

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
668		79	May 10	May 10
1388		80	May 10	May 10

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

A communication was received from the Honorable Robert J. Sheran, Chief Justice, Supreme Court, State of Minnesota: "In the Matter of the Contest of General Election Held on November 7, 1978, for the Purpose of Electing a State Representative in the Counties of Ramsey and Dakota, State of Minnesota; James Scheibel, et al, contestants, Appellants, v. Robert Pavlak, contestee, Respondent."

Sieben, H., moved that Pavlak be precluded from voting on any substantive or procedural issues concerning his election contest.

A roll call was requested and properly seconded.

POINT OF ORDER

Peterson raised a point of order pursuant to rule 1.12 that the Sieben, H., motion was not in order. The Speaker ruled the point of order not well taken.

Crandall moved to amend the Sieben, H., motion as follows:

After "election contest" insert "and further that Representative Kempe be precluded from voting on any matters concerning the election contest"

A roll call was requested and properly seconded.

The question was taken on the Crandall amendment to the Sieben, H., motion and the roll was called.

Those who voted in the affirmative were:

Aasness	Crandall	Ewald	Heinitz	Levi
Ainley	Dean	Fjoslien	Hoberg	Ludeman
Albrecht	Dempsey	Forsythe	Jennings	Luknic
Anderson, D.	Den Ouden	Friedrich	Johnson, D.	McDonald
Anderson, R.	Drew	Fritz	Kaley	Mehrkens
Biersdorf	Erickson	Halberg	Knickerbocker	Nelsen, B.
Blatz	Esau	Haukoos	Kvam	Niehaus
Carlson, D.	Evans	Heap	Laidig	Norman

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Olsen	Redalen	Searles	Valan	Zubay
Onnen	Rees	Sherwood	Valento	Speaker Searle
Pavlak	Reif	Stadum	Weaver	
Peterson	Rose	Stowell	Welker	
Piepho	Rothenberg	Sviggum	Wieser	

Those who voted in the negative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Faricy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

POINT OF ORDER

Crandall raised a point of order pursuant to rule 2.5 that Representative Kempe not be allowed to vote on the Crandall amendment to the Sieben, H., motion. The Speaker ruled the point of order not well taken.

There were 67 yeas and 67 nays. The motion did not prevail and the Crandall amendment to the Sieben, H., motion was not adopted.

The question recurred on the Sieben, H., motion and the roll was called.

Those who voted in the affirmative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Faricy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

Those who voted in the negative were:

Aasness	Biersdorf	Dempsey	Evans	Fritz
Ainley	Blatz	Den Ouden	Ewald	Halberg
Albrecht	Carlson, D.	Drew	Fjoslien	Haukoos
Anderson, D.	Crandall	Erickson	Forsythe	Heap
Anderson, R.	Dean	Esau	Friedrich	Heinitz

Hoberg	Luknic	Pavlak	Schreiber	Weaver
Jennings	McDonald	Peterson	Searles	Welker
Johnson, D.	Mehrkens	Piepho	Sherwood	Wieser
Kaley	Nelsen, B.	Pleasant	Stadum	Wigley
Knickerbocker	Niehaus	Redalen	Stowell	Zubay
Kvam	Norman	Rees	Sviggum	Speaker Searle
Laidig	Nysether	Reif	Thiede	
Levi	Olsen	Rose	Valan	
Ludeman	Onnen	Rothenberg	Valento	

POINT OF ORDER

Vanasek raised a point of order pursuant to rule 2.5 and Minnesota Statutes, Section 209.10 that Representative Pavlak not be allowed to vote on the Sieben, H., motion. The Speaker deferred his decision pursuant to Section 244 of "Mason's Manual of Legislative Procedure."

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 703, A bill for an act relating to accountancy; providing for licensing of public accountants; prohibiting certain practices; appropriating money; providing penalties; amending Minnesota Statutes 1978, Sections 326.17; 326.18; 326.20, Subdivisions 1 and 2; and Chapter 326, by adding sections.

Reported the same back with the following amendments:

Page 16, line 4, after "\$" insert "66,000"

Page 16, line 5, delete "July 1" and insert "June 30"

Page 16, line 6, after the period insert "*The complement of the state board of accountancy is increased by two positions.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 928, A bill for an act relating to retirement; volunteer firefighters' relief associations and independent nonprofit firefighting corporations; providing for a flexible statutory service pension maximum; revising the administration of the fire state aid program; transferring the financial examination, regulatory, supervisory and enforcement functions of the police and fire state aid program to the state auditor; providing a procedure for the recognition of a funding surplus in the calcu-

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69.24; 69.66;
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742, Section 1
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Chapters 36;
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Chapters 71;
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Anderson, I., and Sieben, H., moved as follows:

1. That all materials relating to the Pavlak-Kempe election contest case shall be referred to the Committee on General Legislation and Veterans Affairs.

2. The committee is directed to prepare a report on the matter for recommendation to the full House. In committee, the affected parties shall have the right to introduce testimony, exhibits and evidence pertaining to the election contest.

3. For the purposes of this matter, a quorum of the Committee on General Legislation and Veterans Affairs shall consist of one-half of the members of said committee.

4. The committee shall report to the House, to be immediately acted upon, at 6:00 p.m., Wednesday, May 16, 1979 recommending: (a) no recommendation; (b) that Representative Pavlak be permitted to retain his seat; or, (c) that the seat presently held by Representative Pavlak be declared vacant and that a new election be held.

5. Representative Robert Pavlak shall not vote on any substantive or procedural votes relative to the committee report or the issue of his election contest.

A roll call was requested and properly seconded.

POINT OF ORDER

Halberg raised a point of order pursuant to Section 161 of "Mason's Manual of Legislative Procedure" that the Anderson, I., and Sieben, H., motion was out of order. The Speaker ruled the point of order not well taken.

CALL OF THE HOUSE

On the motion of Anderson, I., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Blatz	Elioff	Haukoos	Kelly
Adams	Brinkman	Ellingson	Heap	Kempe
Ainley	Byrne	Enebo	Heinitz	Knickerbocker
Albrecht	Carlson, L.	Erickson	Hoberg	Kostohryz
Anderson, B.	Cassery	Esau	Hokanson	Kroening
Anderson, D.	Clark	Evans	Jacobs	Kvam
Anderson, G.	Clawson	Ewald	Jaros	Laidig
Anderson, I.	Corbid	Faricy	Johnson, C.	Lehto
Anderson, R.	Crandall	Forsythe	Johnson, D.	Levi
Battaglia	Dean	Friedrich	Jude	Long
Begich	Dempsey	Fudro	Kahn	Ludeman
Berglin	Den Ouden	Greenfield	Kaley	Luknic
Berkelman	Eken	Halberg	Kalis	Mann

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Sherwood
Sieben, H.
Sieben, M.
Simoneau
Stadum
Stoa
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Sviggum
Swanson
Thiede
Tomlinson
Valan
Valento
Vanasek
Voss
Waldorf
Weaver
Welch
Welker
Wenzel
Wieser
Wigley
Wynia
Zubay
Speaker Searle

reed to.

Special Orders
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e be added as

day's session.

McCarron	Norman	Prahl	Sieben, M.	Weaver
McEachern	Norton	Reding	Simoneau	Welch
Mehrkens	Novak	Rees	Stadum	Welker
Metzen	Nysether	Reif	Stoa	Wenzel
Minne	Olsen	Rice	Stowell	Wigley
Moe	Onnen	Rose	Sviggum	Wynia
Munger	Osthoff	Rothenberg	Swanson	Zubay
Murphy	Otis	Sarna	Tomlinson	Speaker Searle
Nelsen, B.	Patton	Schreiber	Valan	
Nelsen, M.	Pehler	Searles	Vanasek	
Nelson	Peterson	Sherwood	Voss	
Niehaus	Pleasant	Sieben, H.	Waldorf	

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

POINT OF ORDER

Halberg raised a point of order pursuant to rule 6.4 that paragraph 3 of the Anderson, I., and Sieben, H., motion was out of order. The Speaker ruled the point of order well taken and paragraph 3 was withdrawn.

Anderson, I., moved to amend the Anderson, I., and Sieben, H., motion as follows:

In paragraph 1 strike the words "General Legislation and Veterans Affairs" and insert "Rules and Legislative Administration"

A roll call was requested and properly seconded.

POINT OF ORDER

Crandall raised a point of order that the Anderson, I., and Sieben, H., motion was out of order in so much as the materials relating to the Pavlak—Kempe election contest were not in the possession of the House. The Speaker ruled the point of order not well taken.

The question recurred on the Anderson, I., amendment to the Anderson, I., and Sieben, H., motion and the roll was called.

Anderson, I., moved that those not voting be excused from voting. The motion did not prevail.

Stowell was excused from voting.

There were 66 yeas and 65 yeas as follows:

Those who

Adams
Anderson, B.
Anderson, G.
Anderson, I.
Battaglia
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Berglin
Berkelman
Brinkman
Byrne
Carlson, L.
Cassery
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Clawson

Those who

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Albrecht
Anderson, D.
Anderson, R.
Biersdorf
Blatz
Crandall
Dean
Dempsey
Den Ouden
Drew
Erickson

The motion adopted.

Anderson, motion as amended

Anderson, I.

1. That all contest case shall be referred to the Committee on Legislation and Veterans Affairs

2. The committee report on this matter for record

3. The committee report on this matter acted upon, at which time the following: (a) no representative shall be permitted to vote in the election by Representatives in the election be held

4. In the event of a tie in the election in any manner which

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, M.	Simoneau
Anderson, B.	Eken	Kempe	Nelson	Stoa
Anderson, G.	Elioff	Kostohryz	Norton	Swanson
Anderson, I.	Ellingson	Kroening	Novak	Tomlinson
Battaglia	Enebo	Lehto	Osthoff	Vanasek
Begich	Fudro	Long	Otis	Voss
Berglin	Greenfield	Mann	Patton	Waldorf
Berkelman	Hokanson	McCarron	Pehler	Welch
Brinkman	Jacobs	McEachern	Prahl	Wenzel
Byrne	Jaros	Metzen	Reding	Wynia
Carlson, L.	Johnson, C.	Minne	Rice	
Casserly	Jude	Moe	Sarna	
Clark	Kahn	Munger	Sieben, H.	
Clawson	Kalis	Murphy	Sieben, M.	

Those who voted in the negative were:

Aasness	Esau	Jennings	Norman	Searles
Ainley	Evans	Johnson, D.	Nysether	Sherwood
Albrecht	Ewald	Kaley	Olsen	Stadum
Anderson, D.	Faricy	Knickerbocker	Onnen	Sviggum
Anderson, R.	Fjoslien	Kvam	Peterson	Thiede
Biersdorf	Forsythe	Laidig	Piepho	Valan
Blatz	Friedrich	Levi	Pleasant	Valento
Crandall	Fritz	Ludeman	Redalen	Weaver
Dean	Halberg	Luknic	Rees	Welker
Dempsey	Haukoos	McDonald	Reif	Wieser
Den Ouden	Heap	Mehrkens	Rose	Wigley
Drew	Heinitz	Nelsen, B.	Rothenberg	Zubay
Erickson	Hoberg	Niehaus	Schreiber	Speaker Searle

The motion prevailed and the amendment to the motion was adopted.

Anderson, I., withdrew the Anderson, I., and Sieben, H., motion as amended.

Anderson, I., and Sieben, H., moved as follows:

1. That all materials relating to the Pavlak-Kempe election contest case shall be referred to the Committee on General Legislation and Veterans Affairs.

2. The committee is directed to prepare a report on the matter for recommendation to the full House.

3. The committee shall report to the House, to be immediately acted upon, at 6:00 p.m., Wednesday, May 16, 1979 recommending: (a) no recommendation; (b) that Representative Pavlak be permitted to retain his seat; or, (c) that the seat presently held by Representative Pavlak be declared vacant and that a new election be held.

4. In the event the committee has not acted upon the issue, in a manner which brings the matter before the full House by

Wednesday, May 16, 1979, at 6:00 p.m., the matter shall be brought before the full House for its immediate consideration of the question as to whether the seat presently held by Representative Pavlak should be declared vacant and that a new election be held.

5. Representative Robert Pavlak shall not vote on any substantive or procedural votes relative to the committee report or the issue of his election contest.

POINT OF ORDER

Halberg raised a point of order that paragraph 5 was not in order because a point of order raised earlier today on the issue contained in paragraph 5 and deferred by the Speaker was pending before the House. The Speaker ruled the point of order well taken and paragraph 5 was withdrawn.

Knickerbocker moved to amend the Anderson, I., and Sieben, H., motion as follows:

Paragraph 4, after "whether" insert "(a)" and after "held" and before the period insert "(b) Representative Pavlak be allowed to retain his seat; or, (c) no recommendation"

A roll call was requested and properly seconded.

The question was taken on the Knickerbocker motion and the roll was called.

There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Nysether	Sherwood
Ainley	Evans	Kaley	Olsen	Stadum
Albrecht	Ewald	Knickerbocker	Onnen	Stowell
Anderson, D.	Fjoslien	Kvam	Peterson	Sviggum
Anderson, R.	Forsythe	Laidig	Piepho	Thiede
Biersdorf	Friedrich	Levi	Pleasant	Valan
Blatz	Fritz	Ludeman	Redalen	Valento
Crandall	Halberg	Luknic	Rees	Weaver
Dean	Haukoos	McDonald	Reif	Welker
Dempsey	Heap	Mehrrens	Rose	Wieser
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wigley
Drew	Hoberg	Niehaus	Schreiber	Zubay
Erickson	Jennings	Norman	Searles	Speaker Searle

Those who voted in the negative were:

Adams	Begich	Carlson, L.	Eken	Fudro
Anderson, B.	Berglin	Casserly	Elioff	Greenfield
Anderson, G.	Berkelman	Clark	Ellingson	Hokanson
Anderson, I.	Brinkman	Clawson	Enebo	Jacobs
Battaglia	Byrne	Corbid	Faricy	Jaros

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Casserly
Clark
Clawson

Johnson, C.	Long	Nelsen, M.	Reding	Vanasek
Jude	Mann	Nelson	Rice	Voss
Kahn	McCarron	Norton	Sarna	Waldorf
Kalis	McEachern	Novak	Sieben, H.	Welch
Kelly	Metzen	Osthoff	Sieben, M.	Wenzel
Kempe	Minne	Otis	Simoneau	Wynia
Kostohryz	Moe	Patton	Stoa	
Kroening	Munger	Pehler	Swanson	
Lehto	Murphy	Prahl	Tomlinson	

The motion did not prevail and the amendment was not adopted.

Halberg moved to amend the Anderson, I., and Sieben, H., motion as follows:

In paragraph 3 after "vacant" insert "pursuant to Minnesota Statutes and the State Constitution"

In paragraph 4 after "vacant" insert "pursuant to Minnesota Statutes and the State Constitution"

A roll call was requested and properly seconded.

The question was taken on the Halberg motion and the roll was called. There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Nysether	Sherwood
Ainley	Evans	Kaley	Olsen	Stadum
Albrecht	Ewald	Knickerbocker	Onnen	Stowell
Anderson, D.	Fjoslien	Kvam	Peterson	Sviggum
Anderson, R.	Forsythe	Laidig	Piepho	Thiede
Biersdorf	Friedrich	Levi	Pleasant	Valan
Blatz	Fritz	Ludeman	Redalen	Valento
Crandall	Halberg	Luknic	Rees	Weaver
Dean	Haukoos	McDonald	Reif	Welker
Dempsey	Heap	Mehrkens	Rose	Wieser
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wigley
Drew	Hoberg	Niehaus	Schreiber	Zubay
Erickson	Jennings	Norman	Searles	Speaker Searle

Those who voted in the negative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Faricy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

The motion did not prevail and the amendment was not adopted.

Knickerbocker moved to amend the Anderson, I., and Sieben, H., motion as follows:

At the end of paragraph 3 and before the period insert "(d) that the case be dismissed"

A roll call was requested and properly seconded.

The question was taken on the Knickerbocker motion and the roll was called. There were 64 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Olsen	Stadum
Ainley	Evans	Kaley	Onnen	Stowell
Albrecht	Ewald	Knickerbocker	Peterson	Sviggun
Anderson, D.	Fjoslien	Kvam	Piepho	Thiede
Anderson, R.	Forsythe	Laidig	Pleasant	Valan
Biersdorf	Friedrich	Levi	Redalen	Valento
Blatz	Fritz	Ludeman	Rees	Weaver
Crandall	Halberg	Luknic	Reif	Welker
Dean	Haukoos	McDonald	Rose	Wieser
Dempsey	Heap	Mehrkens	Rothenberg	Wigley
Den Ouden	Heinitz	Nelsen, B.	Schreiber	Zubay
Drew	Hoberg	Niehaus	Searles	Speaker Searle
Erickson	Jennings	Norman	Sherwood	

Those who voted in the negative were:

Adams	Corbid	Kalis	Murphy	Sieben, H.
Anderson, B.	Eken	Kelly	Nelsen, M.	Sieben, M.
Anderson, G.	Elioff	Kempe	Nelson	Simoneau
Anderson, I.	Ellingson	Kostohryz	Norton	Stoa
Battaglia	Enebo	Kroening	Novak	Swanson
Begich	Faricy	Lehto	Nysether	Tomlinson
Berglin	Fudro	Long	Osthoff	Vanasek
Berkelman	Greenfield	Mann	Otis	Voss
Brinkman	Hokanson	McCarron	Patton	Waldorf
Byrne	Jacobs	McEachern	Pehler	Welch
Carlson, L.	Jaros	Metzen	Prahl	Wenzel
Casserly	Johnson, C.	Minne	Reding	Wynia
Clark	Jude	Moe	Rice	
Clawson	Kahn	Munger	Sarna	

The motion did not prevail and the amendment was not adopted.

Crandall moved to amend the Anderson, I., and Sieben, H., motion as follows:

In paragraph 2, after "directed to" insert "proceed according to law and"

In paragraph 4 after "immediate consideration" insert "according to law"

A roll call was

The question was called. The

Those who voted

Aasness	Es
Ainley	Ev
Albrecht	Ev
Anderson, D.	Fj
Anderson, R.	Fj
Biersdorf	Fr
Blatz	Fr
Crandall	Ha
Dean	Ha
Dempsey	He
Den Ouden	He
Drew	Ho
Erickson	Je

Those who voted

Adams	Co
Anderson, B.	Ek
Anderson, G.	El
Anderson, I.	El
Battaglia	En
Begich	Fa
Berglin	Fu
Berkelman	Gr
Brinkman	Ho
Byrne	Ja
Carlson, L.	Ja
Casserly	Jo
Clark	Ju
Clawson	Ka

The motion did not prevail and the amendment was not adopted.

Peterson moved to amend the motion as follows:

Strike paragraph

"In the event of such extension of hearings on the new election by Representatives"

A roll call was

The question was called.

A roll call was requested and properly seconded.

The question was taken on the Crandall motion and the roll was called. There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Nysether	Sherwood
Ainley	Evans	Kaley	Olsen	Stadum
Albrecht	Ewald	Knickerbocker	Onnen	Stowell
Anderson, D.	Fjoslien	Kvam	Peterson	Sviggunn
Anderson, R.	Forsythe	Laidig	Piepho	Thiede
Biersdorf	Friedrich	Levi	Pleasant	Valan
Blatz	Fritz	Ludeman	Redalen	Valento
Crandall	Halberg	Luknic	Rees	Weaver
Dean	Haukoos	McDonald	Reif	Welker
Dempsey	Heap	Mehrkens	Rose	Wieser
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wigley
Drew	Hoberg	Niehaus	Schreiber	Zubay
Erickson	Jennings	Norman	Searles	Speaker Searle

Those who voted in the negative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Faricy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

The motion did not prevail and the amendment was not adopted.

Peterson moved to amend the Anderson, I., and Sieben, H., motion as follows:

Strike paragraph 4 and insert a new paragraph 4 to read:

"In the event that the committee has not acted upon the issue by Wednesday, May 16, 1979 at 6:00 p. m. the House may grant such extension of time in order to conduct complete committee hearings on the question as to whether the seat presently held by Representative Pavlak should be declared vacant and that a new election be held."

A roll call was requested and properly seconded.

The question was taken on the Peterson motion and the roll was called.

There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Kaley	Onnen	Sviggum
Ainley	Ewald	Knickerbocker	Peterson	Thiede
Albrecht	Fjoslien	Kvam	Piepho	Valan
Anderson, D.	Forsythe	Laidig	Pleasant	Valento
Anderson, R.	Friedrich	Levi	Redalen	Weaver
Biersdorf	Fritz	Ludeman	Rees	Welker
Blatz	Halberg	Luknic	Reif	Wieser
Crandall	Haukoos	McDonald	Rose	Wigley
Dean	Heap	Mehrkens	Rothenberg	Zubay
Dempsey	Heinitz	Nelsen, B.	Schreiber	Speaker Searle
Den Ouden	Hoberg	Niehaus	Searles	
Drew	Jennings	Norman	Sherwood	
Erickson	Johnson, D.	Nysether	Stadum	
Esau	Kahn	Olsen	Stowell	

Those who voted in the negative were:

Adams	Corbid	Kelly	Nelsen, M.	Simoneau
Anderson, B.	Eken	Kempe	Nelson	Stoa
Anderson, G.	Elioff	Kostohryz	Norton	Swanson
Anderson, I.	Ellingson	Kroening	Novak	Tomlinson
Battaglia	Enebo	Lehto	Osthoff	Vanasek
Begich	Farcy	Long	Otis	Voss
Berglin	Fudro	Mann	Patton	Waldorf
Berkelman	Greenfield	McCarron	Pehler	Welch
Brinkman	Hokanson	McEachern	Prahl	Wenzel
Byrne	Jacobs	Metzen	Reding	Wynia
Carlson, L.	Jaros	Minne	Rice	
Casserly	Johnson, C.	Moe	Sarna	
Clark	Jude	Munger	Sieben, H.	
Clawson	Kalis	Murphy	Sieben, M.	

The motion did not prevail and the amendment was not adopted.

Knickerbocker requested a division of the Anderson, I., and Sieben, H., motion.

The first portion of the motion reads as follows:

1. That all materials relating to the Pavlak-Kempe election contest case shall be referred to the Committee on General Legislation and Veterans Affairs.

2. The committee is directed to prepare a report on the matter for recommendation to the full House.

A roll call was requested and properly seconded.

The question was taken on the first portion of the Anderson, I., and Sieben, H., motion and the roll was called. There were 132 yeas and 0 nays as follows:

Those w

Aasness
Adams
Ainley
Albrecht
Anderson, B.
Anderson, D.
Anderson, G.
Anderson, I.
Anderson, R.
Battaglia
Begich
Berglin
Berkelman
Biersdorf
Blatz
Brinkman
Byrne
Carlson, L.
Casserly
Clark
Clawson
Corbid
Crandall
Dean
Dempsey
Den Ouden
Drew

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Those wh

Adams
Anderson, B.

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Nelson	Sieben, H.
Adams	Elioff	Kaley	Niehaus	Sieben, M.
Ainley	Ellingson	Kalis	Norman	Simoneau
Albrecht	Enebo	Kelly	Norton	Stadum
Anderson, B.	Erickson	Kempe	Novak	Stoa
Anderson, D.	Esau	Knickerbocker	Nysether	Stowell
Anderson, G.	Evans	Kostohryz	Olsen	Sviggun
Anderson, I.	Ewald	Kroening	Onnen	Swanson
Anderson, R.	Faricy	Kvam	Osthoff	Thiede
Battaglia	Fjoslien	Laidig	Otis	Tomlinson
Begich	Forsythe	Lehto	Patton	Valan
Berglin	Friedrich	Levi	Pehler	Valento
Berkelman	Fritz	Long	Peterson	Vanasek
Biersdorf	Fudro	Ludeman	Piepho	Voss
Blatz	Greenfield	Luknic	Pleasant	Waldorf
Brinkman	Halberg	Mann	Prahl	Weaver
Byrne	Haukoos	McCarron	Redalen	Welch
Carlson, L.	Heap	McDonald	Reding	Welker
Casserly	Heinitz	McEachern	Rees	Wenzel
Clark	Hoberg	Mehrkens	Reif	Wieser
Clawson	Hokanson	Metzen	Rice	Wigley
Corbid	Jacobs	Minne	Rose	Wynia
Crandall	Jaros	Moe	Rothenberg	Zubay
Dean	Jennings	Munger	Sarna	Speaker Searle
Dempsey	Johnson, C.	Murphy	Schreiber	
Den Ouden	Johnson, D.	Nelsen, B.	Searles	
Drew	Jude	Nelsen, M.	Sherwood	

The first portion of the motion prevailed.

The second portion of the motion reads as follows:

3. The committee shall report to the House, to be immediately acted upon, at 6:00 p.m., Wednesday, May 16, 1979 recommending: (a) no recommendation; (b) that Representative Pavlak be permitted to retain his seat; or, (c) that the seat presently held by Representative Pavlak be declared vacant and that a new election be held.

4. In the event the committee has not acted upon the issue, in a manner which brings the matter before the full House by Wednesday, May 16, 1979, at 6:00 p.m., the matter shall be brought before the full House for its immediate consideration of the question as to whether the seat presently held by Representative Pavlak should be declared vacant and that a new election be held.

A roll call was requested and properly seconded.

The question was taken on the second portion of the Anderson, I., and Sieben, H., motion and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, G.	Battaglia	Berglin	Brinkman
Anderson, B.	Anderson, I.	Begich	Berkelman	Byrne

Carlson, L.	Greenfield	Lehto	Norton	Simoneau
Casserly	Hokanson	Long	Novak	Stoa
Clark	Jacobs	Mann	Osthoff	Swanson
Clawson	Jaros	McCarron	Otis	Tomlinson
Corbid	Johnson, C.	McEachern	Patton	Vanasek
Den Ouden	Jude	Metzen	Pehler	Voss
Eken	Kahn	Minne	Prahl	Waldorf
Elioff	Kalis	Moe	Reding	Welch
Ellingson	Kelly	Munger	Rice	Wenzel
Enebo	Kempe	Murphy	Sarna	Wynia
Faricy	Kostohryz	Nelsen, M.	Sieben, H.	
Fudro	Kroening	Nelson	Sieben, M.	

Those who voted in the negative were:

Aasness	Evans	Kaley	Olsen	Stadum
Ainley	Ewald	Knickerbocker	Onnen	Stowell
Albrecht	Fjoslien	Kvam	Peterson	Sviggum
Anderson, D.	Forsythe	Laidig	Piepho	Thiede
Anderson, R.	Friedrich	Levi	Pleasant	Valan
Biersdorf	Fritz	Ludeman	Redalen	Valento
Blatz	Halberg	Luknic	Rees	Weaver
Crandall	Haukoos	McDonald	Reif	Welker
Dean	Heap	Mehrkens	Rose	Wieser
Dempsey	Heinitz	Nelsen, B.	Rothenberg	Wigley
Drew	Hoberg	Niehaus	Schreiber	Zubay
Erickson	Jennings	Norman	Searles	Speaker Searle
Esau	Johnson, D.	Nysether	Sherwood	

The second portion of the motion prevailed.

Sieben, H., and Anderson, I., moved as follows:

Representative Robert Pavlak shall not vote on any substantive or procedural votes relative to the committee report on his election contest or any issue relating to his election contest.

A roll call was requested and properly seconded.

POINT OF ORDER

Halberg raised a point of order that the Sieben, H., and Anderson, I., motion was not in order because a point of order raised earlier today on the issue contained in the motion and deferred by the Speaker was pending before the House. The Speaker ruled the point of order well taken.

Anderson, I., appealed the decision of the chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called and there were 65 yeas and 67 nays as follows:

Those who voted

Aasness	Es
Ainley	Ev
Albrecht	Ew
Anderson, D.	Fj
Anderson, R.	Fo
Biersdorf	Fr
Blatz	Fr
Crandall	Ha
Dean	Ha
Dempsey	He
Den Ouden	He
Drew	Ho
Erickson	Je

Those who voted

Adams	Co
Anderson, B.	Ek
Anderson, G.	El
Anderson, I.	El
Battaglia	Er
Begich	Fa
Berglin	Fu
Berkelman	Gr
Brinkman	H
Byrne	Ja
Carlson, L.	Ja
Casserly	Jo
Clark	Ju
Clawson	Ka

It was the
Speaker should
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The question
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Anderson, I.
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Those who voted

Adams	Co
Anderson, B.	El
Anderson, G.	El
Anderson, I.	El
Battaglia	Er
Begich	Fa
Berglin	Fu
Berkelman	Gr
Brinkman	H
Byrne	Ja
Carlson, L.	Ja
Casserly	Jo
Clark	Ju
Clawson	Ka

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Nysether	Sherwood
Ainley	Evans	Kaley	Olsen	Stadum
Albrecht	Ewald	Knickerbocker	Onnen	Stowell
Anderson, D.	Fjoslien	Kvam	Peterson	Swiggum
Anderson, R.	Forsythe	Laidig	Piepho	Thiede
Biersdorf	Friedrich	Levi	Pleasant	Valan
Blatz	Fritz	Ludeman	Redalen	Valento
Crandall	Halberg	Luknic	Rees	Weaver
Dean	Haukoos	McDonald	Reif	Welker
Dempsey	Heap	Mehrkens	Rose	Wieser
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wigley
Drew	Hoberg	Niehaus	Schreiber	Zubay
Erickson	Jennings	Norman	Searles	Speaker Searle

Those who voted in the negative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Farcy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

It was the judgment of the House that the decision of the Speaker should not stand and the Sieben, H., and Anderson I., motion was in order.

The question recurred on the Sieben, H., and Anderson, I., motion and the roll was called.

Anderson, I., moved that those not voting be excused from voting. The motion prevailed.

There were 67 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Farcy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Nysether	Stadum
Ainley	Evans	Kaley	Olsen	Stowell
Albrecht	Ewald	Knickerbocker	Onnen	Sviggum
Anderson, D.	Fjoslien	Kvam	Peterson	Thiede
Anderson, R.	Forsythe	Laidig	Piepho	Valan
Biersdorf	Friedrich	Levi	Pleasant	Valento
Blatz	Fritz	Ludeman	Redalen	Weaver
Grandall	Halberg	Luknic	Rees	Welker
Dean	Haukoos	McDonald	Reif	Wieser
Dempsey	Heap	Mehrkens	Rose	Wigley
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Zubay
Drew	Hoberg	Niehaus	Schreiber	Speaker Searle
Erickson	Jennings	Norman	Searles	

The motion prevailed.

Olsen offered a motion.

POINT OF ORDER

Rice raised a point of order pursuant to Article IV, Section 11 of the Minnesota Constitution that the Olsen motion was not in order. The Speaker ruled the point of order well taken.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Tuesday, May 15, 1979. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, May 15, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

The House of
called to order

Prayer was o

The roll was

Aasness	Dre
Adams	Eke
Ainley	Eli
Albrecht	Ell
Anderson, B.	Ene
Anderson, D.	Eri
Anderson, G.	Esa
Anderson, I.	Eva
Anderson, R.	Ewa
Battaglia	Far
Begich	Fjos
Berglin	For
Berkelman	Frie
Biersdorf	Frit
Blatz	Fud
Brinkman	Gre
Byrne	Hall
Carlson, D.	Hau
Carlson, L.	Hea
Casserly	Hei
Clark	Hob
Clawson	Hok
Corbid	Jaco
Crandall	Jaro
Dean	Jenn
Dempsey	John
Den Ouden	John

A quorum was

Pavlak was ex

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the Chief Clerk.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

MOTIONS AND RESOLUTIONS

Halberg moved that H. F. No. 1094 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Patton moved that S. F. No. 1128 be recalled from the Committee on Governmental Operations and together with H. F. No. 1192, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Sherwood moved that the House conferees on H. F. No. 13 be discharged, that new conferees be appointed on the part of the House, that the Speaker shall appoint 2 members and the Chairman of the Committee on Rules and Legislative Administration shall appoint 2 members to the Conference Committee, and that the Senate be requested to discharge its Conference Committee and appoint new conferees. The motion prevailed.

PROTEST AND DISSENT

We, the undersigned members of the Minnesota House of Representatives, submit this petition of protest and dissent to be entered in the Journal of the House.

We are protesting and dissenting the action taken by the DFL members of the House in two cases. First, we protest and dissent against the motion to require the House Committee on General Legislation and Veterans Affairs to meet and report by 6:00 p.m. Wednesday, May 16 on the election contest of Rep. Robert Pavlak and to further request the full house to act at 6:00 p.m. Wednesday, May 16 whether or not the committee has acted. Second, we protest and dissent the motion offered by Rep. Irv Anderson and Rep. Harry Sieben forbidding Rep. Pavlak from voting on any substantive or procedural votes relative to the issue of his election contest. This motion was ill-conceived in that it overruled the Speaker of the House who had earlier stated that he would rule upon Rep. Pavlak's eligibility to vote in these cases.

We believe that these actions were injurious to Rep. Pavlak and further that his rights to due process and equal protection of the law so stated under the 14th amendment of the United States Constitution have been denied.

Sally Olsen	Gilbert Esau
Dwaine Hoberg	Glen Sherwood
Bob Haukoos	Tony Stadum
Elton R. Redalen	K.J. McDonald
Merlyn O. Valan	Paul Thiede
Jim Heap	Don Valento
Tom Rees	Raymond J. Albrecht
Lyle Mehrkens	Joe T. Niehaus
Marnie Luknic	Adolph L. Kvam
David M. Jennings	Bill Peterson
Connie Levi	Tony Onnen
Ray Welker	Bruce Nelsen
John Drew	Ray O. Pleasant
John L. Weaver	Delbert F. Anderson
Dick Kaley	Donald L. Friedrich
Dave Fjoslien	Paul D. Aasness
Mike Fritz	Doug Ewald
Robert W. Reif	William D. Dean
Steve Sviggum	John A. Ainley
Elliott Rothenberg	Cal R. Ludeman
O. J. Heinitz	Jim Evans
William A. Crandall	Gary W. Laidig
Jim Norman	Bill Schreiber
Kathleen Blatz	Warren T. Stowell
Bob Searles	Wendell O. Erickson
Dean E. Johnson	Mary Forsythe
Terry Dempsey	Chuck Halberg
Mark Piepho	John Rose
John S. Biersdorf	Doug Carlson
Dick Wigley	Bob Anderson
Al Wieser, Jr.	Rod Searle
Myron Nysether	Jerry Knickerbocker
Ken Zubay	

Sieben, H
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 prevailed.

Sieben, H
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 until 2:00 p.

EDWARD

Those who voted in the negative were:

Adams	Eken	Kempe	Norman	Sieben, M.
Anderson, B.	Ellingson	Knickerbocker	Norton	Simoneau
Anderson, D.	Enebo	Kostohryz	Novak	Stoa
Anderson, G.	Ewald	Kroening	Osthoff	Swanson
Berglin	Faricy	Lehto	Otis	Tomlinson
Berkelman	Fudro	Long	Patton	Vanasek
Brinkman	Greenfield	Mann	Pehler	Voss
Byrne	Heap	McCarron	Peterson	Waldorf
Carlson, L.	Jacobs	McEachern	Pleasant	Welch
Casserly	Jaros	Metzen	Reding	Wenzel
Clark	Johnson, C.	Minne	Rice	Wynia
Clawson	Jude	Moe	Rothenberg	
Corbid	Kahn	Munger	Sarna	
Dean	Kalis	Nelsen, M.	Sherwood	
Dempsey	Kelly	Nelson	Sieben, H.	

The motion did not prevail and the amendment was not adopted.

There being no objection S. F. No. 808, as amended, was temporarily laid over.

MOTION RELATING TO A CERTAIN ELECTION CONTEST

The hour of 6:00 p.m. having arrived, the matter contained in the Anderson, I., and Sieben, H., motion which was adopted by the House on Monday, May 14, 1979, was reported to the House.

Swanson and Halberg moved to amend the motion adopted by the House of Representatives on Monday, May 14, 1979, found on House Journal Page 2353, relating to a certain election contest, as follows:

Paragraph 3, line 2, delete "6:00 p.m., Wednesday, May 16" and insert: "10:30 a.m., Friday, May 18"

Paragraph 4, line 3, delete "Wednesday, May 16, 1979, at 6:00 p.m." and insert "Friday, May 18, 1979, at 10:30 a.m."

A roll call was requested and properly seconded.

The question was taken on the Swanson and Halberg amendment and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Blatz	Corbid	Elioff
Adams	Anderson, R.	Brinkman	Crandall	Ellingson
Ainley	Battaglia	Byrne	Dean	Enebo
Albrecht	Begich	Carlson, L.	Dempsey	Erickson
Anderson, B.	Berglin	Casserly	Den Ouden	Esau
Anderson, D.	Berkelman	Clark	Drew	Evans
Anderson, G.	Biersdorf	Clawson	Eken	Ewald

Faricy	Kahn	Metzen	Pehler	Sviggum
Fjoslien	Kaley	Minne	Peterson	Swanson
Forsythe	Kalis	Moe	Piepho	Thiede
Fritz	Kelly	Munger	Pleasant	Tomlinson
Fudro	Kempe	Murphy	Prahl	Valan
Greenfield	Knickerbocker	Nelsen, B.	Reding	Valento
Halberg	Kostohryz	Nelsen, M.	Rees	Vanasek
Haukoos	Kroening	Nelson	Reif	Voss
Heap	Kvam	Niehaus	Rice	Waldorf
Heinitz	Laidig	Norman	Rose	Weaver
Hoberg	Lehto	Norton	Sarna	Welch
Hokanson	Levi	Novak	Schreiber	Welker
Jacobs	Long	Nysether	Searles	Wenzel
Jaros	Ludeman	Olsen	Sieben, H.	Wieser
Jennings	Luknic	Onnen	Sieben, M.	Wigley
Johnson, C.	Mann	Osthoff	Simoneau	Wynia
Johnson, D.	McCarron	Otis	Stadum	Zubay
Jude	Mehrkens	Patton	Stoa	Speaker Searle

Those who voted in the negative were:

Sherwood

The motion prevailed and the amendment was adopted.

CONSIDERATION UNDER RULE 1.10, Continued

S. F. No. 808, as amended, was again reported to the House.

Anderson, I., moved to amend S. F. No. 808, the unofficial engrossment, as amended, as follows:

Page 2, delete lines 10 and 11, clause (e)

Reletter the remaining clauses

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 46 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Ainley	Erickson	Kaley	Niehaus	Weaver
Albrecht	Esau	Kalis	Nysether	Welker
Anderson, I.	Evans	Kelly	Onnen	Wenzel
Anderson, R.	Fjoslien	Kvam	Prahl	Wieser
Battaglia	Friedrich	Ludeman	Redalen	Wigley
Begich	Fritz	Luknic	Stadum	Zubay
Biersdorf	Haukoos	Mehrkens	Stowell	
Carlson, D.	Hoberg	Minne	Sviggum	
Den Ouden	Jennings	Murphy	Valento	
Elioff	Johnson, D.	Nelsen, M.	Waldorf	

Those who voted in the negative were:

Aasness	Anderson, D.	Berkelman	Byrne	Clark
Adams	Anderson, G.	Blatz	Carlson, L.	Clawson
Anderson, B.	Berglin	Brinkman	Casserly	Corbid

Crandall
Dean
Dempsey
Drew
Eken
Ellingson
Enebo
Ewald
Faricy
Forsythe
Fudro
Greenfield
Halberg

The motion adopted.

S. F. No. 808, as amended, was again reported to the House. The motion prevailed and the amendment was adopted. The bill upon its first reading was called. Those who voted in the affirmative were:

The bill upon its first reading was called.

The question was taken on the amendment and the roll was called. There were 46 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Adams
Anderson, B.
Anderson, G.
Berglin
Berkelman
Blatz
Brinkman
Byrne
Carlson, L.
Casserly
Clark
Clawson
Corbid
Crandall
Dean
Drew
Eken

Those who voted in the negative were:

Aasness
Ainley
Albrecht
Anderson, D.

Brinkman	Friedrich	Kvam	Nysether	Simoneau
Byrne	Fritz	Laidig	Olsen	Stadum
Carlson, D.	Fudro	Lehto	Onnen	Stoa
Carlson, L.	Greenfield	Levi	Osthoff	Stowell
Casserly	Halberg	Long	Otis	Sviggum
Clark	Haukoos	Ludeman	Patton	Swanson
Clawson	Heap	Luknic	Pehler	Thiede
Corbid	Heinitz	Mann	Peterson	Tomlinson
Crandall	Hoberg	McCarron	Piepho	Valan
Dean	Hokanson	McDonald	Pleasant	Valento
Dempsey	Jacobs	McEachern	Prahl	Vanasek
Den Ouden	Jaros	Mehrkens	Redalen	Voss
Drew	Jennings	Metzen	Reding	Waldorf
Eken	Johnson, C.	Minne	Rees	Weaver
Elioff	Johnson, D.	Moe	Reif	Welch
Ellingson	Jude	Munger	Rice	Welker
Enebo	Kahn	Murphy	Rose	Wenzel
Erickson	Kaley	Nelsen, B.	Rothenberg	Wieser
Esau	Kalis	Nelsen, M.	Sarna	Wigley
Evans	Kelly	Nelson	Schreiber	Wynia
Ewald	Kempe	Niehaus	Searles	Zubay
Faricy	Knickerbocker	Norman	Sherwood	Speaker Searle
Fjoslien	Kostohryz	Norton	Sieben, H.	
Forsythe	Kroening	Novak	Sieben, M.	

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The hour of 10:30 a.m. having arrived, the matter contained in the Anderson, I., and Sieben, H., motion which was adopted by the House on Monday, May 14, 1979 and amended on Wednesday, May 16, 1979, was reported to the House.

REPORT ON ELECTION CONTEST

Report of the Committee on the matter of Election Contest of Robert Pavlak, Contestee and James Scheibel et al, Contestants:

Swanson, from the Committee on General Legislation and Veterans Affairs, having considered the Pavlak Election Contest which was referred to it by the House of Representatives, made the following report: no recommendation.

MINORITY REPORT

We, the undersigned, being a minority of the Committee on General Legislation and Veterans Affairs, make the following report on its findings, conclusions and recommendations with regard to the Pavlak-Kempe election contest case: strike the report of the Committee on General Legislation and Veterans Affairs and substitute the following:

On Monday, May 14, 1979, a communication was received from the Minnesota Supreme Court regarding the Scheibel, et al.—Pavlak election contest. The communication was referred,

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by motion, to the Committee on General Legislation and Veterans Affairs.

An initial meeting of the committee was held on Tuesday, May 15, 1979, commencing at 10:15 A.M. At that time, the committee received the records of the election contest including transcripts of the trial court, the decision of the trial judge, the briefs, papers and records in the Supreme Court and the Factual and Legal Conclusions of the Supreme Court and its Opinion.

At the same time the parties were called and appeared through their respective counsel, Alan W. Weinblatt for Contestants and Patrick H. O'Neill for the Contestee and their appearances were recorded. Contestants, through their counsel, submitted their evidence.

Thereafter, at 7:15 P.M. on May 15, 1979, the committee reconvened for the presentation of the Contestee's evidence by his counsel. The hearing was delayed by Mr. O'Neill's service, upon the chairman, of an ex parte Temporary Restraining Order issued by Otis H. Godfrey, a Judge of the Ramsey County District Court.

The Temporary Restraining Order was vacated May 16, 1979 at 10:15 a.m. by unanimous order of the Minnesota Supreme Court and, thereupon, the committee reconvened at 11:30 A.M. on May 16, 1979 at which time the Contestee's evidence was submitted.

A bi-partisan delegation of committee members personally visited with Contestee, Robert Pavlak, and received his statement and answers to their questions, all of which was transcribed and made part of the record of the committee.

The committee reconvened on May 17, 1979 at 9:15 A.M. at which time copies of the exhibits from the Supreme Court were received and distributed to the committee members along with the transcript of Mr. Pavlak's statement, after which counsel for the Contestants opened the argument and closed the same after the Contestee had been heard. Each counsel stated that there was no additional data that he had to bring before the committee.

Based upon the evidence adduced at the foregoing public hearings, the transcripts and exhibits from the trial court and Supreme Court, the briefs of counsel to the Supreme Court, the transcript of Contestee's statement and the Opinion of the Minnesota Supreme Court, the undersigned find, conclude and determine as follows:

FINDINGS OF FACT

I

Robert Pavlak, Contestee, Arnold Kempe and Tom Kreager were candidates for election to the office of State Representative in Legislative District 67A of Ramsey and Dakota Counties at the General Election held on Tuesday, November 7, 1978.

II

Robert Pavlak, Contestee, received 4,454 votes and was issued a certificate of election. Arnold Kempe received 4,133 votes and Tom Kreager received 335 votes.

III

On Saturday, November 4, 1978, the *St. Paul Pioneer Press-Dispatch* published an editorial which stated: "We have seen nothing to dispute his (Pavlak's) research report on Kempe that shows the incumbent voted 4 times in 1967-68—this out of more than 300 opportunities."

IV

The Journal of the House for the 1977-78 Legislative Session shows that Representative Arnold Kempe voted 1,469 times out of 1,798 roll call votes during that session.

V

Contestee, Robert Pavlak, having served as a member of the House of Representatives during the legislative sessions of 1967, 1969, 1971 the extra session of 1971 and the 1973-74 session, was familiar with the quantity of roll call votes taken during a legislative session.

VI

Robert Pavlak knew on November 4, 1978 that the editorial statement that Arnold Kempe voted only 4 times in the 1977-78 legislative session out of more than 300 opportunities was false.

VII

The above editorial was discussed by Robert Pavlak with his campaign manager and 6,000 reprints of the editorial were prepared on November 4, 1978. Prior to reprinting the editorial, the portion thereof which contained the false statement was encircled to highlight it.

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VIII

Testimony before the District Court was that at least 1,800 to 1,900 reprints of the editorial were distributed. Robert Pavlak told the committee that all of his campaign brochures were distributed.

IX

The false statement was with respect to the personal and political character and acts of Arnold Kempe.

X

The reprinting and distribution by Robert Pavlak and his campaign committee of the false statement was designed to and tended to elect Robert Pavlak and defeat Arnold Kempe, both candidates for election to the office of State Representative from District 67A.

XI

The distribution by Contestee of the editorial reprint containing the false statement was a deliberate, serious and material violation of Minnesota Statutes Section 210A.04, a part of Minnesota Election Law.

XII

Contestee, Robert Pavlak, provided the original research on Arnold Kempe's voting record from which the editorial was written to William G. Sumner, editor of the *St. Paul Dispatch-Pioneer Press*. The editorial cited Pavlak's research report as being the source of its statement. Robert Pavlak knew that, as stated, the statement that, "We have seen nothing to dispute his research report that shows Kempe voted 4 times in 1967-68—this out of more than 300 opportunities.", was false, but reprinted and distributed it anyway.

XIII

The deliberate, serious and material violation by Robert Pavlak of the Minnesota Fair Campaign Practices Act was not with respect to a trivial or unimportant matter; was not committed without the knowledge of the candidate and was not committed in good faith. It is therefore not unjust or unlawful that Robert Pavlak should forfeit the office.

RECOMMENDATIONS

We, the undersigned, upon the foregoing findings of fact, find, conclude and determine that:

1. Contestee, Robert Pavlak, committed a deliberate, serious and material violation of the provisions of the Minnesota Election Law not excused by the provisions of Minnesota Statutes Section 210A.38.

2. Robert Pavlak was not legally elected and is not entitled to retain the seat as Representative from Legislative District 67A, Counties of Dakota and Ramsey in the State House of Representatives.

3. That there is a vacancy in the office of Representatives from Legislative District 67A, Counties of Dakota and Ramsey and that this vacancy be certified to the Honorable Albert H. Quie, Governor of the State of Minnesota in order that he may issue a writ of election as provided for by law so that the vacancy may be filled.

JAMES I. RICE

RICHARD J. KOSTOHRZY

C. THOMAS OSTHOFF

Rice moved that the minority report on the election contest be substituted for the majority report and that the minority report be now adopted.

A roll call was requested and properly seconded.

POINT OF ORDER

Halberg raised a point of order pursuant to Article IV, Section 7, of the Minnesota Constitution that the motion to adopt the minority report requires a two-thirds vote. The Speaker ruled the point of order well taken.

Faricy appealed the decision of the Chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called and there were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, D.	Blatz	Dean	Drew
Ainley	Anderson, R.	Carlson, D.	Dempsey	Erickson
Albrecht	Biersdorf	Crandall	Den Ouden	Esau

Evans
Ewald
Fjoslien
Forsythe
Friedrich
Fritz
Halberg
Haukoos
Heap
Heinitz
Hoberg

Those who

Adams
Anderson, B.
Anderson, G.
Anderson, I.
Battaglia
Begich
Berglin
Berkelman
Brinkman
Byrne
Carlson, L.
Casserly
Clark
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It was the
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Evans	Jennings	Nelsen, B.	Reif	Valento
Ewald	Johnson, D.	Niehaus	Rose	Weaver
Fjoslien	Kaley	Norman	Rothenberg	Welker
Forsythe	Knickerbocker	Nysether	Schreiber	Wieser
Friedrich	Kvam	Olsen	Searles	Wigley
Fritz	Laidig	Onnen	Sherwood	Zubay
Halberg	Levi	Peterson	Stadum	Speaker Searle
Haukoos	Ludeman	Piepho	Stowell	
Heap	Luknic	Pleasant	Sviggum	
Heinitz	McDonald	Redalen	Thiede	
Hoberg	Mehrkens	Rees	Valan	

Those who voted in the negative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Faricy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

It was the judgment of the House that the decision of the Speaker should not stand.

The question recurred on the motion of Rice to substitute the minority report for the majority report and to adopt the minority report.

The roll was called and there were 67 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kalis	Murphy	Sieben, M.
Anderson, B.	Eken	Kelly	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kempe	Nelson	Stoa
Anderson, I.	Ellingson	Kostohryz	Norton	Swanson
Battaglia	Enebo	Kroening	Novak	Tomlinson
Begich	Faricy	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Mann	Patton	Waldorf
Brinkman	Hokanson	McCarron	Pehler	Welch
Byrne	Jacobs	McEachern	Prahl	Wenzel
Carlson, L.	Jaros	Metzen	Reding	Wynia
Casserly	Johnson, C.	Minne	Rice	
Clark	Jude	Moe	Sarna	
Clawson	Kahn	Munger	Sieben, H.	

Those who voted in the negative were:

Aasness	Anderson, D.	Blatz	Dean	Drew
Ainley	Anderson, R.	Carlson, D.	Dempsey	Erickson
Albrecht	Biersdorf	Crandall	Den Ouden	Esau

Evans	Jennings	Nelsen, B.	Reif	Valento
Ewald	Johnson, D.	Niehaus	Rose	Weaver
Fjoslien	Kaley	Norman	Rothenberg	Welker
Forsythe	Knickerbocker	Nysether	Schreiber	Wieser
Friedrich	Kvam	Olsen	Searles	Wigley
Fritz	Laidig	Onnen	Sherwood	Zubay
Halberg	Levi	Peterson	Stadum	Speaker Searle
Haukoos	Ludeman	Piepho	Stowell	
Heap	Luknic	Pleasant	Sviggum	
Heinitz	McDonald	Redalen	Thiede	
Hoberg	Mehrkens	Rees	Valan	

The motion of Rice prevailed and the minority report was substituted for the majority report and the minority report was adopted.

CALL OF THE HOUSE LIFTED

Sieben, H., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 996, A bill for an act relating to commerce; creating a business assistance center within the department of economic development; appropriating money; amending Minnesota Statutes 1978, Sections 161.321, Subdivision 1; 362.42; and Chapter 362, by adding sections.

Reported the same back with the following amendments:

Page 3, delete lines 23 to 25

Page 3, line 26, delete "(e)" and insert "(d)"

Page 3, line 29, delete "(f)" and insert "(e)"

Page 4, line 1, delete "(g)" and insert "(f)"

Page 4, delete lines 32 and 33

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Sarna	Simoneau	Thiede	Welch	Zubay
Schreiber	Stadum	Tomlinson	Welker	Speaker Searle
Searles	Stoa	Valento	Wenzel	
Sherwood	Stowell	Vanasek	Wieser	

Those who voted in the negative were:

Berglin Long

The bill was passed and its title agreed to.

SPECIAL ORDERS

Sieben, H., moved that the bills on Special Orders for today be continued for one day immediately preceding General Orders. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER AND THE CHAIRMAN OF THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

The Speaker and the Chairman of the Committee on Rules and Legislative Administration announced the appointment of the following members of the House to a Conference Committee on H. F. No. 907:

Reding, Patton, Biersdorf, and Albrecht.

The Speaker and the Chairman of the Committee on Rules and Legislative Administration announced the appointment of the following members of the House to a Conference Committee on H. F. No. 13:

Sherwood, Thiede, Battaglia, and Faricy.

CERTIFICATION BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MINNESOTA TO THE HONORABLE ALBERT H. QUIE, GOVERNOR

May 18, 1979

Governor Albert H. Quie
Governor of Minnesota
State Capitol
St. Paul, Minnesota 55155

Dear Governor Quie:

It is my duty to inform you, in order that you may issue a writ of election as required by law, that today, Friday, May 18, 1979, the House of Representatives has declared a vacancy in the office of Representative in Legislative District 67A.

The Chief Clerk of the House of Representatives will forward to you a copy of the Journal of the House as evidence of this action by the House.

RODNEY N. SEARLE
Speaker of the House

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 10:00 a.m., Saturday, May 19, 1979. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Saturday, May 19, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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Those who voted in the negative were:

Anderson, R.	Den Ouden	McDonald	Simoneau	Thiede
Brinkman	Esau	Sherwood	Sviggum	Welker

The bill was repassed, as amended by Conference, and its title agreed to.

PROTEST AND DISSENT

Per Article IV, Section 11 of the Minnesota Constitution, we the undersigned protest the action of the House of Representatives, on May 18, 1979 at 3:12 p.m. which expelled Representative Robert Pavlak. This action was done pursuant to Article IV, Section 6 in opposition to the Independent-Republican's position that expulsion should be regulated by Article IV, Section 7 which requires a two-thirds vote.

We the undersigned contend that the Constitution of Minnesota, Article IV, Section 7 was violated. It is our contention that this violation is manifested by the unconstitutional expulsion of a member of the House of Representatives while he was hospitalized and unable to face his accusers, cross examine them or present testimony in his own behalf. We further contend that justice was not served and that due process was denied to the expelled member.

Dated: May 19, 1979

Ray O. Pleasant	Raymond J. Albrecht
Don Friedrich	Gilbert Esau
O. J. Heinitz	Ken Zubay
Al Wieser, Jr.	Dean E. Johnson
Elton Redalen	Kathleen A. Blatz
Doug Carlson	Ray Welker
Paul Thiede	Chuck Halberg
John Rose	William A. Crandall
John A. Ainley	Jim Norman
Bob Anderson	Dwayne Hoberg
Doug Ewald	Marnie Luknic
Jim Evans	Lyle Mehrkens

Mary Forsythe	Tony Onnen
Warren Thomas Stowell	Gaylin Den Ouden
Wendell O. Erickson	Kenneth J. McDonald
Sally Olsen	Myron Nysether
Connie Levi	Cal R. Ludeman
Dave Fjoslien	Joe T. Niehaus
Richard Wigley	Merlyn O. Valan
John S. Biersdorf	Gary W. Laidig
Mark Piepho	Steve Sviggum
Tom Rees	Mike Fritz
Tony Stadum	Delbert F. Anderson
Glen Sherwood	William H. Schreiber
Paul Aasness	Bruce Nelsen
Jerry Knickerbocker	Bill Peterson
Jim Heap	Don Valento
Elliot Rothenberg	John Drew
Dick Kaley	Adolph L. Kvam
John L. Weaver	Robert L. Searles
Bob Haukoos	Rod Searle
Dave Jennings	Terry Dempsey
Bob Reif	William D. Dean

Knickerbocker inquired of the chair what order of business was before the House. The Speaker declared the next order of business to be General Orders.

GENERAL ORDERS

Knickerbocker moved that General Orders be continued.

A roll call was requested.

CALL OF THE HOUSE

On the motion of Anderson, I., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Dempsey	Jennings	Norman	Simoneau
Adams	Den Ouden	Johnson, C.	Norton	Stadum
Ainley	Drew	Jude	Novak	Stoa
Albrecht	Elioff	Kahn	Nysether	Stowell
Anderson, B.	Ellingson	Kaley	Olsen	Sviggum
Anderson, D.	Enebo	Kelly	Onnen	Swanson
Anderson, G.	Erickson	Knickerbocker	Otis	Thiede
Anderson, I.	Esau	Kostohryz	Patton	Tomlinson
Anderson, R.	Evans	Kvam	Pehler	Valan
Battaglia	Ewald	Laidig	Peterson	Valento
Begich	Faricy	Lehto	Pleasant	Vanasek
Berglin	Fjoslien	Levi	Prahl	Weaver
Berkelman	Forsythe	Long	Redalen	Welch
Biersdorf	Friedrich	Luknic	Reding	Welker
Blatz	Fritz	Mann	Rees	Wenzel
Brinkman	Fudro	McCarron	Reif	Wieser
Byrne	Greenfield	McDonald	Rice	Wigley
Carlson, L.	Halberg	McEachern	Rose	Wynia
Casserly	Haukoos	Mehrkens	Rothenberg	Zubay
Clark	Heap	Minne	Schreiber	Speaker Searle
Clawson	Heinitz	Munger	Searles	
Corbid	Hoberg	Murphy	Sherwood	
Crandall	Hokanson	Nelsen, B.	Sieben, H.	
Dean	Jaros	Niehaus	Sieben, M.	

Knickerbocker moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the motion to continue General Orders and the roll was called. There were 74 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Hokanson	Nelsen, B.	Searles
Ainley	Erickson	Jennings	Niehaus	Sherwood
Anderson, D.	Esau	Johnson, D.	Norman	Stadum
Anderson, R.	Evans	Kaley	Nysether	Stowell
Berkelman	Ewald	Knickerbocker	Olsen	Sviggum
Biersdorf	Faricy	Kvam	Onnen	Thiede
Blatz	Fjoslien	Laidig	Peterson	Valan
Byrne	Forsythe	Levi	Pleasant	Valento
Carlson, D.	Friedrich	Ludeman	Prahl	Weaver
Carlson, L.	Fritz	Luknic	Redalen	Welker
Crandall	Halberg	Mann	Rees	Wenzel
Dean	Haukoos	McDonald	Reif	Wieser
Dempsey	Heap	Mehrkens	Rose	Wigley
Den Ouden	Heinitz	Minne	Rothenberg	Zubay
Drew	Hoberg	Murphy	Schreiber	

Those who voted in the negative were:

Adams Anderson, B. Anderson, I. Berglin Clawson

Corbid
Enebo
Greenfield
Jacobs

Kelly
Kostohryz
Kroening
Long

McCarron
McEachern
Nelsen, M.
Novak

Patton
Sarna
Sieben, H.
Sieben, M.

Simoneau
Swanson
Tomlinson
Welch

The motion prevailed.

Knickerbocker inquired of the chair what order of business was before the House. The Speaker declared the next order of business to be Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Knickerbocker offered the following motion and moved its adoption.

A roll call was requested.

Whereas, this House by its action in the election contest involving the seat of Robert Pavlak, representative for House District 67-A, determined that there was a deliberate, serious and material violation of the Minnesota election law, that Robert Pavlak was not legally elected; that his seat is vacant and that the vacancy be certified to the Governor to enable him to issue a writ of election to fill the vacancy, and

Whereas, this body has the exclusive authority under the State Constitution to determine the eligibility of its members, and

Whereas, during the floor debate two or more members hereof stated their view that if Representative Pavlak's seat was vacated, that Robert Pavlak would be able to run in a special election, and

Whereas, in all past election contests considered by this House, representative contestees were permitted to file and run as a candidate for the office from which they were ousted despite the provisions of Minn. Stat., 210A.39, to-wit: Representative George Erickson in 1957, Representative Lynn Slattengren in 1965, and Representative Barney Bischoff in 1969, and further said latter representative was re-elected and assumed his seat in this body upon his re-election, and

Whereas, it is reported that Robert Pavlak has attempted to file with the office of the Secretary of State as a candidate for the office of state representative of said House District 67-A in said special election and his affidavit of candidacy for said office has been refused pursuant to Minn. Stat., 210A.39,

Now, Therefore, Be It Resolved by the House of Representatives of the State of Minnesota pursuant to its constitutional powers under Article IV, Section 6, to judge the eligibility of its own members, hereby declares that only this body has the power

to disqualify a member it has ousted from running in an election to fill the vacancy,

Be It Further Resolved, that Robert Pavlak is not disqualified and may file as a candidate for said office and if elected shall be seated as a member of this office upon presentation of the certificate of special election.

The question was taken on the motion and the roll was called. There were 64 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Ainley	Esau	Johnson, D.	Olsen	Stadum
Albrecht	Evans	Kaley	Onnen	Stowell
Anderson, D.	Ewald	Knickerbocker	Peterson	Sviggum
Anderson, R.	Fjoslien	Kvam	Piepho	Thiede
Biersdorf	Forsythe	Levi	Pleasant	Valan
Blatz	Friedrich	Ludeman	Redalen	Valento
Carlson, D.	Fritz	Luknic	Rees	Weaver
Crandall	Halberg	McDonald	Reif	Welker
Dean	Haukoos	Mehrkens	Rose	Wieser
Dempsey	Heap	Nelsen, B.	Rothenberg	Wigley
Den Ouden	Heinitz	Niehaus	Schreiber	Zubay
Drew	Hoberg	Norman	Searles	Speaker Searle
Erickson	Jennings	Nysether	Sherwood	

The Speaker declared the resolution adopted.

Knickerbocker moved the House do now adjourn.

POINT OF ORDER

Vanasek raised a point of order pursuant to the negotiated agreement that only the Floor Leader can make the motion to adjourn. The Speaker ruled the point of order well taken.

ADJOURNMENT

Sieben, H., moved that the House do now adjourn. The motion prevailed.

The Speaker declared the House stands adjourned. The House was adjourned until 12:00 noon, Tuesday, January 22, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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The Hon
Speaker
State of

Dear Spe

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H. F. No. 606, relating to controlled substances;

Sincerely yours,

ALBERT H. QUIE
Governor

PROTEST AND DISSENT

We, the undersigned, protest and dissent from the actions of the Speaker of the House in the closing minutes of the 1979 Regular Legislative Session and in particular, the actions at that time on a certain resolution relating to the Pavlak-Kempe election contest.

Within the last 15 minutes of that session the following Rules of the House and elements of parliamentary procedure were openly violated:

1. The Speaker passed over the Special Orders Calendar without any action by the body whatsoever.
2. The Speaker refused a request for roll call on a motion to dispense with further proceedings under a call of the House.
3. The Speaker refused to call the absentees on a vote when under call of the House.
4. The Speaker refused to recognize a motion to adjourn as a higher motion than the pending motion.
5. The Speaker failed to put the question on adopting a resolution before a roll call was taken.
6. The Speaker stated a matter was adopted when the vote on the matter indicated a quorum was not present.
7. The Speaker repeatedly and intentionally refused to recognize members in order to speak on motions and resolutions or to raise points of order and personal privilege.

In addition, we were also asked to violate that provision of the Minnesota Constitution, Article IV, Section 12, which prohibits the Legislature from meeting after a certain date.

The actions of the Speaker in this matter constitute the most blatant misuse of authority we have witnessed in our legislative experience. The events of that evening constitute a complete breakdown of the orderly legislative process and our concept of rule by law.

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Irvin N
Willis I
Buzz A
Dick W
Mike J
Carl M
Norm F
John T
Harry S
Eugene
Arlene
Stanley
Gordon
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Steve W
Ray Fa
Domini
Raymor
Dee Lon
Bob Mc
Don Mc
Mary M
Marlin
Ken Ne
Steven
Tom Os
Todd O
Al Patt

We believe the House of Representatives deserves an apology.

Irvin N. Anderson	Jim Pehler
Willis Eken	John Sarna
Buzz Anderson	Robert L. Ellingson
Dick Welch	John Corbid
Mike Jaros	Linda Berglin
Carl M. Johnson	Joseph R. Begich
Norm Prahl	David Battaglia
John Tomlinson	Leo Adams
Harry Sieben, Jr.	Lyn Carlson
Eugene Waldorf	James Casserly
Arlene Lehto	Janet Clark
Stanley A. Enebo	John Clawson
Gordon O. Voss	Glen Anderson
Stanley J. Fudro	Michael Sieben
Steve Wenzel	Wayne Simoneau
Ray Faricy	Tom Stoa
Dominic J. Elioff	James Swanson
Raymond J. Kempe	Bob Vanasek
Dee Long	Ann Wynia
Bob McEachern	Phyllis Kahn
Don Moe	Henry Kalis
Mary Murphy	Dick Kostohryz
Marlin Doc Nelsen	Carl Kroening
Ken Nelson	James Rice
Steven Novak	Paul McCarron
Tom Osthoff	Randy Kelly
Todd Otis	George Mann
Al Patton	Lona Minne

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OF REPRESENTATIVES

SEVENTY-FIRST SESSION

OF THE

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