

CHAPLAIN: Almighty God who has given us this good land for our heritage we humbly beseech thee that we may always prove ourselves a people mindful of thy favor and glad to do thy will. Bless our land with honorable industry, sound learning and pure manners, and save us from violence, discord and confusion; from pride and arrogancy and from every evil way; defend our liberties and fashion into one united people the multitudes brought here out of many kindred and tongues; endow with the spirit of wisdom those to whom in thy name we entrust the authority of government that there may be justice and unity and peace at home and that through obedience to Thy law we may show forth Thy phrase among the nations of the earth. In the time of prosperity fill our hearts with thankfulness and in the day of trouble suffer not our trust in Thee to fail. We pray through Jesus Christ our Lord, Amen.

MR. PRESIDENT: The secretary will call the roll.

MR. FLAHAVER: Anderson, E. J. (response, if any, inaudible)  
Anderson, J. C. (response, if any, inaudible)  
Anderson, J. T. - here  
Arnold - here  
Ashbach - here  
Benson - here  
Bergerud - here  
Blatz - here  
Borden - here  
Brown - here  
Chenoweth - here

MR. FLAHAVEN: Chmielewski - here  
Coleman - here  
Conzemius - here  
Davies - here  
Dosland - here  
Doty - here  
Frederick - here  
Gage - here  
Gearty - here  
Glewwe - here  
Gustafson - here  
Hansen, Baldy - here  
Hansen, Mel - here  
Hansen, N. W. - here  
Holmquist - here  
Holsten - here  
Hughes, J. M. - here  
Hughes, Keith - present  
Jensen, C. A. - here  
Jensen, V. K. - here  
Josefson - here  
Jude - here  
Kalina - here  
Kirchner - here  
Krieger - here  
Larson - here  
Laufenburger - here

MR. FLANAVEN: Mammenga - here  
McCarty - here  
McCutcheon (response, if any, inaudible)  
Metcalf - here  
Moe - here  
Novak - here  
Nyquist - here  
Ogdahl - here  
Olson, A. G. - here  
Olson, H. D. - here  
Olson, J. L. (response, if any, inaudible)  
O'Neill - here  
Overgaard - here  
Parish - here  
Perpich, A. J. - here  
Perpich, G. - here  
Pillsbury - here  
Popham - here  
Purfeerst - (response, if any, inaudible)  
Renneke - here  
Schrom - here  
Sinclair - here  
Tennessen - here  
Therup - here  
Ukkelberg - here  
Wegener - here  
Willet - here  
Wolfe - here

MR. PALMER: Mr. President, Senator Palmer is in the chamber.

MR. PRESIDENT: The next order of business, petitions, executive and official communications, introduction and first reading of Senate bills.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Holmquist.

MR. HOLMQUIST: Mr. President, I move the Senate do now adjourn to 11:00 a.m. Thursday next.

MR. PRESIDENT: Senator Holmquist has moved that the Senate do now adjourn to 11:00 a.m.

MR. HOLMQUIST: Thursday next.

MR. PRESIDENT: Thursday, January 7, 1971.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I'd like to speak to that motion. Mr. President, members of the Senate, the oath of office has been administered to all the senators and there are 67 senators who have taken that oath. However, occasions have arisen that has made it impossible to continue the organization of the Minnesota State Senate. We are very grieved that this has happened, and as we indicated, there is only one course that we can take and that is asking for a court determination of what has taken place. We are also grieved because we had indicated to the leadership of the minority that if there were any questions that they could have asked for a court determination. They decided not to do so and presented their information to the Senate when it convened yesterday. There is no alternative but this procedure must now take place. The Supreme Court of the State of Minnesota is sitting at this time. We

are not sure just when they will be available to listen to the presentations. We think it probably might be shortly after 12 o'clock or some time between 12 and 1 p.m. I would like to point out also, Mr. President, that we are asking concurrence in this motion because we believe it becomes the dignity of the Senate to agree that a court determination will be made and that we should as state Senators wait until the results are evident. We are moving to adjourn. We know that there will be 34 votes in favor of adjourning, and if the President fails to count the 34 votes, we will deem that in fact we have adjourned and that the Senate is no longer in session and we will leave. I have here a message that is going to be presented from the Minnesota House of Representatives. "Resolved that in view of the conflicting messages from the Senate, the joint convention --

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

MR. PRESIDENT: State your point of order Mr. Davies.

MR. DAVIES: It is my understanding (inaudible) that the messages from the House come to the desk and I wondered why this message did not come to the desk.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: I am assuming and I, Mr. President,

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Point of inquiry -- has this message come to the desk.

UNIDENTIFIED: Can we see the message?

MR. PRESIDENT: Senator Holmquist, the message is now received and we have gone by that . . .

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: I understand that a message of some kind will be communicated at some time before 12 o'clock to all interested parties. I know . . .

MR. DAVIES: Mr. President, I withdraw my point of order if it's understood that from now on the messages from the House will go to the desk.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: and the message . . .

MR. PRESIDENT: May I interrupt you for just a second?

MR. HOLMQUIST: Yes.

MR. PRESIDENT: Yesterday we had somebody in the galleries and I want to call to the attention of the people up in the galleries that you do not applaud in the galleries of the state Senate.

MR. HOLMQUIST: Thank you, Mr. President. And the sum and substance, the motive of this communication apparently is going to be that there will be no joint convention but the House will simply recess and if the great Governor of this state of Minnesota wishes to address the House at that time, he is invited to do so. No invitation is being extended to the Senate, to the constitutional officers or to the Supreme Court. In view of that fact, Mr. President, I hope you will put the motion and I hope that we can all abide by the decision that will be made if there is any controversy and adjourn and convene tomorrow. Might I also add this, Mr. President, the court determination will be forthwith. We do not know how long it will take but there

have been no delays on the part of those asking for the court determination and I'm sure the Supreme Court of the state of Minnesota, in view of the urgency, will process it as quickly as they possibly can. When that determination has been made, then we can logically, sanely and with dignity proceed with the work of the Minnesota State Senate.

MR. KALINA: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Kalina.

MR. KALINA: It has been customary that the motion to adjourn be held pending any announcements of the body to the senate members and I would like to . . .

MR. PRESIDENT: I recognize that Senator.

MR. KALINA: Could I be given the privilege of making an announcement?

MR. PRESIDENT: If there is no objection, Senator.

MR. KALINA: There will be a Senate Tax meeting scheduled for Monday next at 3 o'clock p.m. for the purpose of hearing the tax commissioner and any of his assistants who will present necessary information that the tax committee will need to take care of its business. Cards will be placed on the desks of the members of that committee prior - but I call your attention to the fact that there will be a Senate Tax Committee meeting at 3 o'clock next Monday.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: If I may respond by saying that, of course, it goes without my explaining it in detail that the Senate of the state of Minnesota has not been organized. After the Secretary of the Senate

was elected, there were only 33 members present in the Chamber. This is not a quorum. No business can take place. The fact that there is not a quorum is a nullity to anything that might presume to have taken place.

MR. DAVIES: Mr. President.

MR. PRESIDENT: Senator Davies.

MR. DAVIES: I would like to announce that there will be a meeting of the Government Operations committee Friday morning at 8 o'clock.

MR. PRESIDENT: The motion is that the Senate - the Chair recognizes Senator A. J. Perpich.

MR. PERPICH, A. J.: Mr. President, there will be a meeting of the Senate Labor committee tomorrow at 3 p.m. in room 206.

MR. BERGERUD: Mr. President.

MR. PRESIDENT: Senator Bergerud.

MR. BERGERUD: When are we going to . . . (inaudible)

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: . . . (inaudible) . . . that will be in the journal for yesterday and will be distributed to all the senators when we return after our recess.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: I thank the distinguished minority leader but I might add very clearly the fact that any activity or any decisions that were presumed to be made after 34 senators left the chamber is a complete nullity on the basis there was not a quorum. No action can be taken with any finality or any credence unless a quorum is present.

MR. BALDY HANSEN: Mr. President.

MR. PRESIDENT: Senator Baldy Hansen.

MR. HANSEN, BALDY: (Inaudible)

MR. PRESIDENT: Senator Conzemius.

MR. CONZEMIUS: Monday morning at 9 o'clock the senate Education Committee will meet and there will be notices sent out to all members.

MR. PRESIDENT: Are there any further notices before the . . . .

MR. LAUFENBURGER: Mr. President.

MR. PRESIDENT: Senator Laufenburger.

MR. LAUFENBURGER: This is to notify the people that the Elections and Reapportionment Committee will meet tomorrow afternoon at 4:00 p.m., in room 330 to start hearing the Palmer-LaBrosse election contest. Cards will be placed on your desks for the various members who are on the Reapportionment and Elections Committee.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: Mr. President, I rise to speak against the motion to adjourn until 11:00 a.m. Thursday next. I didn't hear the date but I presume that the distinguished Senator from Meeker is talking about tomorrow at 11:00 a.m. I oppose the motion to adjourn until that time, Mr. President, on the basis that we are organized; that there was no suggestion of a lack of quorum yesterday and failing that suggestion, the business that was conducted was entirely proper; that on the contrary the attempt to swear in somebody outside the chamber was the improper action - when we get to that and I think it will be demonstrated but going forward with as much good will as possible in this kind of grim atmosphere, I would like to point out to the members of the Senate that as you have just heard our committees are organized. Our committees are ready to meet. We made a great

point of this yesterday that we must get on with the business of the Senate. The distinguished Minority leader from Meeker county has just made the point that we really have to be ready to do business before we can meet as a Senate. We are, Mr. President, I have been informed by some members that there are bills at the desk that are ready to be referred to committees and to be heard. I have just heard the announcement that we are going to have meetings tomorrow to consider various things and that you will all get cards in a more formal way on this. You will all be informed of your committee assignments. I will tell you about them after we have recessed briefly this morning, if you wish, but that information will be available. Mr. President and the members of the Senate, there is no reason why we cannot proceed with the business of the state of Minnesota. It would be my intention, Mr. President, to suggest to the members that we not even take Friday off as has been our custom since I have been in the Senate but that we proceed --- at least the first several Fridays and even Mondays --- but that we proceed to hold our committees as you have just heard on Thursdays and Mondays and get right down to business. We are ready to go. I think that the motion to adjourn is not at all necessary. I don't know about anybody else but the DFL is ready to go.

Now Mr. President and members of the Senate, insofar as the court determination is concerned, I welcome anything that legitimately will speed the process of deciding this issue. In our informal discussions and I don't think I break a confidence on this, we agreed that the matter was going to be decided either here or perhaps sometime in the court. I am anxious to get the matter determined too. I'm anxious for several reasons. One reason is that I feel that the

Constitution of the state of Minnesota clearly supports the position that we took yesterday relative to the attempt to seat Mr. Palmer. So getting it to the courts and getting it decided is very much something that I desire. What the courts will do, of course, is difficult to determine. I was a little surprised at some of the actions yesterday taken by a member of one of the courts but I guess we have to wait until that's finally decided.

Mr. President, in view of the foregoing I hope that the motion to adjourn until 11:00 a.m. tomorrow will be defeated. If it is defeated, we will proceed to the other orders of business and we do have business and are ready.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Holmquist.

MR. HOLMQUIST: I ask for a roll call vote.

MR. PRESIDENT: A roll call vote has been requested that the Senate do adjourn until Thursday, January 7 at 11:00 a.m.

MR. COLEMAN: Mr. President, I request a call of the Senate.

MR. PRESIDENT: Senator Coleman has requested a call of the Senate.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: Senator Dosland.

MR. DOSLAND: Point of order.

MR. PRESIDENT: Point of order.

MR. DOSLAND: Mr. President, this body has not adopted the rules therefore a call of the Senate is completely out of order, in fact it is absolute. There is no provision for a call of the Senate at this time. It is obvious that the President (inaudible) . . . . yesterday without a quorum . . . . (inaudible) so I respectfully suggest that

no call of the Senate may be had.

MR. PRESIDENT: The temporary rules were adopted until the permanent rules are . . . .

MR. DOSLAND: Mr. President, might I inquire that . . . (inaudible)

MR. PRESIDENT: The Chair recognizes Mr. Davies.

MR. DAVIES: Mr. President, my memory was that the vote was 33 to nothing which is a clear majority.

MR. PRESIDENT: There are 33 ayes and no nays, motion carried.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: Senator Dosland.

MR. DOSLAND: Might I ask you . . . (inaudible)

MR. PRESIDENT: Mr. Dosland, the rules were adopted yesterday by a majority of those voting and the rules are being printed and will be on your desks this afternoon. Senator Dosland.

MR. DOSLAND: Might I ask the Chair (inaudible) my point of order (inaudible).

MR. PRESIDENT: That's correct.

MR. DOSLAND: Mr. President, I appeal the ruling of the Chair and ask for a roll call.

MR. PRESIDENT: Mr. Dosland appeals the decision of the Chair. Any discussion?

MR. POPHAM: Mr. President.

MR. PRESIDENT: Senator Popham.

MR. POPHAM: Mr. President, I wonder if the Senator from Clay would yield to a question?

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

MR. PRESIDENT: Senator Dosland yields.

MR. POPHAM: Mr. President, I would like to ask the Senator from Clay if we might consider here whether or not we can avoid the need for an appeal. I guess I don't understand the reason here for going through the procedure of a call of the senate. I would have thought the suggestion Senator Holmquist would make sense that quite obviously some questions here are going to have to be decided by the courts and presumably it would be in everyone's interest to wait a short period and find out what this answer is going to be without in effect putting people on the spot, employees of the Senate, members of the public as to what meetings they are supposed to go to or not to go to and I think all we are concerned about here is, we are not going to take any action which would or could be argued as a waiver of anything that has happened from a legal standpoint. I don't think we want to go through any exercise here that's unnecessary for the mere purpose of protecting a record. So I'm wondering if the Senator from Clay would feel there is anything we might do to clarify the intent here of the Senator from Ramsey and possibly expedite the proceedings here this morning.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: Mr. Dosland.

MR. DOSLAND: Mr. President, in reply to the inquiry of the Senator from Hennepin, I (inaudible) on the motion to adjourn (inaudible). Would the Senator from Ramsey, Mr. Coleman, yield to a question?

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: I yield, Mr. President.

MR. DOSLAND: Mr. President, Senator, (inaudible).

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: It would be in my opinion it would not, Senator.  
Mr. President, I feel that on a motion of this importance that everyone in the body that was legitimately seated should have an opportunity to vote so that they have their own personal record that they were participating in the proceedings so I renew my call.

MR. PRESIDENT: Senator Dosland.

MR. DOSLAND: Mr. President, I would ask the Senator from Meeker to yield to a question.

MR. HOLMQUIST: I will yield.

MR. PRESIDENT: Senator Holmquist yields, Senator Dosland.

MR. DOSLAND: Mr. President, I would be (inaudible).

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: Mr. President, I clearly believe the point of order is well taken. However, you have ruled and since it is completely out of order in my judgment that the call of the Senate be made, if someone wishes to go through the maneuvers, I would suggest that the members of the majority do not participate in the call because I'm anxious, Mr. President, that the vote on the motion to adjourn be taken as quickly as possible.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: Senator Dosland.

MR. DOSLAND: In view of the statement of the Senator from Meeker, I will withdraw my appeal from the ruling of the Chair.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: Mr. President, is the senate under call?

MR. PRESIDENT: The senate is still under call.

MR. COLEMAN: Mr. President, I call for absentees.

MR. PRESIDENT: Senator Coleman has called for absentees. Order please.

MR. POPHAM: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Popham.

MR. POPHAM: Mr. President, I wonder if the senator from Ramsey, Mr. Coleman, would yield to a question?

MR. PRESIDENT: Senator Coleman do you yield?

MR. COLEMAN: I yield Mr. President.

MR. POPHAM: Mr. President, I would like to inquire of the Senator from Ramsey as to what his concern here is about the call of the senate and I would point out to him that we are simply concerned that if those members who question the propriety of the rules which were adopted are to respond to the call, a claim could be made that they have then waived their rights and I assume it isn't the intent of the Senator here to attain that type of advantage and so I'm wondering here if he has any thoughts on how we can preserve the rights of those people who want to assert a position and at the same time move forward here procedurally with whatever he feels needs to be accomplished.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: In response to the inquiry from the distinguished senator from Hennepin, I would say that the rights of the members are the rights that have always existed in this deliberative body. The Chair has ruled that we have adopted rules. I am requesting the use of one of those rules. I hope that every member will be in the

chamber and respond. I want, Mr. President, then to move on and see if the motion to adjourn until 11:00 a.m. is upheld or rejected so that we can decide whether we will leave for a while or whether we will, as I wish, to go on with the business. So I believe that I am preserving the rights of the senators under the ancient rules of this body.

MR. POPHAM: Mr. President, I thank the senator from Ramsey and I believe here that it is quite apparent that the request here which we have made previously and have renewed today for cooperation of the Liberal group in getting this question resolved is not going to be accepted -- cooperation is not going to be extended. I think, Mr. President, under the circumstances the most practical thing --

MR. DAVIES: Mr. President.

MR. PRESIDENT: Senator Davies.

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

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

MR. DAVIES: (Inaudible)

MR. POPHAM: Mr. President.

MR. PRESIDENT: Senator Popham.

MR. POPHAM: My statement for the benefit of the Senator from Hennepin hopefully will enable us to get forward because I was going to suggest, Mr. President, that I think that at this point in the proceedings those people that question the propriety of the rules can push a green button without acknowledging any acquiescence in any action that was taken. And I assume that if the green button is pushed that this will satisfy the requirements of the senator from Ramsey and then we can proceed to take a vote on whether or not the

chamber  
Senate is going to adjourn.

if the m \_\_\_\_\_ : Mr. President. (Inaudible)

that MR. POPHAM: On reflection perhaps, Mr. President, that suggestion  
will as would not meet with favor so I withdraw it.

prescrip: MR. COLEMAN: Mr. President.

body MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: Mr. President, the Chair has ruled that we do have  
I believe rules, that the Senate is under call, and I have called for absent  
we have members. I see we still have quite a few absent. Under some

the library conditions I am going to insist that that call be made but I would  
accepted like to publicly renew statements that I have made to the press and  
Mr. President statements that I have made to the distinguished senator from Meeker

and that MR. I would withdraw the call if he will withdraw his motion to  
adjourn MR until 11:00 a.m. tomorrow morning and if he would instead

substitute MR. I a motion to recess until 2 o'clock of this afternoon, that  
I will MR. support that motion, so we can do some of the things that the

senator MR. from Meeker says he wishes to do. Perhaps we can have an  
opportunity MR. to talk which I again renew and I am as anxious as anyone  
to do MR. it so if that would be satisfactory to the distinguished

senator MR. to recess until 2:00 today, I will be perfectly willing to do  
Hennepin that.

to sugges: MR. HOLMQUIST: Mr. President.

proceeding: MR. PRESIDENT: The Chair recognizes Senator Holmquist.

can push: MR. HOLMQUIST: Mr. President, I think the position is very clear.

any action: No rules have been adopted. There is no basis for putting on a call.

pushed the: A motion to adjourn to a time certain is in order and I would persist  
in having Ransley vote on that motion.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Coleman.

MR. COLEMAN: Mr. President, the Chair has ruled that we have adopted rules. There has been no appeal. The Chair has been sustained. We have rules and I'm proceeding under those rules.

(Call of the Senate on at this point.)

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Coleman.

MR. COLEMAN: Mr. President, I move that further proceedings under the Call be dispensed with and that the Sergeant-at-arms be instructed to bring in the absent members.

MR. PRESIDENT: Mr. Coleman has moved that further proceedings under the Call be dispensed with and the Sergeant-at-arms be instructed to bring in the absent members.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Senator recognizes Mr. Holmquist, the Chair does.

MR. HOLMQUIST: The original motion that placed the Call was out of order, consequently this motion to dispense with the Call is equally out of order, and I ask for a ruling of the Chair.

MR. PRESIDENT: The ruling of the Chair is that the motion that further proceedings under the Call be dispensed with the Sergeant-at-arms be instructed to bring in the absent members is in order.

MR. HOLMQUIST: Well, Mr. President, to take an appeal from the ruling of the Chair seems possibly based on your past rulings, a matter of taking more time. However, for the record of the Senate we are displeased with the ruling of the Chair.

MR. PRESIDENT: The Secretary of the Senate will now proceed with the roll call on the motion to adjourn.

MR. DOSLAND: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Dosland.

MR. DOSLAND: Mr. President, (inaudible) the Journal of the Senate show that the ruling of the chair was disputed by the

Senator from Hecker, Mr. Holmquist, (inaudible) going forward

(inaudible) having a roll call of the Senate.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: I wonder if the distinguished Senator from Clay would repeat his last remarks because I really didn't catch them all.

MR. PRESIDENT: Senator Dosland.

MR. DOSLAND: Mr. President, (inaudible) show that the rulings of the Chair (inaudible) have been disputed here (inaudible) an appeal (inaudible).

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: I believe that only official actions can appear in the records that are kept by the Secretary of the Senate and that there was an earlier appeal from the decision of the, a request for a ruling and that was not appealed. There is no appeal in this matter. I assume that the Chair's ruling, the Chair having ruled, that that will show in the Journal.

MR. PRESIDENT: The Secretary will now take a - -

MR. L. W. LARSON: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Larson.

MR. L. W. LARSON: I understand that there has been a Journal printed by the "rump" group and I did not receive a copy and I would like to be handed a copy of that Journal.

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

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: In view of the discussion I feel that it

becomes necessary at this time to appeal for the ruling from the Chair and I ask for a roll call.

MR. PRESIDENT: Senator Holmquist would you state the appeal now --- the decision that the roll call be dispensed with - -

MR. HOLMQUIST: Mr. President, we made a point of order that the Motion to dispense with further proceedings of the Call was out of order. The point of order that we made was not sustained by you. We think your ruling was wrong. We appeal from that ruling.

MR. PRESIDENT: Mr. Holmquist appeals the ruling of the Chair as relates that the further proceedings and the Call of the Senate be dispensed with. Is there any further discussion?

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

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: Speaking to that point, the distinguished Senator from Clay just came over and made that suggestion. I believe I nodded agreement. My head started shaking the other way as you walked slowly away, Senator. I think it's partly out of respect for that great legal mind which you possess and I think that we ought to do this in the proper manner and ask that the Clerk call the roll and that we handle this the same way he handled the appeals yesterday.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: Will the President please state how you are going to word the question?

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

the Chair that further proceedings under the Call of the Senate be dispensed with and the Sergeant-at-arms be instructed to bring in the absent members.

UNIDENTIFIED: That's out of order.

MR. PRESIDENT: That it is out of order - that is the appeal - yes. Those who want to sustain, want to vote in favor of the appeal will vote yes. Those who want to sustain the Chair will vote no. If there being no objection, the Secretary will proceed with the call of the roll.

MR. FLAHAVEN:

	<u>AYE</u>	<u>NAY</u>
Anderson, E. J.	X	
Anderson, J. C.		X
Anderson, J. T.	X	
Arnold		X
Ashbach	X	
Benson		X
Bergerud	X	
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
Hansen, Baldy		X
Hansen, Mel	X	
Hanson, N.W.		X
Holmquist	X	
Holsten	X	
Hughes, J. M.		X
Hughes, Keith	X	
Jensen, C. A.	X	
Jensen, V. K.		X
Josefson	X	
Jude		X

the Chair Kalina further proceedings under the Call of the Senate to

Kirchner X  
 dispense Krieger and the forces X  
 Larson X

the absent Laufenburger X  
 Mammenga X

MR. McCarty: That is an X  
 Mc Cutcheon X

MR. Metcalf: That is X out of order - that is the appeal  
 Moe X

yes. T. Novak: I want to sustain. I want X vote in favor of all  
 Nyquist X

appeal Ogdahl: I want to sustain the Chair will X  
 Olson, A. G. X

vote no. Olson, H. D.: I have no objection X the Secretary will proceed  
 Olson, J. L. X

with the O'Neill: I will X  
 Overgaard X

MR. Palmer votes X  
 Parish X

Berpich, A. J. X  
 Berpich, George X

Pillsbury, J. X  
 Popham X

Furfeerst X  
 Kenneke X

Schomud X  
 Sinclair X

Tamnessen X  
 Thorup X

Ukkelberg X  
 Wegener X

Willetts X  
 Wolfenbarger X

Davies

MR. PRESIDENT: There being 33 ayes and 33 naves, the appeal

loses. Doty

MR. HOLMQUIST: Mr. President. Gage

MR. PRESIDENT: Mr. Holmquist. Glennie

MR. HOLMQUIST: I again must remind the President that there

were 34 aye-votes from 34 Senators who have been duly sworn as members

of this body. It is my consideration that the opinion of the Chair

was overturned. How do you rule? Husher

MR. PRESIDENT: The Secretary of the Senate has 33 ayes and 33

nays and the appeal fails. Jule

MR. HOLMQUIST: Might I say once again, Mr. President, and I do it in kindness and courtesy, there were 34 ayes and 33 nos.

MR. PRESIDENT: We will now proceed with the - -

MR. HOLMQUIST: Mr. President, the next order of business is the Motion to Adjourn to January 7, tomorrow, at 11 o'clock.

MR. COLEMAN: (inaudible)

MR. PRESIDENT: State your point of order, Mr. Coleman.

MR. COLEMAN: Mr. President, I believe we have to complete the roll before we can proceed to that order of business.

MR. HOLMQUIST: Thank you.

MR. PRESIDENT: We have to proceed with the roll on Mr. Coleman's motion...that further proceedings under the Call of the Senate be dispensed with. Sergeant-at-arms - - -

MR. COLEMAN: Mr. President, I rise to a point of order.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: There seems to be some agreement that the roll had to be concluded and not the buttons pushed off. Is there, in fact, a roll call vote at the desk? Mr. President, I direct my inquiry to you but I wonder if you will check with the Secretary of the Senate to see if there is a record of the proceedings under the Call of the Senate.

MR. COLEMAN: Mr. President, I'm not stating my inquiry very well. What I mean to suggest, is there a punched record of the proceedings under the call at the desk.

MR. PRESIDENT: No, I must answer no, there is not.

MR. COLEMAN: Mr. President, that is a violation of the rules of procedure, and I would ask that we retake roll, if necessary, I will again ask for Call of the Senate, but with the concurrence of all of those in the body, with those who wish to be recorded here, will punch up and we will have a roll call.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: My point of order will be satisfied if that is now run off, the members who are now punched up there.

MR. HOLMQUIST: Mr. President, the next order of business properly is the vote on the motion to adjourn to tomorrow at 11 o'clock, which is January 7th.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Mr. Coleman.

MR. COLEMAN: Several hours ago, when we were last discussing this subject, I spoke against the motion to adjourn. I need not repeat the arguments because I believe everybody was in the Chamber at that time and knows why I feel we are ready to organize, and that the motion to adjourn should be defeated. You have heard the announcements of our committee meetings and the Journals have been distributed on the desk and we are indeed ready for business.

Mr. President, I have tried to point out to the members of the body why this long delay has occurred and there are several things that maybe, one or two members have not heard.

This is not an ordinary proceeding. Mr. President, members of the Senate, we ask that the Senate printer, Webb Publishing, print the hour journal at the conclusion of the business yesterday. As I understand it, and I have to admit this is hearsay, they were told by the distinguished Senator from Meeker, and by the former Secretary of the Senate, not to accede to our request in this way. Therefore, we were forced to proceed in a more tedious and cumber-

some way and, hence, the long delay. You will recall, earlier in the day, that I asked that we recess. We had no intention of leaving this body until we had our Journal on the desks. As we had to do it the slow, hard way, I asked that we recess until this moment. We need not have sat here all day. But we are here, the Journal is here and on the motion to recess until 11 a.m. tomorrow, I request that the members vote no.

MR. HOLMQUIST: Mr. President, that motion is to adjourn until 11 a.m. tomorrow.

MR. COLEMAN: Mr. President, I stand corrected. I speak against the motion to adjourn until 11 A.M. tomorrow.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: I feel that I must make just one or two brief remarks in view of the statement just made by the Senator from Ramsey, Mr. Coleman. As I indicated earlier, the Senate is not organized. Therefore, until a court determination has been made, the Journal that he has referred to is not in reality in existence. This is why it wasn't printed. This is why it was not considered, just for the record.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Senator Coleman.

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

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

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: In view of the immediate past statements of distinguished Senator from Meeker, would he please tell the members of the Senate, who is expected to pay for this printing job?

MR. HOLMQUIST: Mr. President, the Senator himself was a part

of the Minn. State Senate when the money for this purpose was appropriated.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: I recall appropriating money to print a Senate Journal. If we had no Senate and no Journal, I repeat my question, I don't recall voting on a blanket appropriation to print pamphlets to distribute to the members of the Senate.

MR. PRESIDENT: Mr. Holmquist has moved that the Senate do now adjourn until Thursday, January 7th, at 11 A.M. The Secretary proceed with the roll call.

MR. FLAHAVEN:	<u>AYE</u>	<u>NO</u>
Anderson, E. J.	x	
Anderson, J. C.		x
Anderson, J. T.	x	
Arnold		x
Ashbach	x	
Benson		x
Bergerud	x	
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
Hansen, Baldy		x
Hansen, Mel	x	

SENATOR C. A. JENSEN: Mr. President, Mr. President.

MR. PRESIDENT: Senator Jensen.

SENATOR C. A. JENSEN: (inaudible)

MR. PRESIDENT: There is an error in the machine, it is not operating correctly. (inaudible discussion)

The indicated tally on the machine isn't working properly.

	<u>AYE</u>	<u>NO</u>
Hanson, N.W.		x
Holmquist	x	
Holsten	x	
Hughes, J.M.		x
Hughes, K.	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	
Palmer votes aye		
Parish		x
Perpich, A.J.		x
Perpich, George		x
Pillsbury	x	
Popham	x	
Purfeerst		x
Renneke	x	
Schrom		x
Sinclair	x	
Tennessee		x
Thorup		x
Ukkelberg	x	
Wegener		x
Willett		x
Wolfe	x	

UNIDENTIFIED: Mr. President, (inaudible)

MR. PRESIDENT: There being 33 ayes and 33 naves, the vote to adjourn fails.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Senator Holmquist.

MR. HOLMQUIST: Mr. President, there were 34 aye votes and 33 no votes. The motion carried and the Senate stands adjourned. Those who agree will leave the Chambers.

MR. PRESIDENT: The next order of business --

MR. C. R. BALDY HANSEN: Mr. Chairman, would it be in order now to make an announcement?

MR. PRESIDENT: Yes .

MR. C. R. BALDY HANSEN: The Commerce Committee will meet tomorrow morning at 8 o'clock in room 204,

MR. PRESIDENT: The next order of business is the introduction and first reading of Senate bills. Senators Chenoweth, Conzemius, and George Perpich introduce the following:

MR. FLAHAVEN: Senate file #1: A bill for an act relating to promoting, advocating or opposing legislation and providing penalties for its violations.

MR. PRESIDENT: Being no objection, the bill will be referred to the Committee on Governmental Operations.

Senators Mammenga, Doty, and Thorup introduce the following bill:

MR. FLAHAVEN: Senate File #2: A bill for an act relating to elections, providing for election of members of the Legislature by party designation, amending Minnesota Statutes 1969, sections 202.03, subd. 1; sections 203.29, subd. 2; sections 203.35, subd. 7 and 9; and 206.07, subd. 1.

MR. PRESIDENT: Be no objections, the bill will be referred to the Committee on Elections and Reapportionment.

Do we have any messages from the House of Representatives?

We are now under Motions & Resolutions.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: I have a resolution I would like to offer.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: Mr. President, I move the adoption of the following resolution. I would request that the Clerk begin to read the resolution.

MR. PRESIDENT: The Secretary of the Senate will read Mr. Coleman's resolution.

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

Be it resolved by the Senate that the following named persons be and they are hereby appointed for the session to the respective positions hereinafter stated and at the salaries of the respected positions heretofore fixed.

Administrative Asst., Archie Chelseth and Gary Lamma  
Asst. Executive Secretary, Ruth Peterson

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: Mr. President, members of the Senate, I think we can dispense with that now. This resolution names the Senate employees. The resolution will appear in tomorrow's journal, hopefully, printed at Webb Publishing and it will be available to all the members of the Senate and others too. I would just like to point out that I'm sure that some Senate employees will have a small bit of interest in this and I would say to them that there will be a copy at the desk and I'll try to keep a copy in my office. The names of the employees are substantially the same as the list submitted by the former Majority Group. We have added Gary Lamma as an assistant pursuant to the request of the Lieutenant Governor, as for an assistant which we have always had. We've added another committee secretary. Mr. Flahaven having been elected as Secretary of the Senate, is not shown on this list any more and we have also added the names of three researchers to Researcher II and Researcher III, positions that were in the list submitted by the distinguished Senator from Meeker, and we have also named a new Fourth Assistant Secretary of the Senate, Mr. Don Miller.

Mr. President, if there are no questions, I would move the adoption of the resolution.

MR. PRESIDENT: Senator Coleman moves the adoption of the resolution of the appointing of the employees during this legislative

session. Any discussion? All those in favor of adoption of the resolution will signify by saying "aye". Those opposed "no". The motion carries. The resolution is adopted.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: I move that the Minnesota State Senate do now adjourn until 11 a.m. tomorrow morning, Thursday, January 7th, and I will hold for announcement.

MR. LAUFENBURGER: Mr. President.

MR. PRESIDENT: Senator Laufenburger.

MR. LAUFENBURGER: I would like (inaudible) Elections Committee will meet tomorrow at 4 o'clock (inaudible).

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: Would the Senator from Winona yield to a question?

MR. LAUFENBURGER: Mr. President, I yield.

MR. COLEMAN: Senator, Mr. President, I understand that the first order of business of that Elections Committee will be to begin hearing on the election contest in the 59th District. It is my understanding that the transcript is in the possession of the Lieutenant Governor, the presiding officer of the Minnesota State Senate and will be available for the earliest possible action. My question, Senator, is am I correct on that assumption?

MR. LAUFENBURGER: Mr. President, Senator Coleman, you are correct. This will be first item on the agenda and I do not have

the transcript of the proceedings as yet although they are at the Lieutenant Governor's desk and I do not know if it takes a motion by this body to get them into my hands or not but if it does take a motion to get these transcripts of the election proceedings in the 59th District, I would like to move at this time that these proceedings be put in my hands as Chairman of the Elections and Reapportionment Committee.

MR. COLEMAN: Mr. President, I will withdraw my motion to adjourn, so that this motion can be made and I hope that, Senator, it includes the duplicating of the transcript for all the members of the Minnesota State Senate.

MR. KALINA: Mr. President.

MR. PRESIDENT: The chair recognizes Senator Kalina.

MR. KALINA: A point of inquiry. Are we now reverting to motions and resolutions as far as the record is concerned?

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: So that the record may be straight, I will withdraw my motion to adjourn. I will ask unanimous consent to revert to the Order of Motions and Resolutions for the purpose of a motion by the distinguished Senator from Winona.

MR. PRESIDENT: Senator Coleman is requesting that unanimous consent that we revert to the order of business under Motions and Resolutions so that Senator Laufenburger can make his motion. All those-- Any discussion? Any objection? All those in favor of the motion will signify by saying "aye". All those opposed "no." The motion carries.

We are back to---

MR. LAUFENBURGER: Mr. President.

MR. PRESIDENT: Senator Laufenburger.

MR. LAUFENBURGER: As long as we are now back on the business of motions and resolutions, I would like to move that the transcripts of the contested election in the 59th District between Mr. Palmer and Mr. LaBrosse be turned over in my hands so that we have it for our first committee meeting tomorrow at 4 o'clock p.m.

MR. PRESIDENT: Senator Laufenburger has moved that the transcripts of the proceedings held in the District Court, 6th Judicial District, County of St. Louis, In the Matter of the Contest of Election of Richard F. Palmer to the Office of State Senator, the 59th District, Francis LaBrosse, contestant vs. Richard Palmer, contestee, and the contestant's Exhibit A and B and the contestee's Exhibits 1 to 27 inclusive with the exception of Exhibit A which was withdrawn at the time of the trial, be now referred to the Committee on Elections and Reapportionment. Any discussion? All in favor will signify by saying "aye"; those opposed say "no". The ayes have it and it is so ordered.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: Senator Coleman.

MR. COLEMAN: I now move that the Minnesota State Senate adjourn. Mr. President, I will hold that again, I guess the point has been satisfied, Mr. President. I will now move that the Minnesota State Senate adjourn until 11 a.m. tomorrow, Thursday, January 7, 1971.

MR. PRESIDENT: Mr. Coleman has moved that the Senate do now adjourn until 11 o'clock Thursday, January 7, 1971. All in favor

signify by saying aye. Those opposed no. The ayes have it.

MR. FLAHAVEN: There are additional copies of yesterday's Journal at the desk, if you wish to have them.