

January 12, 1971

SENATE

PRAYER By Reverend John J. O'Neill: All Mighty and Everlasting God in whose peace our restless souls are quieted and by green pastures and still waters enlighten our minds. You know the lure of temptation to be less than our best. You understand the drain of our daily work and the limitations of our strength. In all our relationships with our fellow man grant us the grace of meekness and the power of self-control. Remove far from us all pretence. Help us to speak only such words and do only such things as will leave no regret at the close of day. Administer to the deepest needs of our hearts in these baffling and perplexing days as we lift up our prayer for help outside our inadequate resources. Come down and dwell in each and every heart. In our Redeemer's name we pray. Amen.

MR. PRESIDENT: The secretary will call the roll.

MR. FLAHAVEN:	Anderson, E. J.	here
	Anderson, J. C.	here
	Anderson, J. T.	here
	Arnold	here
	Ashbach	here
	Benson	here
	Bergerud	here
	Blatz	here
	Borden	here
	Brown	here
	Chenoweth	here
	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	here
	Jensen, C. A.	here
	Jensen, V. K.	here
	Josefson	here
	Jude	here
	Kalina	here
	Kirchner	here
	Krieger	here
	Larson	here
	Laufenburger	here
	Mammenga	here
	McCarty	here
	McCutcheon	here
	Metcalf	here
	Moe	here
	Novak	here
	Nyquist	here
	Ogdahl	here
	Olson, A. G.	here
	Olson, H. D.	here
	Olson, J. L.	here
	O'Neill	here
	Overgaard	here
MR. PALMER:		Palmer is present
MR. FLAHAVEN:	Parish	here
	Perpich, A. J.	here
	Perpich, George	here
	Pillsbury	here
	Popham	here
	Purfeerst	here
	Renneke	here
	Schrom	here
	Sinclair	here
	Tennessee	here
	Thorup	here
	Ukkelberg	here
	Wegener	here
	Willet	here
	Wolfe	here

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I now move the Senate do adjourn until 2 p.m. tomorrow, Wednesday.

MR. PRESIDENT: Senator Holmquist has moved that the Senate do now adjourn to Wednesday, 2 p.m.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: Mr. Holmquist.

MR. HOLMQUIST: Mr. President, I make this motion in view of the fact that the Senate has not been organized. That everyone has agreed that there of necessity must be a judicial determination and consequently with the Senate not being organized, that's the only order of business before us at this time.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I rise to speak against the motion to adjourn until 2 p.m. tomorrow. I rise to speak against the statements by the distinguished Senator from Meeker that we are not organized and that we are not ready to do business. Mr. President, those who remained in the Chamber after the other side of the aisle has walked out for the fourth consecutive day, will know that we have bills that have been introduced in the Minnesota State Senate; that we do have committees meeting; that we have received executive communications from the governor; that we have appointed committees; that we have passed a number of resolutions and are proceeding with the business of the Senate. I see no need to change that. The DFL caucus is ready to get on with the business of the state and I speak against the motion to adjourn at this time.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT. The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: I call for a roll call.

MR. PRESIDENT: Roll call vote. The Chair recognizes Mr. Dosland.

MR. DOSLAND: Mr. President, at this very hour (inaudible)

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, the distinguished Senator from Clay has many virtues but reading minds is not one of them. I have not divulged my thoughts to anyone in particular and I do not do so at this time. I simply say, Mr. President, and its been said before that the position of the DFL caucus and it's my personal position that we have to get on with the business; that the courts do not have jurisdiction in this case and while it's proved that we did ask for additional time to present an oral argument and this time was granted until approximately 2 p.m. today, that was done solely for the purpose of adding additional information and additional weight to our argument that we are<sup>a</sup>/coequal branch of government and must resolve our own difficulties and should not and cannot look to the courts to rescue any particular faction either now or in the future. The actions that are taken by the Senate may be judged at some later date but we are ready to go, we do wish to proceed this afternoon with the business of the State of Minnesota and I renew my plea not to adjourn at this time.

MR. PRESIDENT: The question being called for the Senate do now adjourn until 2 p.m. Wednesday, January 12. A roll call vote has been requested.

MR. FLAHAVERN:	Anderson, E. J.	aye
	Anderson, J. C.	no
	Anderson, J. T.	aye
	Arnold	no
	Ashbach	aye
	Benson	no
	Bergerud	aye
	Blatz	aye
	Borden	no
	Brown	aye
	Chenoweth	no
	Chmielewski	no

Coleman	no
Conzemius	no
Davies	no
Dosland	aye
Doty	no
Frederick	aye
Gage	aye
Gearty	no
Glewwe	aye
Gustafson	no
Hansen, Baldy	no
Hansen, Mel	aye
Hanson, N. W.	no
Holmquist	aye
Holsten	aye
Hughes, J. M.	no
Hughes, Keith	aye
Jensen, C. A.	aye
Jensen, V. K.	no
Josefson	aye
Jude	no
Kalina	no
Kirchner	aye
Krieger	aye
Larson	aye
Laufenburger	no
Mammenga	no
McCarty	aye
McCutcheon	aye
Metcalf	aye
Moe	no
Novak	no
Nyquist	aye
Ogdahl	aye
Olson, A. G.	no
Olson, H. D.	no
Olson, J. L.	aye
O'Neill	aye
Overgaard	aye
	Palmer votes aye
Parish	no
Perpich, A. J.	no
Perpich, George	no
Pillsbury	aye
Popham	aye
Purfeerst	no
Renneke	aye
Schrom	no
Sinclair	aye
Tennessen	no
Thorup	no
Ukkelberg	aye
Wegener	no
Willet	no
Wolfe	aye

MR. PALMER:  
MR. FLAHAVEN:

MR. PRESIDENT: There being 33 ayes and 33 nays, the motion failed.

MR. HOLMQUIST: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Holmquist.

MR. HOLMQUIST: We took the roll, there were 34 aye votes and 34 no votes so the Senate stands adjourned tomorrow at 2 p.m. The 34 aye votes and 33 no votes.

MR. PRESIDENT: The next order of business is executive communications.

MR. FLAHAVEN: The Honorable Rudy Perpich, President of the Senate, State of Minnesota.

Dear Sir: In my letter of January 4 appointing Daniel Burton of Mankato to the state board of education, please change the date of expiration of the term from July 1, 1975 to January 1, 1974.

Sincerely,

Wendell R. Anderson  
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. Mrs. Hartley Clark, 216 Nevada, Northfield, Rice county has been appointed by me to the state board of education effective January 4, 1971 for a term expiring July 1, 1975.

Sincerely,

Wendell R. Anderson  
Governor

MR. PRESIDENT: Being no objection, the communication will be referred to the Committee on Education. The introduction and first readings of Senate bills. Senators Coleman, Tennessen and Wegener.

MR. FLAHAVEN: Senate File No. 3, a bill for an act relating to landlords and tenants; establishing tenants' rights upon termination

of leases; amending Minnesota Statutes 1969, Sec. 566.03.

MR. PRESIDENT: There being no objection, referred to the Committee on Judiciary. There's Coleman, Tennessen and Wegener.

MR. FLAHAVEN: Senate File #4, a bill for an act relating to landlords and tenants; creating certain covenants by landlords in all leases with a term of less than one year; amending Minnesota Statutes 1969, Chapter 504, by adding a section.

MR. PRESIDENT: Referred to the Committee on Judiciary. Senators Coleman and Novak.

MR. FLAHAVEN: Senate File #5, a bill for an act relating to courts; compensation and leave from employment for jurors in Ramsey county.

MR. PRESIDENT: Referred to the Committee on Local and Metropolitan Government. Senators Coleman, Willet and Wegener.

MR. FLAHAVEN: Senate File #6, 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; Section 203.29, Subd. 2; Section 203.35, Subds. 7 and 9; and Section 206.07, Subd. 1.

MR. PRESIDENT: To be referred to the Committee on Elections and Reapportionment. Senators Coleman and Novak introduce the following:

MR. FLAHAVEN: Senate File No. 7, a bill for an act relating to county relief for poor persons; requiring <sup>the</sup> promulgation of uniform minimum standards for relief of poor persons; amending Minnesota Statutes 1969, Chapter 262, by adding a section.

MR. PRESIDENT: There being no objection, referred to the committee on Public Welfare. Senators Coleman, Kalina and Tony Perpich introduce the following.

MR. FLAHAVEN: Senate File No. 8, a bill for an act relating to taxation; exemptions from the sales and use tax; amending Minnesota Statutes 1969, Section 297a.25, Subd. 1.

MR. PRESIDENT: There being no objection referred to the committee on Taxes and Tax Law.

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: I rise to a point of personal privilege.

MR. PRESIDENT: Mr. Coleman, do you want to state your point of personal privilege.

MR. COLEMAN: Mr. President and members of the Senate, the distinguished Senator from Clay, before he left the room in a mistaken interpretation of the count, brought to the attention of the body that there is allegedly an injunction against Mr. Flahaven serving as secretary of the Senate. One of our members went over and talked to Mr. Dosland and apparently it was signed by the Chief Justice of the Supreme Court on January 7 issuing an order that Mr. Flahaven appear before him on January 11 and that he be enjoined from performing his duties as Secretary of this Senate. Now if we need ask any more why the Court should not be in this, let's just look at that particular matter. We have opened the floodgates to the Court running the Minnesota State Senate and legislature by allowing the courts to interfere with what's going on in this Chamber. I'm not an attorney, I have served, however, in the Senate for eight years and I have never seen anything so crass in my life. Now that order was not served so maybe somebody lost heart at the last moment and got cold feet but I ask the members of this Senate and I ask the members of the public to just ask themselves what kind of a body are we going to be if the

Courts are going to tell us whom we may hire for everything from Page to Secretary of the Senate, if the Court is going to be interfering in our affairs at every moment. I ask you all to consider this very, very carefully and the very severe and the very dangerous constitutional precedent that is attempted to be established in a motion/<sup>in</sup> a move like that.

MR. PRESIDENT: If there is no further business --

MR. COLEMAN: Mr. President.

MR. PRESIDENT: The Chair recognizes Mr. Coleman.

MR. COLEMAN: Mr. President, I move that the Senate do now adjourn until 2 p.m. tomorrow, Wednesday.

MR. PRESIDENT: Mr. Coleman has moved that the Senate do now adjourn until 2 p.m. Wednesday, January 12, 1971. All in favor, signify by saying aye; opposed no. The ayes have it. The Senate now stands adjourned until 2 p.m. tomorrow.