records and proceedings in the pending election contest.

MR. PALMER: Mr. President.

MR. PRESIDENT: Mr. Patrick O'Neill will now --

MR. PALMER: Mr. President. Mr. President. I want it crystal

clear here that --

MR. PRESIDENT: Mr. Palmer.

MR. PALMER: As a representative of the 59th District I intend to stand and take that oath of office.

MR. PRESIDENT: The Chair recognizes Mr. Kalina.

MR. KALINA: Is it my understanding that the President has instructed Mr. O'Neill, who is going to give us the oath of office, that it is given specifically to 66 persons and not to the man from the 59th District, Dick Palmer? Is that correct?

MR. PRESIDENT: My instructions are the same as they were previously: that the oath will not be administered to Mr. Palmer for the Chair has ruled, and it was sustained by this body, that he cannot participate in the taking of the oaths of office. Mr. O'Neill, would you please proceed with the ---

(Unidentified): Mr. President.

MR. PRESIDENT: The Chair recognizes (Inaudible)

(Unidentified): Does Mr. O'Neill understand exactly what ---

MR. O'NEILL: Mr. O'Neill declines to give the oath of office --only would give it to those persons that would have certificates of election and that would be 67 in my viewpoint, so I decline.

MR. PRESIDENT: The Chair would invite Mr. Jack Fena to the rostrum to administer the oath of office.

MR. MEL HANSEN: Mr. President, Mr. President, Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Hansen.

MR. MEL HANSEN: I would call to the attention of this assembled body, ad hoc as it may be, that the President of this assembly has in response to a question raised by the leader of the Majority group indicated that there are 67 valid election certifi-

(Mr. Mel Hansen)

cates at the desk, and, Mr. President, I feel that any deviation from swearing in of those people who are holders of those 67 valid election certificates will be a subversion of the intent of the electorate, the intent of the law, and of the Constitution.

MR. DAVIES: Mr. President.

MR. PRESIDENT: Mr. Davies.

MR. DAVIES: Mr. President, the record should be kept clear. It was misrepresented unintentionally, I am sure, by Mr. Hansen. The Chair never said there were 67 valid certificates. That was never stated.

MR. PRESIDENT: 66 certificates in my possession. One certificate is with the files received from the District Court in Duluth.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: The oath of office when it is administered, if you intend to instruct the notary public that you have selected not to administer the oath to all, the oath will be administered to him by a notary public. Rather than have that happen, I would advise you to instruct the man whom you selected to give the oath of office to 67 Senators.

MR. DAVIES: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. DAVIES: Mr. President, for you to do as Mr. Holmquist suggests, would be out of order and beyond your power, I believe, at this stage of the game, because the Senate, the Senators-elect, have made a decision. The Chair made a ruling. That ruling was upheld. If there had been thirty-four votes to overrule the decision of the Chair, the decision would be otherwise. The fact

(Mr. Davies)

of the matter is that there are not 34 votes in this Chamber that dissent from your point of view.

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Gage.

MR. GAGE: I must respectfully respond to Senator Davies that what he says is untrue. There were 34 votes in this Chamber to overturn the ruling of the Chair. The Chair has arbitrarily, and totally without authority, chosen to disregard the vote of Mr. Palmer, and the citizens of the state of Minnesota should understand that clearly.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I am not sure that has to be responded to because perhaps it is out of order. We have gone through that twice. We started discussing the matter of the election certificate and the validity and the statutes and the precedent and the Constitution and everything almost three hours ago, so I presume that perhaps some of us have forgotten part of that discussion. The ruling on my request for your ruling on a point of order was that there is not a valid election certificate here. You in your turn cited many, many reasons why there could not be. So I don't care what anybody does, there are only 66 valid election certificates at that desk, and only 66 members can be sworn in.

MR. C. A. JENSEN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Jensen.

MR. C. A. JENSEN: Mr. President, I have spoken too often already, but I would just like to say that I intend to stand and be sworn into my office at the same time that Mr. Palmer is sworn into

(Mr. C. A. Jensen)

his office. His election certificate is there and my election certificate is there. I am not particular who swears me in, whether it is Mr. O'Neill or someone else. We can take it from anyone who is authorized to take an oath, but I intend to stand and be sworn in at the same time that Mr. Palmer is sworn in.

MR. PRESIDENT: As soon as Mr. Fena is ready we will have the oath administered.

MR. FENA: Mr. President. I am a notary public and a member of the House of Representatives. I am here to administer the oath to the Senators who have election certificates that have been recognized by the Chair.

MR. OVERGAARD: Mr. President, Mr. President, Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Overgaard.

MR. OVERGAARD: Mr. President and Senators-elect, the State of Minnesota faces some very serious problems. We have been told that from many directions. A few moments ago I was held hostage by the legal tomfoolery of a couple of St. Paul lawyer Senators-elect who have talked about frivolity and made many different charges but who sought to wrap me in the charges made against Mr. Palmer, or include me, and I think of it as a case of taking an innocent hostage so they could throw somebody out to show that they weren't all bad. They know and I know that many people attempted to make it different; that attempts were made by persons unknown, some known, to include me, or to deny me an election certificate; that in part that denial failed because my opponent would not be a party to the legal gymnastics and the tomfoolery that was going on. It seems that the people of my district and all of the other districts are entitled to have us proceed with the

business before us, and as a former House member coming into this body I thought things proceeded in a most orderly manner. I wonder now if some of the things I heard before I came here were entirely correct. Let me say that it seems to me as a nonlawyer that any procedure which denies Mr. Palmer his seat when he has presented an election certificate that looks exactly like mine is a denial of the rights of voters in this state and that if that attitude were to prevail, the whim of the chair in their power play that seems to be underway could deny that opportunity to anyone. That to a nonlawyer is not justice, however it might be couched in legal terms.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I wish to announce that Senator-elect Palmer has taken the oath of office.

MR. PRESIDENT: The chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I am thinking of sending my twelve-year-old son to the next swearing-in ceremonies someplace and have him raise his hand and then he can claim to be a member, too. The fact of the matter is that Mr. Palmer's swearing-in under those improper means when he is clearly under a contest, when his election certificate has been directed to be set aside, when he is not entitled to be sworn in, any way you look at it is really not, Mr. President, worth the time it took to have someone meet him in the middle of the aisle and hastily attempt to subvert the Constitution, the statutes and the will of this body.

MR. CONZEMIUS: Mr. President.

MR. PRESIDENT: The chair recognizes Mr. Conzemius.

MR. CONZEMIUS: Mr. President, Senators-elect Also being a non-lawyer I have here a copy of the 1951 Journal of the Senate, and I would just like to read quotes from it. "On January 2nd, 1951, all newly elected senators took the oath of office except Louis A. Murray, 66th District." Now there is a Senator in this body that is here today that was at that time present. I see absolutely no difference in the case today than it was in 1951. There is a numerical difference in the number of caucus members in the Senate and that's the only difference. This is clear. It's in 1951. I don't think the case is any different today than it was then.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The chair made a decision on the (inaudible).

MR. HOLMQUIST: Mr. President, I must respond. In 1947 the contested Senator took the oath of office just as Senator Palmer has done; in 1943 he took the oath of office just as Senator Palmer has done; in 1931, Senator-elect Conzemius, the vote was 34 to 33, he took the oath of office just as Senator Palmer has done.

MR. CONZEMIUS: Mr. President, would the distinguished Senator from Meeker yield?

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

MR. CONZEMIUS: What happened in 1967 in Senator-elect Welter and in 1951?

MR. HOLMQUIST: In 1951, I understand that Senator-elect Murray decided that he would wait and take his oath of office later. If he insisted on taking it he could have stood and been sworn in under the statutes. I understand, as has been pointed out in this conversation this afternoon, that Senator Welter, rather than have a ruckus of confusion, made the same decision. They made those



(Mr. Holmquist)

decisions. Senator Palmer has insisted on his right under law to take the oath of office as did these others that I have mentioned. The oath has been administered.

MR. CONZEMIUS: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Conzemius.

MR. CONZEMIUS: Mr. Murray, Senator Murray, also requested that he take the oath of office and he was denied at that time. I think also when you look at the case in 1967, Mr. Welter did not take the oath of office; in 1951 they did not take the oath of office. This is the point.

MR. PRESIDENT: We have disposed of this matter on a previous decision. The Chair recognizes Mr. Brown.

MR. BROWN: Mr. President, since Senator Conzemius raises the point relative to Senator Welter, I would like to point out that I talked to him this morning about the subject and he confirmed what the Majority Leader has said, that Senator Welter voluntarily stepped aside to prevent this kind of goings-on and upset the traditions of the Senate; that Senator Welter stood on the floor of the Senate and stated at that time that he was voluntarily stepping aside; that he could have taken the oath had he wanted to. And like my good friend, who I vote with so much, Senator Conzemius, I am not a lawyer, but I understand that both of us may be having to listen to lawyers depending on how things go here, it seems to me that the precedent in the House is similar to the precedent in the Senate in terms of the constitutionality and legality of the problem. So our most recent precedent is the two cases in 1969. And House members who are here visiting and House members who have deemed it more appropriate to join this body, such as our Clerk

(Mr. Brown)

pro tem and others, I am sure could agree to what happened in the House Chamber in 1969, that Representative Bishop and Representative Brandt did take the oath and voted in all proceedings pending the outcome of their contests.

MR. PRESIDENT: Representative Fena, certified public accountant, will now administer the oath of office -- certified notary public.

MR. KALINA: (Inaudible) House of Representatives (inaudible). Is that correct?

MR. PRESIDENT: I am sorry, Mr. Kalina, I didn't hear the question.

MR. KALINA: Is it my understanding that Mr. Fena, a member of the Minnesota State House of Representatives, will administer the oath of office?

MR. PRESIDENT: That is correct. Mr. Fena will administer the oath of office to the Senators-elect. The oath will not be administered to Mr. Palmer for the Chair has ruled, as sustained by this body, that he cannot participate in the taking of the oath of office and take his seat.

MR. FENA: Will the Senators-elect stand, raise their right hands. Do you each solemnly swear to support the Constitution of the United States of America, the Constitution of the State of Minnesota, and to faithfully and impartially discharge the duties devolving upon you as a member of the Minnesota State Senate, so help you God?

Response: I do.

MR. PRESIDENT: Thank you very much, Representative Fena.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: The next order of business is the election of officers?

MR. PRESIDENT: That is correct.

MR. HOLMQUIST: Thank you.

MR. PRESIDENT: We will now have nominations for the election of the Secretary of the Senate. Any nominations? Mr. Sinclair.

MR. SINCLAIR: Mr. President, it is my privilege to place in nomination the name of Mr. George Goodwin of Grand Rapids for the office of Secretary of the Minnesota State Senate.

MR. PRESIDENT: The name of Mr. Goodwin has been proposed. The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I rise to nominate Mr. Patrick Flahaven for Secretary of the Minnesota State Senate.

MR. PRESIDENT: Mr. Coleman has proposed the name of Patrick E. Flahaven for Secretary of the Senate. Are there any further nominations? If not, the clerk pro tem will proceed with the roll call vote.

MR. HOLMQUIST: Mr. President, did you rule that the nominations were closed?

MR. PRESIDENT: The nominations are closed. The clerk pro tem will proceed with the calling of the roll.

MR. HOLMQUIST: Thank you.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, so the Senate may be properly informed, the secretary pro tem will call the roll alphabetically.

MR. GEARTY: I might inquire, when I call the name say Goodwin

(Mr. Gearty)

or Flahaven, is that the procedure?

MR. PRESIDENT: Each Senator will state his preference: Mr.

Goodwin or Mr. Flahaven.

MR. GEARTY: Anderson, E.J.	Goodwin
MR. GEARTY: Anderson J.C.	Flahaven
MR. GEARTY: Anderson, J.T.	Goodwin
MR. GEARTY: Arnold	Flahaven
MR. GEARTY: Ashbach	Goodwin
MR. GEARTY: Benson	Flahaven
MR. GEARTY: Bergerud	Goodwin
MR. GEARTY: Blatz	Goodwin
MR. GEARTY: Borden	Flahaven
MR. GEARTY: Brown	Goodwin
MR. GEARTY: Chenoweth	Flahaven
MR. GEARTY: Chimelewski	Flahaven
MR. GEARTY: Coleman	Flahaven
MR. GEARTY: Conzemius	Flahaven
MR. GEARTY: Davies	Flahaven
MR. GEARTY: Dosland	Goodwin
MR. GEARTY: Doty	Flahaven
MR. GEARTY: Frederick	Goodwin
MR. GEARTY: Gage	Goodwin
MR. GEARTY: Gearty	Flahaven
MR. GEARTY: Glewwe	Goodwin
MR. GEARTY: Gustafson	Flahaven
MR. GEARTY: Baldy Hansen	Flahaven
MR. GEARTY: Mel Hansen	Goodwin
MR. GEARTY: N. W. Hanson	Flahaven
MR. GEARTY: Holmquist	Goodwin
MR. GEARTY: Holsten	Goodwin
MR. GEARTY: J. M. Hughes	Flahaven
MR. GEARTY: Keith Hughes	Goodwin
MR. GEARTY: C. A. Jensen	Goodwin
MR. GEARTY: Jensen, V.K.	Flahaven
MR. GEARTY: Josefson	Goodwin
MR. GEARTY: Jude	Flahaven
MR. GEARTY: Kalina	Flahaven
MR. GEARTY: Kirchner	Goodwin
MR. GEARTY: Krieger	Goodwin
MR. GEARTY: Larson	Goodwin
MR. GEARTY: Laufenburger	Flahaven
MR. GEARTY: Mammenga	Flahaven
MR. GEARTY: McCarty	Goodwin
MR. GEARTY: McCutcheon	Goodwin
MR. GEARTY: Metcalf	Goodwin
MR. GEARTY: Moe	Flahaven
MR. GEARTY: Novak	Flahaven
MR. GEARTY: Nyquist	Goodwin
MR. GEARTY: Ogdahl	Goodwin
MR. GEARTY: Olson, A.C.	Flahaven
MR. GEARTY: Olson, H.D.	Flahaven
MR. GEARTY: Olson, J.L.	Goodwin

(Mr. Gearty)

MR. GEARTY: O'Neill  
MR. GEARTY: Overgaard  
MR. GEARTY: Parish

Goodwin  
Goodwin  
Flahaven

MR. PALMER: Mr. President, point of privilege. For some reason my name was skipped here and I am voting for George Goodwin for the 59th District.

MR. PRESIDENT: Continue with the roll call.

MR. GEARTY: Perpich, A.J.	Flahaven
MR. GEARTY: Perpich, George	Flahaven
MR. GEARTY: Pillsbury	Goodwin
MR. GEARTY: Popham	Goodwin
MR. GEARTY: Purfeerst	Flahaven
MR. GEARTY: Renneke	Goodwin
MR. GEARTY: Shrom	Flahaven
MR. GEARTY: Sinclair	Goodwin
MR. GEARTY: Tennesen	Flahaven
MR. GEARTY: Thorup	Flahaven
MR. GEARTY: Ukkelberg	Goodwin
MR. GEARTY: Wegner	Flahaven
MR. GEARTY: Willet	Flahaven
MR. GEARTY: Wolfe	Goodwin

The roll is completed.

(Inaudible discussion re Hanson's, N.W. vote)

MR. GEARTY: I thought it was Flahaven. I assumed he voted.

MR. PRESIDENT: Mr. Hanson, would you state your preference again.

MR. HANSON: Mr. Flahaven.

MR. PRESIDENT: The recorded vote is 33 for Mr. Flahaven, 33 for Mr. Goodwin, and it is the opinion of the chair that the election of the Secretary of the Senate is a matter concerning the organization of the Senate and not a legislative matter. It is my conclusion that to break a tie, the President votes in favor of Flahaven. Mr. Flahaven has 34 votes and the Chair declares Mr. Flahaven elected Secretary of the Senate.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President, there were 67 Senators administered the oath of office. Again, Senator Palmer voted for George Goodwin; therefore, he is duly elected Secretary of the Senate. We have the notary public to swear him in.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I am sure you know and understand that you cannot participate in casting a vote on any decisions in the Minnesota State Senate. I am sure you understand what you have said is purely arbitrary, has no substance, has no basis for you to render or attempt to render that kind of a decision. Might I ask you again, in the interest of getting organized, that you recognize the oaths of office that have been given, the votes that have been submitted and that Mr. Goodwin at this time be sworn in as Secretary of the Senate.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, the distinguished Senator from Meeker has raised some questions about the propriety of your voting. I think that you stated the matter quite correctly but perhaps a little succinctly and so that the distinguished Senator from Meeker County and that the other members of this body know that this is indeed a right of the Lieutenant Governor, is indeed -- it is not just a right, it is an obligation on his part to see that we are able to organize, to do the many things we were talking about earlier in the day. If we are going to proceed with the election of the Secretary of the Senate and assistant secretaries and

(Mr. Coleman)

sergeant-at-arms and appoint committees, we must have in some officer the power to break ties and get on with the business. So let us examine briefly, Mr. President, and members of the body, whether or not the Lieutenant Governor has, in fact, correctly exercised his authority.

The Minnesota Constitution, members of the Senate, says that the lieutenant governor shall be ex officio president of the Senate, Article V, Section VI. Black's Law dictionary defines ex officio "as from office, by virtue of that office without any other warrant or appointment than that resulting from the holding of a particular office. Powers may be exercised by an officer which are not specifically conferred upon him but are necessarily implied in his office. These are ex officio powers."

Minnesota Statutes, proceeding to another point and backing the vote of the Chair, the President of this body, Minnesota Statutes generally qualify the word "ex officio" when they do not want an ex officio member to vote. For example, the Speaker of the House is an ex officio honorary non-voting member of the Commission on Interstate Cooperation. We took the pains to make that quite clear. The Minnesota Supreme Court has accepted "ex officio" as meaning a voting member when the phrase was used in a statute. The Hennepin County was ex officio a member of the board of tax levy and could vote on that board in a decision rendered - State and The County of Hennepin vs. Brandt, 225 Minn. 3345, 31 N.W. 2d 5. The Minnesota Supreme Court further, members of the body, and Mr. President, has allowed a combination of executive and legislative duties. In the Brandt case the comptroller's job was executive and as membership of the board of tax levy was legislative. The

(Mr. Coleman)

court held that that was proper.

Article III of the Minnesota State Constitution provides for the separation of powers, except in the instances expressly provided in this Constitution; providing the lieutenant governor with legislative duties is such an exception. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of that court -- Article IX, Section IV. This applies that the lieutenant governor would otherwise be a member of the court, possessing certain powers.

The Minnesota Constitutional convention debates do not show any desire to deviate from the usual practice of having what is called "the casting vote". For example, the Democratic Convention didn't even discuss it and the Republican Convention did debate and discuss it.

Mr. President, and members of the body, is there any other precedent from other states for the lieutenant governor voting on organizational matters? May I bring three things to your attention. Virtually every, if not all other states, give the lieutenant governor the right to vote in some instances when he is presiding over the Senate. Other states have held that this is not a conflict between legislative and executive powers. Rouse vs. Johnson, and I have the citation here. State vs. Fadley, and I have the citation. The third point is that Delaware's Lieutenant Governor has been given the casting vote on legislation, even though their Constitution requires that a majority of the members of the Senate vote for it. I have the citation.

Mr. President, members of the Senate, there is a great need today to prevent legislative paralysis. The Lieutenant Governor



(Mr. Coleman)

ordinarily acts as President of the Senate, but the only legal function he performs is that of umpire to prevent a deadlock in the event of a tie vote, *corpus juris secundum*. Casting votes in the matter I spoke about a moment ago where the votes of a deliberate of assembly or legislative body are equally divided on any question or motion, it is the privilege of the presiding officer to cast one vote, if otherwise he would not be entitled to vote on either side, or to cast one additional vote if he has already voted as a member of the body. This is called "the casting vote." The general rule, Mr. President, and members of the Senate, of parliamentary bodies is that the presiding officer, unless he is peculiarly a member of the body, votes only in the case of a tie, and the citation. A presiding officer derives his power from the assembly over which he presides. He is only a means for enabling the body to exercise its power in an ordinary way. The vote of Lieutenant Governor Perpich on an organizational matter meets every one of those tests. I respectfully suggest that the new Secretary of the Senate is Mr. Patrick E. Flahaven.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: First of all, I want to read the Constitution of the State of Minnesota that deals with this matter. This has been referred to by the distinguished Senator from Ramsey from Ramsey from time to time to corroborate some of his statements. Article V, Section VI, of the Minnesota Constitution provides; "It should be noted that the Lieutenant Governor is in no sense a member of the Senate. He may not vote on any matter before the body." You have it right there, Senator.

Mr. President, I have the floor. You have referred to the Rouse case. Will you read the constitution of that particular state? It specifically states in that case in the constitution that the lieutenant governor has this right. We are operating under the Minnesota State Constitution. We have taken the oath of office

that we will uphold the provisions of this Constitution. It clearly states: "It should be noted that the lieutenant governor in no sense is a member of the Senate; he may not vote on any matter before the body. He is an ex officio president of the Senate. Once the Senate has been constituted, his sole function as presiding officer is to maintain parliamentary order pursuant to the rules the body adopts." Where in the Constitution is he given the authority to vote? Nowhere in the Constitution is he given that authority, and he has no right under separations of power. He is a constitutional officer to participate in legislative matters. This is clearly put. Mr. President, George Goodwin has 34 votes; he is duly elected Secretary of the Senate and I ask you to ask Mr. O'Neill to come in and administer the oath of office to him so we can proceed with the business.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: I suppose, Mr. President, that in seeking for information, we don't always have time--I don't imply this as a criticism, but just say that there is often a lack of time--to listen to what other people are saying before proceeding to find the next scrap of paper. I suppose I will have to plead guilty from time to time, too. We are talking specifically about the powers of the lieutenant governor on organizational matters. In an attempt to show the other members of the body and to convince them that he does, indeed, have that power, I quoted from the law dictionary, from our statutes, from the decisions of our Supreme Court, from the decisions of our district court--excuse me, that's Supreme Court again, from the Minnesota Constitution, where Article

III of the Minnesota Constitution clearly says, "except in the instances expressly provided in this Constitution". The duties of the Lieutenant Governor are expressly provided that he is ex officio the President of the Senate. Then if we are going to go a little bit farther, we have to look behind "ex officio" and see if we have an ex officio member here of the Senate, exactly what does that mean? I tried to explain as well as I could what "ex officio" was by any other way of looking at it, again quoting courts, law dictionaries, case law that I think is all perfectly valid.

I have no doubt in my mind that the organizational vote of the Lieutenant Governor is of great enough importance and has great law behind it that his vote will be sustained should the matter ever be tested, and that this is the way we organize the Minnesota State Senate.

As to the question of whether there were 67 votes, including Mr. Palmer, while he sits in this Chamber, he sits the same way people stand around the sides. He has no more business in the Chamber and can no more conduct business than anybody who has joined us for this most interesting day. Mr. President, I believe that in every respect your conclusion was correct that there were 33 valid votes cast for Mr. Goodwin; that there were 33 valid votes cast for Mr. Flahaven, that you, to get us organized and to keep us going, must have done what you did and that the new Secretary of the Senate is Mr. Flahaven.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Apparently the Chair has again ruled, and I appeal the ruling from the Chair.

MR. PRESIDENT: Mr. Holmquist, do you want to state what you are appealing to?

MR. HOLMQUIST: You have ruled that you have the right to participate in the voting. I think this is incorrect and we appeal from this ruling.

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Popham.

MR. POPHAM: Could I first inquire? I assume that this vote will be by roll call?

MR. PRESIDENT: The vote will be by roll call, Mr. Popham.

MR. POPHAM: Mr. President, I would then say with respect to the appeal that is before the body that I think that everyone should consider very carefully whether the vote on this question is sort of a joke or whether it is a serious matter, because what you are voting on is whether or not you believe in truth that the Lieutenant Governor of this body has the right to cast a vote. Many of us here will remember that one member of this body, the Senator from Hennepin, Mr. Davies, has not too long ago advocated by bill introduced into this Senate the abolition of the office of Lieutenant Governor on the basis that it absolutely has no meaning. I think we all know very well that he didn't introduce that bill because he thought and believed that the Lieutenant Governor has a right to vote. I think that we continue to go from one thing to another and each thing seems to copy others. I don't, I guess, know what is going to happen next. The idea that someone would suggest in this Chamber that the Lieutenant Governor can disregard the

Constitution and would, in fact, do it scarcely twenty-four hours after he has taken an oath of office to support the Constitution of the State of Minnesota, is something that I would not have believed. Everybody else in this Chamber has also taken an oath of office to support the Constitution. That may be humorous to some, but it is not, I am sure, to others, but what this vote is going to be on is whether we support the ruling of the Chair that he has a right to cast a vote in this Senate in disregard of the plain language of the Constitution. I think, Mr. President, that we should all be very clear on what this vote is.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: May I respond just a little bit, because I would not leave the impression for one second that I consider this humorous. I consider that organizing this Senate--appointing committees, starting to face the problems of this state is most serious and we cannot be deadlocked.

Now, the question arises on what are the constitutional duties of the Lieutenant Governor. I suppose there can be disagreement among men of good will on this point, but I didn't participate in the preparation of this research and many, many hours of research to come here and make a joke. I came here because I believe we have to get on with the business of this state and that the way we are doing it now is, indeed, the proper way. I believe that those cover the pertinent points raised by the distinguished Senator from Hennepin. This is a most serious matter; it has been most carefully researched; our law is good; we believe that

the foundation is there; the facts are there; it will be upheld; and that is the way we not only can but we must proceed if we are to live up to our other constitutional mandate to do something for the people of this state.

MR. BROWN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Brown.

MR. BROWN: Mr. President, our State Constitution has been referred to in this matter. I think it would also do well to refer to the Federal Constitution. I am sure you are all aware that the establishment of the bicameral legislatures in the states, in a large manner, we are just following the Federal pattern, so I think that one can speak with substantial certainty that the people who attended the Minnesota Constitutional Convention of both parties were aware of the provisions of the Federal Constitution with respect to the Vice President as the presiding officer of the United States Senate. This is what the Federal Constitution says: "The Vice President of the United States shall be president of the Senate, but shall have no vote unless they be equally divided." I am sure it is clear that those who attended the two Constitutional Conventions in this state, had they wanted to empower the Lieutenant Governor to vote in case of a tie, would have chosen that same language, or similar language, as was used in the Federal Constitution.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, and members of the body, I am glad that the distinguished Senator from Washington places that reliance on the early constitutional debates in our state, for our research indicates that during the Republican Convention debate--

it seems they had two conventions at that time. They got together, though, and they worked things out. They debated and defeated an attempt to prevent the Lieutenant Governor from exercising any legislative powers, including presiding and having casting votes. They realized in some people's minds that this might be an issue, someone tried to proscribe the duties of the Lieutenant Governor; it was debated; it was defeated; and they left the statutes clearly the way they are. The United States Constitution has been cited and there, I believe, they specifically restrict the powers of the vice president of the Senate. Our Constitution and our law has not done that.

MR. WOLFE: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Wolfe.

MR. WOLFE: Mr. President, will the Senator from Ramsey yield to a question?

MR. PRESIDENT: Will Senator Coleman yield?

MR. COLEMAN: Mr. President, I yield.

MR. WOLFE: Senator Coleman, Mr. President, in your research, and you say you have researched this deeply, have you ever discovered one time in the whole history of the Senate of the State of Minnesota where the presiding officer, the President, cast a vote to break a tie?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: In response to the inquiry from the distinguished Senator from Hennepin, our research never showed occasion where the Lieutenant Governor, in order to get something moving, would have to. There have not been ties on procedural matters. Our



Constitution, Senator, clearly does state that you have to have, in my opinion at least, some dispute this, a majority vote of the members elected to pass a bill. Hence, the long standing Senate rule that it takes 34 votes to pass a bill. It really is not a rule; it's in the Constitution. We are facing a unique time, our founding fathers decided not to restrict the powers of Lieutenant Governor--I doubt it, but maybe they could look down history to this kind of an occasion. They did not tie his hands; everything else points the way to the necessity of his voting.

MR. GAGE: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Gage.

MR. GAGE: Mr. President, I think it is appropriate that we at least stop and evaluate where we are now. To begin with, the President of the Senate, through a ruling which I have previously characterized, and continue to characterize, as illegal, arbitrary, entirely without basis in the authority of the office, has deprived Mr. Palmer and the constituents of the 59th District of Duluth of the right to be represented in this body. The Chair has deprived Mr. Palmer and his constituents of that right by interjecting himself into these proceedings in a wholly unconstitutional way and snatching away from Mr. Palmer and his constituents the right to vote. I suppose technically it is not a felony, but it should be. But if that's felony, the felony is now to be compounded. There are 34 votes in this Chamber for Mr. Goodwin and we all know who they are. After having first stolen a vote, the Lieutenant Governor now is taking the

stolen vote and adding it to the roster of the minority, so that he may by this very interesting tactic convert a Conservative Majority into a Liberal--if that's the term that the purveyors of those tactics wish to adopt--a Liberal Minority into a Majority. We have reached the point, I think, where those in this body who have any respect for the oath they have taken to uphold the Constitution, or any selfrespect in terms of not participating in outright chicanery, should seriously consider whether they can continue in this Chamber.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I suppose temptation to respond to emotional words with another emotional series of phrases can't be entirely pushed down, and yet I don't think that is our purpose here today and as I have been well known for my judicious temperament, I don't intend to fall into that trap. All I am quoting is the law, the decisions of the courts, the constitutional prohibitions, or lack thereof, the debates that we have had on the Constitution. I have not used any words that would suggest that this is anything other than exactly what it is--an attempt to organize the Minnesota State Senate. Someone suggested that we are trying to be in the majority. Sure, we are trying to be in the majority. We have bills that we want heard and we'll do better if we have those bills heard. We believe that we have something better to offer the people of the State of Minnesota. We have striven for 114 years to get to this point. We want to exercise, and I promised the former Majority Leader of this Senate

when we were discussing it, that we were to have our debate on the Constitution, on the statutes, on the rules, and that we would keep the debate that way. We have, and I don't think that any attempt to interject the emotional words and the feelings to stir up this body is going to help the matter at all. Maybe we have a question before us. Some people can disagree and disagree honestly and openly, but certainly the actions of the Lieutenant Governor have been proper; he is following his mandate. I am upholding my constitutional right to vote and my duty to vote when I have voted the way I have today. I can lift up the curtain a little bit and just show you after we have prevailed on this vote, that we do not intend to wipe people out. We want Mr. Goodwin to be the First Assistant Secretary of the Minnesota State Senate; we want him to be paid very close to the pay that has been established for the Secretary of the State Senate. This is not an attempt to punish. We want to retain by and large enrolling clerks and engrossing clerks and sergeant-at-arms and people who have jobs here, because these people have experience and they are going to be able to contribute to our progress. We intend to proceed on the basis that we are convinced is absolutely right and we hope that if there is going to be further debate, it will be on legal and constitutional grounds and not on emotional grounds.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: There is an appeal from your ruling.

MR. PRESIDENT: The clerk pro tem will proceed with the---

MR. K. HUGHES: Mr. President, may we have the question explained?

MR. PRESIDENT: The question is on the appeal from the ruling of the Chair on the right of the presiding officer to vote on an organizational matter.

MR. HOLMQUIST: Mr. President, would you please cite the impact of response, "yes" or "no".

MR. PRESIDENT: The "yes" will be to go with the appeal; and a "no" will be to sustain the Chair.

MR. HOLMQUIST: "Yes" is voting to overturn the ruling of the Chair.

MR. PRESIDENT: Correct.

MR. GEARTY: This will be alphabetically.

MR. HOLMQUIST: Mr. President, this appeal is taken from the ruling that the Chair has said that he may participate in the organization of the State Senate. We think that is wrong and we have taken an appeal from his ruling.

MR. GEARTY: Anderson, E. J.

MR. ANDERSON: Just what was your ruling on that? If you vote "aye", then you are voting with Senator Holmquist's motion. Senator Anderson votes "aye".

MR. GEARTY:

	<u>Aye</u>	<u>Naye</u>
Anderson, E. J.	X	
Anderson, J. C.		X
Anderson, J. T.	X	
Arnold		X
Ashbach	X	
Benson		X
Bergerud	X	

	<u>Aye</u>	<u>Naye</u>
Blatz	X	
Borden		X
Brown	X	
Chenoweth		X
Chmielewski		X
Coleman		X
Conzemius		X
Davies		X
Dosland	X	
Doty		X
Frederick	X	
Gage	X	
Gearty		X
Glewwe	X	
Gustafson		X
Baldy Hansen		X
Mel Hansen	X	
N. W. Hanson		X
Holmquist	X	
Holsten	X	
Hughes, J. M.		X
Hughes, Keith	X	
Jensen, C. A.	X	
Jensen, V. K.		X
Josefson	X	
Jude		X
Kalina		X
Kirchner	X	
Krieger	X	
Larson	X	
Laufenburger		X
Mammenga		X
McCarty	X	
McCutcheon	X	
Metcalf	X	
Moe		X
Novak		X
Nyquist	X	
Ogdahl	X	
Olson, A.G.		X
Olson, H.D.		X
Olson, J.L.	X	
O'Neill	X	
Overgaard	X	
Parish		X

MR. PALMER: Mr. President, a point of personal privilege,

I vote "aye".

MR. GEARTY:

Perpich, A.J.	X
Perpich, George	X

	<u>Aye</u>	<u>Naye</u>
Pillsbury	X	
Popham	X	
Purfeerst		X
Renneke	X	
Shrom		X
Sinclair	X	
Tennessee		X
Thorup		X
Ukkelberg	X	
Wegener		X
Willet		X
Wolfe	X	

The roll is complete.

MR. PRESIDENT: 33 "ayes" and 33 "naye". The appeal fails.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Again, we took a tally and there were 34 "ayes" and 33 "naye", so in our judgment the appeal was sustained. Mr. President, it is becoming apparent to each of us that there is only one route that can be taken. There have been arguments pro and con on the various issues before the State Senate. The opposition has been very arbitrary, as has been indicated in denying an elected official the right to participate in the vote. He has been given the oath of office; he is a member of the Senate. And then a complete about face has been made and he has given the authority of voting to himself. It seems to me, Mr. President, that there is no alternative but to have a judicial determination of this issue. I ask the 34 members of the majority group at this time to absent themselves from the Chamber.

MR. COLEMAN: Mr. President, while the Majority Group is strolling slowly away, they might look at the Constitution which

says that a smaller number can adjourn from day to day and enact such penalties as they may choose to bring people back into the chamber. They might want to discuss that just a little bit.

Mr. President, I suggest that we get on with the order of business.

MR. PRESIDENT: Mr. Flahaven, will you step before the bar and take the oath of office. . . Do you, Patrick Flahaven, 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 of the Senate and in the Legislature of the State of Minnesota to which you have been duly elected, so help you God?

MR. FLAHAVEN: I do.

MR. PRESIDENT: The next order of business will be the election of the sergeant-at-arms.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: While his paper is moving toward the desk, I rise, Mr. President, to nominate Harry Gahr for sergeant-at-arms of the Minnesota State Senate.

MR. PRESIDENT: Are there any further nominations for the office of sergeant-at-arms? Any further nominations. Any further nominations? If not, the nominations are closed. Mr. Coleman has nominated Harry Gahr for the sergeant-at-arms of the Minnesota State Senate.

MR. COLEMAN: Mr. President, I move that the nominations be closed.

MR. PRESIDENT: They have been closed, Mr. Coleman.

MR. COLEMAN: I'm sorry. I would ask the Chair, then, take in the absence of any call for roll call that the Chair would proceed with a voice vote.

Mr. President, may I ask for a moment's delay before we proceed with that? I believe that the election of the sergeant-at-arms calls for an expenditure of money which will call for a roll call vote.

Mr. President, I would request that the Chair ask for a roll call vote. Mr. President, if there is any electronic difficulty, let's vote by name. I would suggest that the President instruct the Secretary of the Senate to call the roll.

MR. PRESIDENT: The Secretary takes the roll.



MR. FLAHAVEN:

	<u>Aye</u>
Anderson, E. J.	
Anderson, J. C.	X
Anderson, J. T.	
Arnold	X
Ashbach	
Benson	X
Bergerud	
Blatz	
Borden	X
Brown	
Chenoweth	X
Chmielewski	X
Coleman	X
Conzemius	X
Davies	X
Dosland	
Doty	X
Frederick	
Gage	
Gearty	X
Glewwe	
Gustafson	X
Hansen, Baldy	X
Hansen, Mel	
Hanson, N.W.	X
Holmquist	
Holsten	
Hughes, J. M.	X
Hughes, Keith	
Jensen, C. A.	
Jensen, V. K.	X
Josefson	
Jude	X
Kalina	X
Kirchner	
Krieger	
Larson	
Laufenburger	X
Mammenga	X
McCarty	
McCutcheon	
Metcalf	
Moe	X
Novak	X
Nyquist	
Ogdahl	
Olson, A. G.	X
Olson, H. D.	X
Olson, J. L.	
O'Neill	
Overgaard	
Palmer	
Parish	X
Perpich, A. J.	X

	<u>Aye</u>
Perpich, George	X
Pillsbury	
Popham	
Purfeerst	X
Renneke	
Schrom	X
Sinclair	
Tennessen	X
Thorup	X
Ukkelberg	
Wegener	X
Willet	X
Wolfe	

UNIDENTIFIED VOICE IN BACKGROUND: Palmer's name is in there too.

MR. PRESIDENT: The majority of those casting their vote have voted for Harry Gahr. I hereby announce Harry Gahr is Sergeant-at-arms. Will you please come forward?

MR. DAVIES: Mr. President, will the President please announce the votes?

MR. PRESIDENT: There were 33 ayes, no nays.

Mr. President: Do you, Harry Gahr, solemnly swear that you will support the Constitution of the United States, the Constitution of the State of Minnesota, and that you will faithfully and impartially discharge the duties devolving upon you as an officer of the Senate and the Legislature of the State of Minnesota to which you have been duly elected, so help you God.

(Mr. Gahr's answer inaudible.)

MR. PRESIDENT: Congratulations. The next order of business will be the election of other elective offices. It will be made on one roll call, unless there should be more than one nomination for any office.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President, I move that the election of

other elective offices be made on one roll call, unless there should be more than one nomination for any office.

MR. PRESIDENT: Mr. Coleman has moved that the election of other elective offices be made on one roll call, unless there should be more than one nomination for any office. All in favor signify by saying "aye".

VOICES: Aye.

MR. PRESIDENT: Those opposed, "no". MOTION CARRIES.

MR. COLEMAN: Mr. President, I nominate George Goodwin for First Assistant Secretary, Ray Krueger for Second Assistant Secretary, Joseph Beaton for Enrolling Clerk, Mahlon Holman for Engrossing Clerk, Keith Elliott for Assistant Sergeant-at-arms, and Reverend Leman Olsenius and Reverend John O'Neill for Chaplains.

MR. PRESIDENT: Are there any further nominations? Are there any further nominations? The Chair declares the nominations be closed, there being no objection. The Secretary of the Senate will take the roll.

MR. FLAHAVEN:

	<u>Aye</u>
Anderson, E. J.	
Anderson, J. C.	X
Anderson, J. T.	
Arnold	X
Ashbach	
Benson	X
Bergerud	
Blatz	
Borden	X
Brown	
Chenoweth	X
Chmielewski	X
Coleman	X
Conzemius	X
Davies	X
Dosland	
Doty	X

	Aye
Frederick	
Gage	
Gearty	X
Glewwe	
Gustafson	X
Hansen, Baldy	X
Hansen, Mel	
Hanson, N. W.	X
Holmquist	
Holsten	
Hughes, J. M.	X
Hughes, Keith	
Jensen, C. A.	
Jensen, V. K.	X
Josefson	
Jude	X
Kalina	X
Kirchner	
Krieger	
Larson	
Laufenburger	X
Mammenga	X
McCarty	
McCutcheon	
Metcalf	
Moe	X
Novak	X
Nyquist	
Ogdahl	
Olson, A. G.	X
Olson, H. D.	X
Olson, J. L.	
O'Neill	
Overgaard	
Parish	X
Perpich, A. J.	X
Perpich, George	X
Pillsbury	
Popham	
Purfeerst	X
Renneke	
Schrom	X
Sinclair	
Tennessen	X
Thorup	X
Ukkelberg	
Wegener	X
Willet	X
Wolfe	

MR. PRESIDENT: There being 33 ayes and no naves, Mr. Goodwin, Mr. Krueger, Mr. Beaton, Holman, Elliott, Reverend Olsenius, Reverend O'Neill are duly elected. Will you please step forward

and take the oath of office?

MR. FLAHAVEN: Would you identify yourselves for the record, please?

(Inaudible)

MR. PRESIDENT: Do you solemnly swear that you will uphold the Constitution of the United States, the Constitution of the State of Minnesota and that you will faithfully and impartially discharge the duties devolving upon you as an officer of the Senate in the Legislature of the State of Minnesota to which you have been duly elected, so help you God?

(Inaudible)

MR. PRESIDENT: Thank you very much. We will have order in the Chamber, please.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, the next order of business (inaudible).

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

MR. PRESIDENT: Mr. Coleman has moved adoption of the resolution -- read the resolution, Mr. Coleman's resolution.

MR. FLAHAVEN: Mr. Coleman offers the following resolution:

"BE IT RESOLVED that the permanent rules of the Senate for the 67th 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 question before the Senate may be brought to a vote at any time by a majority vote of the senators present, and no bills shall be introduced the first day."

Section 53 relates to appointment of committees; section 54 to standing committees; section 62 notice to debate, and section 69 employees of the Senate.

MR. PRESIDENT: Mr. Coleman.

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

MR. PRESIDENT: Mr. Coleman has moved the adoption of the resolution. Is there any discussion? A roll call vote will be required. The secretary will proceed with the roll.

MR. FLAHAVEN: Anderson, E. J.  
Anderson, J. C.

MR. ANDERSON, J. C. Yes

MR. FLAHAVEN: Anderson, J. T.  
Arnold

MR. ARNOLD: Aye

MR. FLAHAVEN: Ashbach  
Benson

MR. BENSON: Aye

MR. FLAHAVEN: Bergerud  
Blatz  
Borden

MR. BORDEN: Aye

MR. FLAHAVEN: Brown  
Chenoweth

MR. CHENOWETH: Aye

MR. FLAHAVEN: Chmielewski

MR. CHMIELEWSKI: Aye

MR. FLAHAVEN: Coleman

MR. COLEMAN: Aye

MR. FLAHAVEN: Conzemius

MR. CONZEMIUS: Yes

MR. FLAHAVEN: Davies

MR. DAVIES: Aye

MR. FLAHAVEN: Dosland  
Doty

MR. DOTY: Aye

MR. FLAHAVEN: Frederick  
Gage  
Gearty

MR. GEARTY: Aye

MR. FLAHAVEN: Glewwe  
Gustafson

MR. GUSTAFSON: Aye

MR. FLAHAVEN: Hansen, Baldy

MR. HANSEN: Aye

MR. FLAHAVEN: Hansen, Mel  
Hanson, N. W.

MR. HANSON, N. W.: Aye

MR. FLAHAVEN: Holmquist  
Holsten  
Hughes, J. M.

MR. HUGHES, J. M.: Aye

MR. FLAHAVEN: Hughes, Keith  
Jensen, C. A.  
Jensen, V. K.

MR. JENSEN, V. K.: (Inaudible)

Josefson  
Jude

MR. JUDE: Aye

MR. FLAHAVEN: Kalina  
Kirchner  
Krieger  
Larson  
Laufenburger

MR. LAUFENBURGER: Aye

MR. FLAHAVEN: Mammenga

MR. MAMMENGGA: Aye

MR. FLAHAVEN: McCarty  
McCutcheon  
Metcalf  
Moe

MR. MOE: Aye

MR. FLAHAVEN: Novak

MR. NOVAK: Aye

MR. FLAHAVEN: Nyquist  
Ogdahl  
Olson, A. G.

MR. OLSON, A. G.: Aye

MR. FLAHAVEN: Olson, H. D.



MR. OLSON, H. D.: Aye

MR. FLAHAVEN: Olson, J. L.  
O'Neill  
Overgaard  
Parish

MR. PARISH: Aye

MR. FLAHAVEN: Perpich, A. J.

MR. PERPICH, A. J.: Aye

MR. FLAHAVEN: Perpich, George

MR. PERPICH, GEO.: Aye

MR. FLAHAVEN: Pillsbury  
Popham  
Purfeerst

MR. PURFEERST: Aye

MR. FLAHAVEN: Renneke  
Schrom

MR. SCHROM: Aye

MR. FLAHAVEN: Sinclair  
Tennessee

MR. TENNESSEN: Aye

MR. FLAHAVEN: Thorup

MR. THORUP: Aye

MR. FLAHAVEN: Ukkelberg  
Wegener

MR. WEGENER: Aye

MR. FLAHAVEN: Willet

MR. WILLET: Aye

MR. FLAHAVEN: Wolfe

MR. PRESIDENT: There being 33 ayes and no nays, the rules,  
temporary rules are adopted.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: I have here a resolution -- inaudible --

MR. FLAHAVEN: Mr. Coleman offers the following resolution:

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.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: (Inaudible) (employees resolution)

MR. PRESIDENT: Mr. Coleman has moved the adoption of the resolution. Any discussion? If not the secretary will proceed with the roll call.

MR. FLAHAVEN: Anderson, E. J.  
Anderson, J. C.

MR. ANDERSON, J. C.: Yes

MR. FLAHAVEN: Anderson, J. T.  
Arnold

MR. ARNOLD: Aye

MR. FLAHAVEN: Ashbach  
Benson

MR. BENSON: Inaudible

MR. FLAHAVEN: Bergerud  
Blatz  
Borden

MR. BORDEN: Aye

MR. FLAHAVEN: Brown  
Chenoweth

MR. CHENOWETH: Aye

MR. FLAHAVEN: Chmielewski

MR. CHMIELEWSKI: Aye

MR. FLAHAVEN: Coleman  
MR. COLEMAN: Aye  
MR. FLAHAVEN: Conzemius  
MR. CONZEMIUS: Aye  
MR. FLAHAVEN: Davies  
MR. DAVIES: Aye  
MR. FLAHAVEN: Dosland  
Doty  
MR. DOTY: Inaudible  
MR. FLAHAVEN: Frederick  
Gage  
Gearty  
MR. GEARTY: Aye  
MR. FLAHAVEN: Glewwe  
Gustafson  
MR. GUSTAFSON: Aye  
MR. FLAHAVEN: Hansen, Baldy  
MR. HANSEN, BALDY: Aye  
MR. FLAHAVEN: Hansen, Mel  
Hansen, N. W.  
MR. HANSEN, N. W.: Aye  
MR. FLAHAVEN: Holmquist  
Holsten  
Hughes, J. M.  
MR. HUGHES, J. M.: Aye  
MR. FLAHAVEN: Hughes, Keith  
Jensen, C. A.  
Jensen, V. K.  
MR. JENSEN, V. K.: Aye  
MR. FLAHAVEN: Josefson  
Jude  
MR. JUDE: Aye

MR. FLAHAVEN: Kalina  
MR. KALINA: Aye  
MR. FLAHAVEN: Kirchner  
Krieger  
Larson  
Laufenburger  
MR. LAUFENBURGER: Aye  
MR. FLAHAVEN: Mammenga  
MR. MAMMENGGA: Aye  
MR. FLAHAVEN: McCarty  
McCutcheon  
Metcalf  
Moe  
Mr. MOE: Aye  
MR. FLAHAVEN: Novak  
MR. NOVAK: Aye  
MR. FLAHAVEN: Nyquist  
Ogdahl  
Olson, A. G.  
MR. OLSON, A. G.: Aye  
MR. FLAHAVEN: Olson, H. D.  
MR. OLSON, H. D.: Aye  
MR. FLAHAVEN: Olson, J. L.  
O'Neill  
Overgaard  
Parish  
MR. PARISH: Aye  
MR. FLAHAVEN: Perpich, A. J.  
MR. PERPICH, A.J.: Aye  
MR. FLAHAVEN: Perpich, George  
MR. PERPICH, G.: Aye  
MR. FLAHAVEN: Pillsbury  
Popham  
Purfeerst

MR. PURFEERST: Aye

MR. FLAHAVEN: Renneke  
Schrom

MR. SCHROM: Aye

MR. FLAHAVEN: Sinclair  
Tennessee

MR. TENNESSEN: Aye

MR. FLAHAVEN: Thorup

MR. THORUP: Aye

MR. FLAHAVEN: Ukkelberg  
Wegener

MR. WEGENER: Inaudible

MR. FLAHAVEN: Willet

MR. WILLET: Aye

MR. FLAHAVEN: Wolfe

MR. PRESIDENT: There being 33 ayes and no nays, the resolution is adopted. The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, - resolution naming employees' (inaudible)

MR. PERPICH: The secretary will read the resolution.

MR. FLAHAVEN: Mr. Coleman offers the following resolution.

BE IT RESOLVED that the following named persons be and they are hereby appointed to the committee on mileage: Senators John Olson, Benson and Novak.

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

MR. PRESIDENT: Mr. Coleman has moved the adoption of the resolution relating to the committee on mileage. Any discussion? If not, all in favor signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Those contrary say no. The ayes have it.

Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman has moved concurrent resolution number 1. The secretary will please read the resolution.

MR. FLAHAVEN: Mr. Coleman introduces 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 use of the members of the legislature during the legislative session of 1969 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 Legislative Expense 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. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman has moved the adoption of Senate Concurrent Resolution No. 1. Any discussion? If not all in favor

of the adoption of Senate Concurrent Resolution No. 1 please say aye.

VOICES: Aye

MR. PRESIDENT: Those opposed, no. The resolution is adopted.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

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

The Secretary will read the resolution.

MR. FLAHAVEN: Mr. Coleman offers the following resolution:

BE IT RESOLVED that there are hereby constituted the following named standing committees for 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 hereon listed.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman . . . better order in the Chambers.

I wonder if the senators will take their seats.

MR. COLEMAN: (continuing but still inaudible)

MR. PRESIDENT: Mr. Coleman has moved that we adopt the resolution. Any discussion? If not, all those in favor of the adoption of the resolution, please signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Those opposed say no. The resolution is adopted. The Chair recognizes Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman has nominated Mr. Novak as President Pro Tem of the Senate. Are there any further nominations? Any further nominations. Any further nominations. Nominations are closed and the secretary will take the roll.

MR. FLAHAVEN: Anderson, E. J.  
Anderson, J. T. I'm sorry, the second name  
should be Anderson, J. C.

(Inaudible, if any response)

Arnold  
Ashbach  
Benson

Response, if any, inaudible

Bergerud  
Blatz  
Borden

Response, if any, inaudible

Brown  
Chenoweth  
Chmielewski  
Coleman

Response, if any, inaudible

" " " "

MR. COLEMAN: Novak

MR. FLAHAVEN: Conzemius

MR. CONZEMIUS: Oh, Novak.

MR. FLAHAVEN: Davies

MR. DAVIES: Novak

MR. FLAHAVEN: Dosland  
Doty

MR. DOTY: Novak

MR. FLAHAVEN: Frederick  
Gage  
Gearty

MR. GEARTY: Novak

MR. FLAHAVEN: Glewwe  
Gustafson



MR. GUSTAFSON: Novak

MR. FLAHAVEN: Hansen, Baldy

MR. HANSEN, B.: Novak

MR. FLAHAVEN: Hansen, Mel  
Hansen, N. W.

MR. HANSEN, N. W.: Novak

MR. FLAHAVEN: Holmquist  
Holsten  
Hughes, J. M.

MR. HUGHES, J.M.: Novak

MR. FLAHAVEN: Hughes, Keith  
Jensen, C. A.  
Jensen, V. K. (Response, if any, inaudible)  
Josefson  
Jude (Response, if any, inaudible)  
Kalina (Response, if any, inaudible)  
Kirchner  
Krieger  
Larson  
Laufenburger (Response, if any, inaudible)  
Mammenga  
McCarty  
McCutcheon  
Metcalf  
Moe (Response, if any, inaudible)  
Novak  
Nyquist  
Ogdahl  
Olson, A. G. (Response, if any, inaudible)  
Olson, H. D. (Response, if any, inaudible)  
Olson, J. L.  
O'Neill  
Overgaard  
Parish

MR. PARISH: Novak

MR. FLAHAVEN: Perpich, A. J.

MR. PERPICH, A. J.: Novak

MR. FLAHAVEN: Perpich, George

MR. PERPICH, G. Novak

MR. FLAHAVEN: Pillsbury  
Popham  
Purfeerst (Response, if any, inaudible)  
Renneke  
Schrom (Response, if any, inaudible)  
Sinclair  
Tennesen (Response, if any, inaudible)  
Thorup (Response, if any, inaudible)  
Ukkelberg  
Wegener (Response, if any, inaudible)  
Willet (Response, if any, inaudible)  
Wolfe

MR. PRESIDENT: 32 ayes and no nays and Mr. Edward Novak is elected president pro tem. Messrs. Kalina and Benson will escort Mr. Novak to the Bar.

Do you, swear to support the constitution of the United States, the constitution of the state of Minnesota and that you will faithfully and impartially discharge the duties devolving upon you as president pro tem. So Help You God.

MR. PRESIDENT: The Chair recognizes Senator Coleman.

MR. COLEMAN: Mr. President, are there any messages at the desk?

MR. PRESIDENT: Yes, there are four messages at the desk. The secretary will read the messages from the House of Representatives.

MR. FLAHAVEN: Message to the Senate. Mr. President, I have the honor to announce the House of Representatives of the State of Minnesota is now duly organized pursuant to law with the election of the following officers:

Aubrey Dirlam, Speaker

Edward Burdick, Chief Clerk

Josepf Vavrosky, First Assistant Chief Clerk

John A. Pfaff, Second Assistant Chief Clerk

Arthur J. H. Bruchmann, Postmaster

Arthur L. Johnson, Assistant Postmaster

Walter C. Strand, Assistant Sergeant-at-Arms

Elmor C. Ryhn, Assistant Sergeant-at-Arms

John M. McCarty, Assistant Sergeant-at-Arms

Lowell B. Malcolm, Index Clerk and the

Rev. Walter Wynkoop, Chaplain

Signed, Edward A. Burdick Chief Clerk, House of Representatives.

MR. FLAHAVEN: Message to the Senate. 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, Edward A. Burdick, Chief Clerk, House of Representatives.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: I move the Senate accept the invitation of the House of Representatives to meet in joint session in the House Chamber, at 12 o'clock noon, Wednesday, January 6, 1971.

MR. PRESIDENT: Mr. Coleman has moved that the Senate accept the invitation of the House of Representatives to meet in joint session in the House Chamber at 12:00 o'clock noon, Wednesday, January 6, 1971. Any discussion? If not, all in favor signify by saying aye.

VOICES: Aye.

MR. PRESIDENT: Those opposed, no. The motion carries.

MR. FLAHAVEN: Message to the Senate. Mr. President, I have the honor to announce that the House has appointed a committee of five members of the House to act with a 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 he may have. Those appointed: Mrs. McMillan and Messrs. Scherer; Anderson, I; Knutson and Flakne have been appointed to such committee on the part of the House. Signed Edward A. Burdick, Chief Clerk House of Representatives.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I move (inaudible)

MR. PRESIDENT: Mr. Coleman has moved that the President of the Senate appoint a committee of five to notify the Governor the Senate and House are organized. All in favor signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Opposed, no. Mr. Coleman, a list of names are at the desk.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: It is so ordered. Mr. Coleman, one more message from the House. The Secretary will read the message.

MR. FLAHAVEN: Mr. President, I have the honor to announce that the House has appointed a committee of five members of the House to act with a similar committee on the part of the Senate to escort the Governor to the joint convention to be held in the House Chamber Wednesday, January 6, 1971 at 12:10 P.M. The committee:

Messrs: Sommerdorf, Larson, Nolan, Mann and Savekoul have been appointed members of such committee on the part of the House.  
Signed Edward A. Burdick, Chief Clerk.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I move the president of the Senate appoint a committee to notify the House of Representatives . . . (inaudible)  
Why don't you read that.

MR. PRESIDENT: The secretary will read the resolution.

MR. FLAHAVEN: Mr. Coleman offers the following resolution.

BE IT RESOLVED that the president of the Senate be and he is hereby directed to appoint a committee of five members on the part of the Senate to act with a like committee appointed on the part of the House of Representatives to escort his excellency, the Honorable Wendell Anderson, Governor of the State of Minnesota to the House Chamber on the occasion of the joint session on Wednesday, January 6, 1971 at 12 o'clock noon.

MR. PRESIDENT: Mr. Coleman.

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

MR. PRESIDENT: Mr. Coleman has moved the adoption of the resolution. Any discussion. As many as are of the opinion that the resolution be adopted signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Those opposed, no. The resolution is adopted.

MR. COLEMAN: Mr. President, are there any further messages from the House?

MR. PRESIDENT: No further messages from the House.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Mr. President, I move (inaudible)

MR. PRESIDENT: Mr. Coleman has moved the adoption of his resolution. Any discussion? As many as are of the opinion the resolution be adopted signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Those opposed, no. The resolution is adopted.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. FLAHAVEN: Mr. Coleman introduces Senate Resolution No. 1. A 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 \$75 of postage and each member of the Senate shall receipt to the secretary of the Senate for postage received.

MR. COLEMAN: Mr. President

MR. PRESIDENT: Mr. Coleman.

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

MR. PRESIDENT: Mr. Coleman has moved the adoption of the resolution. Any discussion? As many of the opinion the resolution be adopted signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Those opposed, no. The resolution is adopted.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman has moved that the vote on Senate Resolution No. 1 be reconsidered. All in favor signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Those opposed, no . . . . Mr. Coleman.

MR. COLEMAN: . . . . I move that (inaudible)

MR. PRESIDENT: There will now be a roll call vote on Senate Resolution No. 1. The secretary of the Senate will call the roll.

MR. FLAHAVEN: Anderson, E. J.  
Anderson, J. C.

MR. ANDERSON, J. C.: Yes

MR. FLAHAVEN: Anderson, J. T.  
Arnold

MR. ARNOLD: Yes

MR. FLAHAVEN: Ashbach  
Benson

MR. BENSON: Aye

MR. FLAHAVEN: Bergerud  
Blatz  
Bordan

MR. BORDEN: Aye

MR. FLAHAVEN: Brown  
Chenoweth

MR. CHENOWETH: Aye

MR. FLAHAVEN: Chmielewski (Response, if any, inaudible)  
Coleman

MR. COLEMAN: Aye

MR. FLAHAVEN: Conzemius

MR. CONZEMIUS: Aye

MR. FLAHAVEN: Davies (Response, if any, inaudible)  
 Dosland  
 Doty

MR. DOTY: Aye

MR. FLAHAVEN: Frederick  
 Gage  
 Gearty

MR. GEARTY: Aye

MR. FLAHAVEN: Glewwe  
 Gustafson

MR. GUSTAFSON: Aye

MR. FLAHAVEN: Hansen, Baldy

MR. HANSEN, BALDY: Aye

MR. FLAHAVEN: Hansen, Mel  
 Hanson, N. W.

HANSON, N. W.: Aye

MR. FLAHAVEN: Holmquist  
 Holsten  
 Hughes, J. M.

MR. HUGHES, J. M.: Aye

MR. FLAHAVEN: Hughes, Keith  
 Jensen, C. A.  
 Jensen, V. K.

MR. JENSEN, V. K.: Aye

MR. FLAHAVEN: Josefson  
 Jude

MR. JUDE: Aye

MR. FLAHAVEN: Kalina

MR. KALINA: Aye

MR. FLAHAVEN: Kirchner  
 Krieger  
 Larson  
 Laufenburger



MR. LAUFENBURGER: Aye

MR. FLAHAVEN: Mammenga

MR. MAMMENGGA: Aye

MR. FLAHAVEN: McCarty  
McCutcheon  
Metcalf  
Moe

MR. MOE: Aye

MR. FLAHAVEN: Novak

MR. NOVAK: Aye

MR. FLAHAVEN: Nyquist  
Ogdahl  
Olson, A. G.

MR. OLSON, A. G.: Aye

MR. FLAHAVEN: Olson, H. D.

MR. OLSON, H. D.: Aye

MR. FLAHAVEN: Olson, J. L.  
O'Neill  
Overgaard  
Parish

MR. PARISH: Aye

MR. FLAHAVEN: Perpich, A. J.

MR. PERPICH, A. J.: Aye

MR. FLAHAVEN: Perpich, George

MR. PERPICH, GEORGE: Aye

MR. FLAHAVEN: Pillsbury  
Popham  
Purfeerst

MR. PURFEERST: Aye

MR. FLAHAVEN: Renneke  
Schrom

MR. SCHROM: Aye

MR. FLAHAVEN: Sinclair  
Tennesen

MR. TENNESSEN: Aye

MR. FLAHAVEN: Thorup

MR. THORUP: Aye

MR. FLAHAVEN: Ukkelberg  
Wegener (Response, if any, inaudible)  
Willet (Response, if any, inaudible)  
Wolfe

MR. PRESIDENT: 33 ayes and no nays, Senate Resolution No. 1  
is adopted. Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman moves that the schedule for  
committee meetings as presented to the secretary of the Senate be  
printed in the journal.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman has moved that the committee --  
that the schedule for committee meetings as presented to the  
secretary of the Senate be printed in the journal. Any discussion?  
All in favor signify by saying aye.

VOICES: Aye

MR. PRESIDENT: Those opposed say no. Motion carries.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman. (Inaudible)

MR. PRESIDENT: We have a message from the Governor of the  
state of Minnesota, Wendell R. Anderson.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: The secretary will read the . . .

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: The secretary will read the message from the Governor.

MR. FLAHAVEN: The Honorable Rudy Perpich, President of the Senate, State of Minnesota. Dear Sir: The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law.

CURTIS WARNEKE, Wood Lake, Yellow Medicine County has been appointed by me as the commissioner of public service for a term expiring the first Monday, 1975. Sincerely, Wendell R. Anderson, Governor

A letter to Mr. Perpich. Dear Sir: The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law.

Chester O'Toole, 108 1/4 South Fifth Street, Mankato, Blue Earth County has been appointed by me as the commissioner of the department of public safety for a term expiring December 31, 1973. Wendell R. Anderson, Governor

To Mr. Perpich. Dear Sir: The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law.

Gordon Brooks of Duluth, St. Louis County has been appointed by me to the real estate advisory committee for a term expiring June 30, 1975.

Carl A. Sandstrom, 3612 No. 53rd Place, Minneapolis,  
Hennepin County has been appointed by me to the real estate  
advisory committee for a term expiring June 30, 1974.

Sincerely, Wendell R. Anderson, Governor

The Honorable Rudy Perpich, President of the Senate. Dear Sir: The  
following appointments are hereby respectfully submitted to the  
Senate for confirmation as required by law. (See attached copy.)



# STATE OF MINNESOTA

OFFICE OF THE GOVERNOR

ST. PAUL 55101

January 4, 1971

The Honorable Rudy Perpich  
President of the Senate  
State of Minnesota

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

Edward Clapp, 7 Oriole Lane, North Oaks, Ramsey County, has been appointed by me to the Minnesota State Arts Council, effective January 4, 1971, for a term expiring April 1, 1973.

William Waters, 330 East Fairbolt, Duluth, St. Louis County, has been appointed by me to the Civil Service Board, effective January 4, 1971, for a term expiring February 1, 1973.

Thomas Coughlin, 15 Sumner Hills, Mankato, Blue Earth County, has been appointed by me to the State College Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

Irving Goldfine, 60 East Kent Road, Duluth, St. Louis County, has been appointed by me to the State Board of Education, effective January 4, 1971, for a term expiring July 1, 1975.

John Warder, 5133 Garfield Avenue South, Minneapolis, Hennepin County, has been appointed by me to the State Board of Education, effective January 4, 1971, for a term expiring July 1, 1971.

Daniel Burton, 512 Hickory, Mankato, Blue Earth County, has been appointed by me to the State Board of Education, effective January 4, 1971, for a term expiring July 1, 1975.

Howard Casmev, 215 Yosemite Circle, Golden Valley, Hennepin County, has been appointed by me to the Education Commission, effective January 4, 1971.

Helen Deardorff, 8806 James Ave. So., Bloomington, Hennepin County, has been appointed by me to the Employment Agency Advisory Board, effective January 4, 1971, for a term expiring January 1, 1975.

Harvey Paulson, 647 E. 7th Street, Albert Lea, Freeborn County, has been appointed by me to the Employment Agency Advisory Board, effective January 4, 1971, for a term expiring January 1, 1974.

Sister Mary Richard Boo, St. Scholastica, Duluth, St. Louis County, has been appointed by me to the Higher Education Coordinating Commission, effective January 4, 1971, for a term expiring February 15, 1971.

Howard B. Casmey, 215 Yosemite Circle, Golden Valley, Hennepin County, has been appointed by me to the Higher Education Coordinating Commission, effective January 4, 1971, for a term expiring February 15, 1974.

Phillip Helland, 1901 River Hills Drive, Burnsville, Dakota County, has been appointed by me to the Higher Education Coordinating Commission, effective January 4, 1971, for a term expiring February 15, 1974.

Elmer I. Malone, 3403 West 28th Street, Minneapolis, Hennepin County, has been appointed by me to the Higher Education Coordinating Commission, effective January 4, 1971, for a term expiring February 15, 1974.

Malcolm Moos, 176 North Mississippi Blvd., St. Paul, Ramsey County, has been appointed by me to the Higher Education Coordinating Commission, effective January 4, 1971, for a term expiring February 15, 1974.

Gerry Morse, 4600 Lakeview Drive, Edina, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Mrs. Robert Ridder, 1744 Dodd Road, St. Paul, Ramsey County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Betty Salisbury, 12009 W. Hilloway Road, Minnetonka, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Morris Wee, Central Lutheran Church, 333 E. Grant St., Minneapolis, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

John Windhorst, 4907 Lakeview Drive, Edina, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Mrs. F.G. Hamilton, 11309 Timberline Road, Minnetonka, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

John Sarna, 2837 N.E. Ulysses Street, Minneapolis, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

Reginald Harris, 777 Marshall Avenue, St. Paul, Ramsey County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Diana Murphy, 2116 West Lake of the Isles Blvd., Minneapolis, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

M.E. Newman, 1289 Silverdale Road, St. Paul, Ramsey County, has been appointed to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Marcia Berde, 218 Kipling Street, St. Paul, Ramsey County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Jerry Rosenzweig, 2437 Irving Avenue South, Minneapolis, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

Cornell Moore, 2727 Dean Blvd, Minneapolis, Hennepin County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

Frank Rodriguez, 239 E. Robie, St. Paul, Ramsey County, has been appointed by me to the State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1972.

Ray Crippen, 1536 Dover Street, Worthington, Nobles County, has been appointed by me to the Junior College Board, effective January 4, 1971, for a term expiring July 1, 1977.

A. Russell Hanson, 2228 5th Ave. N.E., Rochester, Olmsted County, has been appointed by me to the Junior College Board, effective January 4, 1971, for a term expiring July 1, 1975.

Robert Starr, Redwood Falls, Redwood County, has been appointed by me to the Junior College Board, effective January 4, 1971, for a term expiring July 1, 1973.

Myron Latimer, 1608 S.W. 1st Avenue, Grand Rapids, Itasca County, has been appointed by me to the Land Exchange Review Board, effective January 4, 1971, for a term expiring July 1, 1971.

H.E. Westmoreland, 1527 Woodbury Lane, Duluth, St. Louis County, has been appointed by me to the Land Exchange Review Board, effective January 4, 1971, for a term expiring July 1, 1971.

Edward Hjermsstad, Chanhassen, Carver County, has been appointed by me to the Metropolitan Transit Commission, effective January 4, 1971, for a term expiring July 1, 1974.

Peter J. Bensoni, 1510 Morningside Ave., Duluth, St. Louis County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1972.

Alfred Erickson, 6701 Elliot South, Minneapolis, Hennepin County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1974.

Dan W. Gustafson, 2932 Jersey Avenue North, Golden Valley, Hennepin County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1973.

Francis G. Hester, Route 1, South St. Paul, Dakota County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1972.

Frank M. Juner, 1311 DeSoto Ave., Glencoe, McLeod County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1971.

Paul W. Larimore, 110 Ridge Road, Albert Lea, Freeborn County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1973.

Michael D. McKliget, 1611 Fremont, St. Paul, Ramsey County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1971.

Floyd R. Nelson, 1226 Cherokee Ave., West St. Paul, Dakota County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1974.

Jack G. West, 1972 Malvern Street, St. Paul, Ramsey County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1971.

J. D. White, 2774 Dean Blvd, Minneapolis, Hennepin County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1973.

Hugh Gallagher, 5548 Washburn Av. So., Minneapolis, Hennepin County, has been appointed by me to the Occupational Safety & Health Advisory Board, effective January 4, 1971, for a term expiring July 1, 1972.



John D. Allison, 390 Snail Lake Road, St. Paul, Ramsey, has been appointed by me to the State Examining Commission for Physical Therapists, effective January 4, 1971, for a term expiring June 30, 1971.

Ruth Anderson, 1275 Brighton Square, New Brighton, Ramsey County, has been appointed by me to the State Examining Commission for Physical Therapists, effective January 4, 1971, for a term expiring June 30, 1972.

Tom R. Garrett, 1842 N.W. 16th Street, Rochester, Olmsted County, has been appointed by me to the State Examining Commission for Physical Therapists, effective January 4, 1971, for a term expiring June 30, 1973.

Glenn Gullickson, Jr., 217 Hollywood Road, Hopkins, Hennepin County, has been appointed by me to the State Examining Commission for Physical Therapists, effective January 4, 1971, for a term expiring June 30, 1971.

Donald R. Lannin, 1527 Edgecumbe Road, St. Paul, Ramsey County, has been appointed by me to the State Examining Commission for Physical Therapists, effective January 4, 1971, for a term expiring July 30, 1972.

Ralph Rapson, 1 Seymour Street S.E., Minneapolis, Hennepin County, has been appointed to the Capitol Area Architectural & Planning Commission, effective January 4, 1971, for a term expiring July 1, 1973.

Howard A. Andersen, 1072 Plummer Lane, Rochester, Olmsted County, has been appointed by me to the Pollution Control Agency, effective January 4, 1971, for a term expiring February 15, 1974.

Marion Watson, 2140 Hoyt Avenue West, St. Paul, Ramsey County, has been appointed by me to the Pollution Control Agency, effective January 4, 1971, for a term expiring February 15, 1974.

Wendell Nelson, 30 E. Second Street, Litchfield, Meeker County, has been appointed by me to the Tax Court, effective January 4, 1971, for a term expiring March 1, 1973.

Ethan Allen, 304 N.W. 2nd, Waseca, Waseca County, has been appointed by me to the Veterans Home Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

Eugene Voss, Wyoming, Chisago County, has been appointed by me to the Veterans Home Board, effective January 4, 1971, for a term expiring the first Monday of January, 1976.

Edward Salk, 6515 3rd Avenue South, Bloomington, Hennepin County, has been appointed by me to the Veterans Home Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

Sam Scheiner, 3023 Lynn Avenue South, Minneapolis, Hennepin County, has been appointed by me to the Veterans Home Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

Roger Hargraves, 1076 84th Ave. West, Duluth, St. Louis County, has been appointed by me to the Water Resources Board, effective January 4, 1971, for a term expiring October 5, 1975.

James Pomush, 7 West Golden Lake Road, Circle Pines, Anoka County, has been appointed by me to the Workmen's Compensation Commission, effective January 4, 1971, for a term expiring June 30, 1975.

John Romine, 5021 Oxford Avenue, Minneapolis, Hennepin County, has been appointed by me to the Workmen's Compensation Commission, effective January 4, 1971, for a term expiring September 14, 1973.

Mrs. Mary Lou Klas, 1235 Laurel Avenue, St. Paul, Ramsey County, has been appointed by me to the Youth Conservation Commission, effective January 4, 1971, for a term expiring March 1, 1976.

Reuel Harmon, #1 Sunfish Lane, St. Paul, Ramsey County, has been appointed to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

U.S. Seal, 9801 Pillsbury Avenue South, Bloomington, Hennepin County, has been appointed by me to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

A. Nicol Smith, 3331 E. First Street, Duluth, St. Louis County, has been appointed by me to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

F. L. Alexander, 1355 Lincoln, St. Paul, Ramsey County, has been appointed by me to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

Adolph Tobler, 915 Edmund Ave., St. Paul, Ramsey County, has been appointed by me to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

John Tilton, Smithtown Bay, Excelsior, Hennepin County, has been appointed by me to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

Roger Hale, 1833 Girard Ave., Minneapolis, Hennepin County, has been appointed by me to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1975.

Mrs. Walter Weigelt, 820 LaBree Ave. No., Thief River Falls, Pennington County, has been appointed by me to the State Zoological Board, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

Merlin H. Berg, 983-18th Ave. S.E., Minneapolis, Hennepin County, has been appointed by me to the Minnesota-Wisconsin Boundary Area Commission, effective January 4, 1971, for a term expiring June 30, 1973.

Mrs. Stanley Hubbard, St. Croix Beach, Washington County, has been appointed by me to Minnesota-Wisconsin Boundary Area Commission, effective January 4, 1971, for a term expiring the 30th day of June, 1973.

Bernard Brommer, 105 E. Toledo, Duluth, St. Louis County, has been appointed by me to the Minnesota-Wisconsin Boundary Area Commission, effective January 4, 1971, for a term expiring June 30, 1973.

Roderick A. Lawson, 906 S. Greeley, Stillwater, Washington County, has been appointed by me to Minnesota-Wisconsin Boundary Area Commission, effective January 4, 1971, for a term expiring June 30, 1973.

Thomas Kennedy, Lake City, Wabasha County, has been appointed by me to the Minnesota-Wisconsin Boundary Area Commission, effective January 4, 1971, for a term expiring June 30, 1973.

Michael McGuire, Montgomery, LeSueur County, has been appointed by me to the Minnesota Municipal Commission, effective January 4, 1971, for a term expiring June 30, 1975.

Jack L. Chestnut, 3282 Owasso Heights Road, Shoreview, Ramsey County, has been appointed by me to the Minnesota State Board of Human Rights, effective January 4, 1971, for a term expiring the first Monday of January, 1973.

Sincerely,

*Wendell R. Anderson*

Wendell R. Anderson  
Governor

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: I MOVE that the nominees for appointments of Governor Anderson be referred to the Committee on Rules for further . . . . (inaudible).

MR. PRESIDENT: Mr. Coleman has moved that the appointments of Governor Anderson be referred to the Committee on Rules for referral to the proper committees. Any discussion? All in favor will signify by saying "AYE". Opposed "NO". MOTION CARRIES.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: No further business before the body.

MR. COLEMAN: I would like to MOVE that the Senate now adjourn until 11 o'clock . . . . (inaudible).

MR. PRESIDENT: Mr. Kalina.

MR. KALINA: (Inaudible)

MR. PRESIDENT: Mr. Coleman has moved that the Senate do now adjourn until 11 o'clock.

MR. COLEMAN: (Inaudible)

MR. PRESIDENT: Mr. Coleman moves the Senate do now adjourn until 11 o'clock, Wednesday, January 6, 1971. Any discussion? If not, so ordered.