

Journal of the Senate

SIXTY-SEVENTH SESSION

FIRST DAY

St. Paul, Tuesday, January 5, 1971.

This being the day designated by the Constitution and Laws of the State of Minnesota for the assembling of the Legislature, the members-elect of the Senate met in the Senate Chamber of the Capitol and were called to order at 12 o'clock noon by the President of the Senate, Lieutenant Governor Rudolph G. Perpich.

Prayer was offered by Reverend John J. O'Neill.

The President then appointed Mr. Gearty as Secretary pro tem.

Mr. Coleman arose on a point of order to object to the seating of Mr. Palmer and Mr. Overgaard.

The President of the Senate ruled that Mr. Palmer did not have the right to take the Oath of Office.

Mr. Holmquist arose to object to Mr. Coleman's point of order as being out of order.

The President of the Senate ruled that Mr. Coleman's point of order was in order.

Mr. Holmquist requested from the chair, a rationale for the ruling of the chair.

The President of the Senate then ruled that Mr. Coleman's point of order with respect to Mr. Overgaard was not in order and that Mr. Coleman's point of order with respect to Mr. Palmer was in order.

Mr. Holmquist then appealed the decision of the chair relative to Mr. Palmer.

The question being taken to reverse the decision of the chair, that the duly elected Senator from the 59th District could not take the oath of office, and the roll being called there were yeas 34 and nays 33.

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, J. C. Conzemius	Hughes, J. M.	Novak	Schrom
Arnold	Davies	Jensen, V. K.	Olson, A. G.
Benson	Doty	Jude	Olson, H. D.
Borden	Gearty	Kalina	Parish
Chenoweth	Gustafson	Laufenburger	Perpich, A. J.
Chmielewski	Hansen, Baldy	Mammenga	Perpich, G.
Coleman	Hanson, N. W.	Moe	Purfeerst
			Tenessen
			Thorup
			Wegener
			Willet

Mr. Wolfe challenged the legality and propriety of the vote on the basis that no one had taken the oath of office.

Mr. Hansen, Mel similarly challenged as did Mr. Jensen, C. A.

The President of the Senate announced that the vote was yeas 33 and nays 33 and the vote of Mr. Palmer was not to be recorded due to the chair's previous ruling.

Mr. Holmquist challenged the vote as announced by the chair, requesting that the Clerk pro tem recount the vote and report the results. There was no response. The President of the Senate rejected Mr. Palmer's vote on the question.

Mr. Gage appealed from the President of the Senate's ruling of the ineligibility of Mr. Palmer's vote.

The question being taken on the appeal of Mr. Gage and the roll being called, there were yeas 34 and nays 33, to overturn the ruling of the chair.

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, J. C. Conzemius	Hughes, J. M.	Novak	Schrom
Arnold	Davies	Jensen, V. K.	Olson, A. G.
Benson	Doty	Jude	Olson, H. D.
Borden	Gearty	Kalina	Parish
Chenoweth	Gustafson	Laufenburger	Perpich, A. J.
Chmielewski	Hansen, Baldy	Mammenga	Perpich, G.
Coleman	Hanson, N. W.	Moe	Purfeerst
			Tenessen
			Thorup
			Wegener
			Willet

Mr. Jensen, C. A., questioned the propriety of voting before having taken the oath of office and stated the opinion that the vote was illegal.

Mr. Wolfe similarly objected.

Mr. Gage requested that the Secretary pro tem indicate whether or not he had recorded Mr. Palmer's affirmative vote.

The Secretary pro tem responded in the negative.

The President of the Senate announced the vote as being ayes 33 and nays 33.

The President of the Senate then stated that Mr. Palmer's certificate could not be received.

Mr. Holmquist questioned the chair on the number of certificates at the desk.

The President of the Senate indicated that 67 certificates were at the desk.

Chief Justice of the Supreme Court, Honorable Oscar R. Knutson appeared before the Senate and stated that he would administer the oath of office but only to all persons holding certificates of election.

Mr. Coleman objected to the remarks made by the Honorable Oscar R. Knutson.

The Chief Justice then stated that another person could be found to administer the oath of office if other than 67 Senators were to be sworn in. The Chief Justice then departed from the Senate Chamber.

The Secretary pro tem called the roll by legislative districts in numerical order, and the following Senators-elect answered to their names and presented proof of their eligibility to be seated as members of the Senate.

First District	Llewellyn W. Larson
Second District	Roger Laufenburger
Third District	Mel Frederick
Fourth District	Harold G. Krieger
Fifth District	C. R. (Baldy) Hansen
Sixth District	George R. Conzemius
Seventh District	Clarence M. Purfeerst
Eighth District	Robert J. Brown
Ninth District	Paul Overgaard
Tenth District	Ernest J. Anderson
Eleventh District	Kelton Gage
Twelfth District	Rollin B. Glewwe
Thirteenth District	Victor N. Jude
Fourteenth District	John A. Metcalf
Fifteenth District	Earl W. Renneke
Sixteenth District	Stanley W. Holmquist
Seventeenth District	Carl A. Jensen
Eighteenth District	Howard D. Olson
Nineteenth District	John L. Olson
Twentieth District	J. A. Josefson
Twenty-first District	Jerald C. Anderson
Twenty-second District	Dr. Vernon K. Jensen
Twenty-third District	Alec G. Olson

Twenty-fourth District . . .	C. J. Benson
Twenty-fifth District	Florian W. Chmielewski
Twenty-sixth District	Ed Schrom
Twenty-seventh District . .	Jerome V. Blatz
Twenty-eighth District . . .	W. G. Kirchner
Twenty-ninth District	Alf Bergerud
Thirtieth District	Kenneth W. Wolfe
Thirty-first District	Richard J. Parish
Thirty-second District	Dean A. Nyquist
Thirty-third District	George S. Pillsbury
Thirty-fourth District	Melvin E. Hansen
Thirty-fifth District	Wayne G. Popham
Thirty-sixth District	Glenn D. McCarty
Thirty-seventh District . . .	Harmon T. Ogdahl
Thirty-eighth District	Robert J. Tennesen
Thirty-ninth District	Edward J. Gearty
Fortieth District	Harold Kalina
Forty-first District	Roy W. Holsten
Forty-second District	John T. Davies
Forty-third District	Wm. McCutcheon
Forty-fourth District	John C. Chenoweth
Forty-fifth District	Edward G. Novak
Forty-sixth District	Nicholas D. Coleman
Forty-seventh District	Joseph T. O'Neill
Forty-eighth District	John Tracy Anderson
Forty-ninth District	Robert O. Ashbach
Fiftieth District	Jerome M. Hughes
Fifty-first District	Keith F. Hughes
Fifty-second District	Norman W. Hanson
Fifty-third District	Winston W. Borden
Fifty-fourth District	Myrton O. Wegener
Fifty-fifth District	Clifford A. Ukkelberg
Fifty-sixth District	William B. Dosland
Fifty-seventh District	Stanley N. Thorup
Fifty-eighth District	Norbert Arnold
Fifty-ninth District	Richard Palmer
Sixtieth District	Earl B. Gustafson
Sixty-first District	Ralph R. Doty
Sixty-second District	Dr. A. J. Perpich
Sixty-third District	Dr. George Perpich
Sixty-fourth District	Gene Mammenga
Sixty-fifth District	Gerald Willet
Sixty-sixth District	Roger D. Moe
Sixty-seventh District	Donald Sinclair

OATH OF OFFICE

Mr. Patrick O'Neill, a duly registered Notary Public, was called upon to administer the Oath of Office to the Senators but stated that he would administer the Oath to any Senators holding certificates of election.

Mr. Patrick O'Neill then administered the Oath of Office to the newly elected Senator, Mr. Palmer of the 59th Legislative District.

OATH OF OFFICE

The Senators in a body, including Mr. Palmer then subscribed to the Oath of Office as administered by Mr. Jack Fena a duly elected member of the House of Representatives.

ELECTION OF OFFICERS

Mr. Sinclair nominated Mr. George G. Goodwin for Secretary of the Senate.

Mr. Coleman nominated Mr. Patrick Flahaven for Secretary of the Senate.

The question being taken on the election of the Secretary of the Senate and the roll being called, the following Senators voted for Mr. George G. Goodwin.

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

And the following Senators voted for Mr. Patrick Flahaven.

Anderson, J. C.	Conzemius	Hughes, J. M.	Novak	Schrom
Arnold	Davies	Jensen, V. K.	Olson, A. G.	Tennessee
Benson	Doty	Jude	Olson, H. D.	Thorup
Borden	Gearty	Kalina	Parish	Wegener
Chenoweth	Gustafson	Laufenburger	Perpich, A. J.	Willet
Chmielewski	Hansen, Baldy	Mammenga	Perpich, G.	
Coleman	Hanson, N. W.	Moe	Purfeerst	

Mr. George G. Goodwin received 34 votes of the members of the Senate was declared duly elected Secretary of the Senate.

Mr. Patrick Flahaven received 33 votes.

The chair then ruled that Mr. Palmer's vote was not eligible to be counted therefore, each candidate received 33 votes.

The chair then announced that in view of the vote, the chair was casting the tie breaking vote and voted in favor of Mr. Flahaven.

The chair then announced Mr. Flahaven was duly elected Secretary of the Senate.

Mr. Holmquist appealed the decisions of the chair relative to the chair's rejection of the affirmative vote cast by Mr. Palmer on the question of the election of Mr. Goodwin and the illegal vote cast by the President of the Senate for the election of Mr. Flahaven.

The question being taken to reverse the decisions of the chair there were yeas 34 and nays 33.

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, J. C.	Conzemius	Hughes, J. M.	Novak	Schrom
Arnold	Davies	Jensen, V. K.	Olson, A. G.	Tennessee
Benson	Doty	Jude	Olson, H. D.	Thorup
Borden	Gearty	Kalina	Parish	Wegener
Chenoweth	Gustafson	Laufenburger	Perpich, A. J.	Willet
Chmielewski	Hansen, Baldy	Mammenga	Perpich, G.	
Coleman	Hanson, N. W.	Moe	Purfeerst	

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

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

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

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

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

OATH OF OFFICE

Mrs. Dorothy J. Abell, a duly registered Notary Public, admin-

istered the Oath of Office to Mr. George G. Goodwin who was declared the duly elected Secretary of the Senate.

The Secretary of the Senate was then directed to prepare the Journal and secure the Senate records.

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

George G. Goodwin, Secretary of the Senate