

Alpha Smaby v. Edward R. Brandt and
North Star Surveys, Inc. (1968)

Brandt was seated with the other members on
January 7, 1969.

Court records were referred to the Elections
and Reapportionment Committee on February 14,
1969.

The same subcommittee that considered the
Fena-Bischoff case handled this case. The
Committee adopted the subcommittee's finding
that the seat be vacated and a Special
Election be held.

After much maneuvering on the House floor,
and a committee investigation of John Skeate's
right to retain his seat, the committee
submitted a new report to the House on May 9,
1969, recommending that Skeate and Brandt be
"reprimanded." The amended report was passed
on May 10, 1969.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 177, 240, 346, 568, 589 and 679 and S. F. Nos. 4, 21, 50, 63, 110, 149, 251, 309 and 371 have been placed in the members' files.

S. F. No. 110 and H. F. No. 145, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mr. Chamberlain moved that S. F. No. 110 be substituted for H. F. No. 145 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following report was received, filed in the Chief Clerk's Office, and distributed to each member: Land Exchange Study Report, 1969, prepared by the Department of Conservation.

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55101

February 14, 1969

The following enrolled act of the 1969 Minnesota State Legislature has been deposited in the Office of the Secretary of State for preservation pursuant to the Constitution, Article IV, Section 11:

FILE NUMBER S.F.	CHAP. NO. H.F.	DATE APP. SESS. LAWS	DATE FILED 1969
319	10	Feb. 13	Feb. 13

JOSEPH L. DONOVAN, Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55101

February 14, 1969

The Honorable L. L. Duxbury
Speaker of the House

Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 88, A resolution memorializing the President and Congress of the United States to issue a Postage Stamp commemorating the establishment of Fort Snelling.

H. F. No. 95, An act relating to trunk highways, and the designation of the constitutional routes of the trunk highway system.

H. F. No. 56, An act relating to municipal courts; appointment of judges; amending Minnesota Statutes 1967, Section 488.06, Subdivision 5.

Sincerely,

HAROLD LEVANDER, Governor

St. Paul, Minnesota
February 14, 1969

The Honorable L. L. Duxbury
Speaker of the House of Representatives
St. Paul, Minnesota

Dear Mr. Duxbury:

I hereby tender my resignation as Chaplain of the House of Representatives, effective February 15, 1969.

Very truly yours,

BERNARD S. RASKAS, Chaplain

Mr. Johnson, R., expressed appreciation for the services rendered by Rabbi Bernard S. Raskas and moved that his resignation be accepted. The motion prevailed.

The Speaker, on behalf of the members, also thanked Rabbi Bernard S. Raskas for the services he performed as Chaplain.

Court records were received from Gerald R. Nelson, Clerk of District Court, 4th Judicial District, Hennepin County, Minneapolis, Minnesota, regarding the election contest of Alpha Smaby, Petitioner-Contestant, against Edward R. Brandt, Respondent-Contestee, and North Star Surveys, Inc., a corporation, Agent of Edward R. Brandt, Co-Respondent, in District 41. The election contest and the court records in connection therewith were referred to the Committee on Elections and Reapportionment.

REPORTS OF STANDING COMMITTEES

Mr. Schulz from the Committee on Education to which was referred:

H. F. No. 631, A bill for an act relating to education; residence and attendance of pupils in school districts; amending Minnesota Statutes 1967, Section 120.065.

Subd. 4. Payments due on all wagers shall be made in conformity with well established practice of the pari-mutuel system. No mutilated pari-mutuel ticket that is not easily identifiable as being a valid ticket shall be accepted for payment. No claims for lost pari-mutuel tickets shall be considered.

Subd. 5. Valid winning tickets may be presented for payment at any time when the pari-mutuel system is in operation at the track, or at the principal offices of the track operator, and such claims shall be honored at any time upon it being verified that the holder has a bonafide and valid winning ticket.

Sec. 37. At all harness race meetings licensed by the commission, in accordance with the provisions of this act, qualified judges and starters shall be approved by the commission. No person shall be approved as a judge or starter unless he shall be licensed by the United States trotting association as a duly qualified pari-mutuel race meeting official. Such officials shall enforce the rules and regulations of the commission and shall render regular written reports of the activities and conduct of such race meetings to the commission.

Sec. 38. The commission or such officers, employees or agents of the commission as may be designated by the commission for such purpose shall have the power to administer oaths and examine witnesses and may issue subpoenas to compel attendance of witnesses and the production of all relevant and material reports, books, papers, documents, correspondence and other evidence.

Sec. 39. In addition to its power to suspend or revoke licenses granted by it, the commission is hereby authorized and empowered to impose fines upon any corporation, association or person participating in any way in any race meet at which pari-mutuel wagering is conducted other than as a patron and whether licensed by the commission or not for a violation of any provision of this act or the rule promulgated by the commission pursuant thereto not exceeding \$5000 for each violation, which fines shall be paid into the state treasury and credited to the general fund. The action of the commission in imposing any monetary fine shall be subject to appeal in the proper court.

Sec. 40. The commission shall also have power to refuse to grant a license to any licensee which, having been a licensee, has failed in the opinion of the commission to properly maintain its track and plant in good condition or has failed to make adequate provision for rehabilitation and capital improvements to its track and plant. Pending final determination of any question under this section, the commission may issue a temporary license upon such terms and conditions as it may deem necessary, desirable or proper to effectuate the provisions of this act.

Sec. 41. If for any reason beyond the control of the licensee a racing plant is destroyed or damaged to an extent rendering it unsatisfactory for continued operation, the commission may allow transfer of the meeting to any other qualified and suitable location or plant.

Sec. 42. The secretary and the supervisor of pari-mutuels shall serve during the pleasure of the commission, and they shall be allowed actual and necessary traveling expenses when on commission business.

Sec. 43. No vacancy on the commission shall impair the power and authority of the remaining members to exercise all the powers of the commission. Two members of the commission shall constitute a quorum for the purposes of conducting the business thereof.

Sec. 44. The governor may remove any member for malfeasance, misfeasance, or nonfeasance in office, giving such member a copy of the charges against him and affording him an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days notice. If such member is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the governor's finding thereon, together with a complete report of the proceedings, and the governor's decision thereon is final.

Sec. 45. The commission shall annually, on or before December 31st of each year, make a full written report to the governor of its proceedings for the preceding year and make such other suggestions and recommendations as it deems desirable.

Sec. 46. There is hereby appropriated to the commission from the general revenue fund in the state treasury the sum of \$50,000 for the biennium commencing July 1, 1969 for the purposes of this act."

With the recommendation that when so amended the bill do pass, and be re-referred to the Committee on Governmental Operations.

The report was adopted.

REPORT ON ELECTION CONTEST

Mr. Swanstrom from the Committee on Elections and Reapportionment made the following report regarding the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41:

On Friday, February 14, 1969, a communication and accompanying court records from the Clerk of the District Court, Hennepin County, Minneapolis, Minnesota, regarding the Smaby-Brandt election contest were reported to the House and were referred to the Committee on Elections and Reapportionment.

On Thursday, February 20, 1969, a subcommittee consisting of Messrs. Newcome, Long, Barr, Skaar and Ticen was appointed by the Committee on Elections and Reapportionment to consider the above mentioned election contest.

On Thursday, April 17, 1969, the subcommittee made the following report to the full committee on Elections and Reapportionment:

TO THE HONORABLE DWIGHT SWANSTROM, CHAIRMAN OF THE
COMMITTEE ON ELECTIONS AND REAPPORTIONMENT

Mr. Newcome, for the Subcommittee of House Elections and Reapportionment Committee, considering the above mentioned matter does hereby make its findings, conclusions and report.

Based on the matters presented at the public hearings at which the contestant and contestee were present and represented by counsel, and on the testimony and exhibits included in the record of the proceedings before the Honorable Eugene Minenko, Judge of the District Court, Fourth Judicial District, County of Hennepin, State of Minnesota, and on the arguments and briefs of counsel, the subcommittee finds as follows, to-wit:

FINDINGS OF FACT

1. That Alpha Smaby, contestant, and Edward R. Brandt, contestee, together with John P. Skeate and Douglas Pratt were candidates running at large for the two seats of State Representative in the 41st District at the general election held on November 5, 1968.

2. That John P. Skeate received 10,465 votes, Edward R. Brandt 9,069 votes, Alpha Smaby 8,371 votes and Douglas Pratt 8,214 votes. That Messrs. Skeate and Brandt were declared duly elected to the office of State Representative for the 41st District.

3. That the public opinion survey conducted by North Star Surveys, Inc. in the 41st District was initiated, financed and directed by the Hennepin County Republican Committee. That while Edward R. Brandt had knowledge that the survey was to be taken, he did not play a direct role in the framing of the survey questions, nor was he aware of their content until after the survey was taken. Nevertheless, he did supply certain materials to North Star Surveys, Inc., for use in the framing of the survey questionnaire.

4. That the question in said survey which inferred that Alpha Smaby favored the legalization of marijuana was false, serious, deliberately framed and of a material nature which was intended to deceive the electorate and perpetrate a falsehood.

5. That the pamphlet (Exhibit "AA") distributed by the so-called "Bi-Partisan Committee for Democratic Government" to the electorate prior to the general election contained half truths and misleading statements and employed the tactic against Alpha Smaby of guilt by association, which has no place in the political campaign process. That Edward Brandt was directly involved, together with John P. Skeate, in the preparation, publication and distribution of this pamphlet and must share the responsibility for its contents. That the subject matter in this pamphlet was deliberately composed to deceive the electorate and was of a material and serious nature.

CONCLUSIONS

1. That the survey question and pamphlet as set forth herein contained false, serious and material misstatements of fact which did deceive the electorate.

2. That while Edward R. Brandt was not cognizant in advance of the subject matter contained in the survey, he had sufficient contact with the company that prepared and disseminated the same so as to establish some degree of relationship, control and responsibility.

3. That there is an affirmative duty incumbent upon any candidate for elective office to immediately and publicly renounce any untrue statements made on his behalf concerning his opponent, even though not made at his instance.

4. That Edward R. Brandt is obviously a man of great intellectual attainment and high integrity, and was victimized by the use of the survey; but the fact remains that the untrue implications as contained in the survey did mislead the electorate in his District. The fact that he was a political novice, not experienced in political campaigns, while an extenuating circumstance, is not a defense in this instance.

5. That Edward R. Brandt was not legally elected and is not entitled to retain his seat as a Representative of the 41st Legislative District, County of Hennepin, in the State House of Representatives.

6. That there is a vacancy in the office of Representative of the 41st District, County of Hennepin, and that this vacancy be certified to the Honorable Harold LeVander, 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.

Dated this 17th day of April, 1969.

THOMAS W. NEWCOME, Chairman
VERNE E. LONG
SAM R. BARR
THOMAS E. TICEN
ANDREW SKAAR

MEMORANDUM

The Subcommittee would be remiss in its duty if no mention is made of the reasoning process which led to this decision.

Edward R. Brandt admittedly played an insignificant role in the survey, but nevertheless he was involved. He initially delivered to North Star Surveys, Inc., material from which the marijuana question undoubtedly originated, and he cannot absolve himself from involvement by now contending that others perpetrated the actual fraud upon the voters. He may very likely be the innocent victim of others more learned in the political process, but all must realize that a candidate, no matter how innocent he may be of malicious intent, no matter how much he may be the

victim of bad advice or political scheming, he has an affirmative duty to maintain a degree of control of activities in his behalf of which he has knowledge, and to publicly and immediately renounce false statements which are material, untrue and likely to delude the electorate. And while we find that Edward R. Brandt is a man of uncontroverted integrity who has already made a great contribution to good government in his limited service in the Legislature, we also are duty bound to once and for all, for the best interests of the people of the State, proclaim that one who enters the Legislature must come with clean hands and must stand accountable for the acts of his supporters in all cases where he had sufficient knowledge or information to have prevented the injustice.

On Thursday, April 17, 1969, the Committee on Elections and Reapportionment unanimously adopted the report of the subcommittee and therefore recommends to the House of Representatives that Edward R. Brandt was not legally elected and is not entitled to retain his seat as a Representative of the 41st Legislative District, County of Hennepin, in the State House of Representatives. That there is a vacancy in the office of Representative of the 41st District, County of Hennepin, Minnesota, and that this vacancy be certified to the Honorable Harold LeVander, 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.

Dwight Swanstrom, Chairman

Mr. Dirlam moved that the report of the Committee on Elections and Reapportionment relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, be printed in the Journal and lie over until Saturday, April 19, 1969, on the order of business "Reports of Standing Committees". The motion prevailed.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1726, 2483, 1493, 1395, 1107, 1379, 2300 and 493 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 303, 1007 and 938 were read for the second time.

INTRODUCTION OF BILLS

Messrs. Hoppe, Hegstrom, Erickson, Knutson, and Bischoff introduced:

H. F. No. 2606, A bill for an act relating to agriculture; plant disease control; amending Minnesota Statutes 1967, Sections 18.46, Subdivision 3; 18.48, Subdivision 1; 18.51; 18.52, Subdivision 2; and 18.53.

The bill was read for the first time and referred to the Committee on Agriculture.

Mr. Johnson, J., introduced:

H. F. No. 2607, A bill for an act relating to the city of Minneapolis; setting a maximum levy for the general fund; amending Extra Session Laws 1967, Chapter 34, Section 2.

The bill was read for the first time and referred to the Committee on Cities of the First Class.

Messrs. Graw and Ticen, by request, introduced:

H. F. No. 2608, A bill for an act relating to certain recreation facilities in the city of Bloomington authorizing the pledge of revenues and the levy of taxes for the security of bonds issued for such purpose.

The bill was read for the first time and referred to the Committee on Cities of the Second and Third Class.

Messrs. Albertson, Chenoweth, Murray, Duxbury, and Everson introduced:

H. F. No. 2609, A bill for an act relating to foods; vesting power in the commissioner of agriculture to regulate the labeling of foods; requiring labels on perishable foods to disclose dates of packaging; amending Minnesota Statutes 1967, Sections 31.01, by adding a subdivision; and 31.12.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Mr. Weaver introduced:

H. F. No. 2610, A bill for an act authorizing conveyance by the state of certain lands in Anoka county to Independent School District No. 11.

The bill was read for the first time and referred to the Committee on Conservation.

Mr. Becklin introduced:

H. F. No. 2611, A bill for an act relating to Independent School District No. 323.

The bill was read for the first time and referred to the Committee on Education.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Erdahl	Hoppe	Mueller	Scherer
Adams, S.	Erickson	Humphrey	Munger	Schulz
Albertson	Ervson	Johnson, C. A.	Murray	Schumann
Anderson, R.	Falk	Johnson, C. M.	Nelson	Schwarzkopf
Anderson, D.	Fischer, W. C.	Johnson, J.	Newcome	Searle
Anderson, H.	Fisher, D.	Johnson, R.	Niehaus	Sillers
Anderson, I.	Fitzsimons	Jopp	Nolan	Skaar
Anderson, T.	Flakne	Judge	North	Skeate
Bang	Forseth	Keefe	Norton	Sommerdorf
Bares	France	Klaus	O'Dea	Spanish
Barr	Frenzel	Kleinbaum	O'Neill	Stangeland
Becklin	Frick	Knutson	Pavlak, R.	Stone
Bell	Fudro	Kozlak	Pavlak, R. L.	Swanson
Bernhagen	Fuller	Krenik	Plaisance	Swanstrom
Bischoff	Gearty	Kvam	Prifrel	Theis
Brandt	Gimpl	Larson	Rappana	Ticen
Brinkman	Graw	Lee	Reigel	Tomczyk
Carlson	Gruys	Lindahl	Renner	Ulland
Chamberlain	Gustafson, E.	Lindstrom	Richie	Voxland
Chenoweth	Gustafson, W.	Long	Ryan	Weaver
Christensen, R.	Haaven	Mann	Sabo	White
Coombe	Hanson	McFarlin	Salchert	Wingard
Dammermann	Haugerud	McMillan, Mrs.	Samuelson	Winter
DeGroat	Hegstrom	Miller	Sathre	Wolcott
Dirlam	Heinitz	Moen	Savelkoul	Wright
Dunn	Hoff	Morlock	Schafer	Mr. Speaker

So the bill was passed and its title agreed to.

REPORT ON ELECTION CONTEST

The report of the Committee on Elections and Reapportionment regarding the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, as printed in the Journal of the House for Friday, April 18, 1969, was reported to the House.

Mr. Newcome moved that the report of the Committee on Elections and Reapportionment regarding the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, as reported to the House on Friday, April 18, 1969, and as printed in the Journal for that day, be now adopted and that it be determined that Edward R. Brandt was not legally elected and is not entitled to retain his seat as a Representative of the 41st Legislative District, County of Hennepin, in the State House of Representatives, and that there is a vacancy in the office of Representative of the 41st District, County of Hennepin, Minnesota, and that this vacancy be certified to the Honorable Harold LeVander, 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.

Mr. Flakne moved that the report of the Committee on Elections and Reapportionment, as it relates to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, be recommitted to said committee for fur-

ther study, with specific instruction that the full committee consider the entire election contest, with specific regard to the involvement of John P. Skeate, and in its deliberation to determine whether said John P. Skeate was duly elected to the Legislature from the 41st District, and whether he is entitled to retain his seat as such Representative. Said committee, for the purposes of this investigation, shall have the power of the use of subpoena to be issued by the Speaker.

CALL OF THE HOUSE

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

Adams, J.	Erdahl	Humphrey	Munger	Schulz
Adams, S.	Erickson	Johnson, C. A.	Murray	Schumann
Albertson	Ervson	Johnson, C. M.	Nelson	Schwarzkopf
Anderson, R.	Falk	Johnson, J.	Newcome	Searle
Anderson, D.	Fischer, W. C.	Johnson, R.	Niehaus	Sillers
Anderson, H.	Fisher, D.	Jopp	Nolan	Skaar
Anderson, I.	Fitzsimons	Judge	North	Skeate
Anderson, T.	Flakne	Keefe	Norton	Sommerdorf
Bang	Forseth	Klaus	O'Dea	Spanish
Bares	France	Kleinbaum	O'Neill	Stangeland
Barr	Frenzel	Knutson	Pavlak, R.	Stone
Becklin	Frick	Kozlak	Pavlak, R. L.	Swanson
Bell	Fudro	Krenik	Plaisance	Swanstrom
Bernhagen	Fuller	Kvam	Prifrel	Theis
Bischoff	Gearty	Larson	Rappana	Ticen
Brandt	Gimpl	Lee	Reigel	Tomczyk
Brinkman	Graw	Lindahl	Renner	Ulland
Carlson	Gruys	Lindstrom	Richie	Voxland
Chamberlain	Gustafson, E.	Long	Ryan	Weaver
Chenoweth	Gustafson, W.	Mann	Sabo	White
Christensen, R.	Haaven	McFarlin	Salchert	Wingard
Coombe	Hanson	McMillan, Mrs.	Samuelson	Winter
Dammermann	Haugerud	Miller	Sathre	Wolcott
DeGroat	Heinitz	Moen	Savelkoul	Wright
Dirlam	Hoff	Morlock	Schafer	Mr. Speaker
Dunn	Hoppe	Mueller	Scherer	

Mr. Frenzel 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.

A roll call was requested and properly seconded.

Mr. Lindahl moved to amend the motion of Mr. Flakne by adding the following sentence to the end of the motion of Mr. Flakne: "The Committee should also consider the conduct of Representative Lyall A. Schwarzkopf as to possible censure or unseating."

POINT OF ORDER

Mr. Flakne raised a point of order pursuant to Rules of the House that the proposed amendment of Mr. Lindahl is not germane to the motion pending before the House.

The Speaker submitted to the House the following question: "Is it the judgment of the House that the proposed amendment of Mr. Lindahl is germane to the motion of Mr. Flakne?"

The question was taken on the point of order, and it was the judgment of the House that the proposed amendment of Mr. Lindahl was not germane to the motion pending before the House.

Pursuant to Rule 37, Mr. Lee requested that the motion of Mr. Flakne be divided. The motion was divided, and the question was taken on the following part of Mr. Flakne's motion: That the report of the Committee on Elections and Reapportionment, as it relates to the election contest of Alpha Smaby, Contestant, against Edward R. Brandt, Contestee, in District 41, be recommended to said committee for further study, and said committee, for the purposes of this investigation, shall have the power of the use of subpoena to be issued by the Speaker.

The roll being called, there were yeas 39, and nays 88, as follows:

Mr. Schulz moved that those not voting be excused from voting. The motion prevailed.

Those who voted in the affirmative were:

Albertson	Forseth	Humphrey	Nelson	Schwarzkopf
Anderson, H.	Frenzel	Johnson, J.	Niehaus	Sillers
Bang	Fuller	Jopp	Plaisance	Stangeland
Bernhagen	Gruys	Keefe	Reigel	Stone
Chamberlain	Gustafson, W.	Klaus	Sathre	Wingard
Dammermann	Hanson	Knutson	Scherer	Wolcott
Erdahl	Heinitz	Krenik	Schulz	Wright
Fisher, D.	Hoppe	Kvam	Schumann	

Those who voted in the negative were:

Adams, J.	Dunn	Johnson, C. M.	Murray	Schafer
Adams, S.	Erickson	Johnson, R.	Newcome	Searle
Andersen, R.	Everson	Judge	Nolan	Skaar
Anderson, D.	Falk	Kleinbaum	North	Sommerdorf
Anderson, I.	Fischer, W. C.	Kozlak	Norton	Spanish
Anderson, T.	Fitzsimons	Larson	O'Dea	Swanson
Bares	Flakne	Lee	O'Neill	Swanstrom
Barr	France	Lindahl	Pavlak, R.	Theis
Becklin	Frick	Lindstrom	Pavlak, R. L.	Ticen
Bell	Fudro	Long	Prifrel	Tomczyk
Bischoff	Gearty	Mann	Rappana	Ulland
Brinkman	Gimpl	McFarlin	Renner	Voxland
Carlson	Graw	McMillan, Mrs.	Richie	Weaver
Chenoweth	Gustafson, E.	Miller	Ryan	White
Christensen, R.	Haaven	Moen	Sabo	Winter
Coombe	Haugerud	Morlock	Salchert	Mr. Speaker
DeGroat	Hoff	Mueller	Samuelson	
Dirlam	Johnson, C. A.	Munger	Savekoul	

So the motion, as divided, lost.

The question recurred on the other part of Mr. Flakne's motion as follows: That the report on the election contest be recommended with specific instruction that the full committee consider the entire election contest, with specific regard to the involvement of John P. Skeate, and in its deliberation to deter-

mine whether said John P. Skeate was duly elected to the Legislature from the 41st District, and whether he is entitled to retain his seat as such Representative.

The roll being called, there were yeas 31, and nays 94, as follows:

Mr. Flakne moved that those not voting be excused from voting. The motion prevailed.

Those who voted in the affirmative were:

Anderson, H.	Frenzel	Humphrey	Nelson	Wingard
Bernhagen	Fuller	Johnson, J.	Reigel	Wolcott
Chamberlain	Gruys	Jopp	Scherer	Wright
Erdahl	Gustafson, W.	Keefe	Schulz	
Fisher, D.	Hanson	Klaus	Schumann	
Flakne	Heinitz	Knutson	Schwarzkopf	
Forseth	Hoppe	Kvam	Stangeland	

Those who voted in the negative were:

Adams, J.	Dirlam	Johnson, R.	Newcome	Savekoul
Adams, S.	Dunn	Judge	Niehaus	Schafer
Albertson	Erickson	Kleinbaum	Nolan	Sillers
Andersen, R.	Everson	Kozlak	North	Skaar
Anderson, D.	Falk	Krenik	Norton	Sommerdorf
Anderson, I.	Fischer, W. C.	Larson	O'Dea	Spanish
Anderson, T.	Fitzsimons	Lee	O'Neill	Stone
Bares	France	Lindahl	Pavlak, R.	Swanson
Barr	Frick	Lindstrom	Pavlak, R. L.	Swanstrom
Becklin	Fudro	Long	Plaisance	Theis
Bell	Gearty	Mann	Prifrel	Ticen
Bischoff	Gimpl	McFarlin	Rappana	Tomczyk
Brinkman	Graw	McMillan, Mrs.	Renner	Ulland
Carlson	Miller	Richie	Renner	Voxland
Chenoweth	Haaven	Moen	Ryan	Weaver
Christensen, R.	Haugerud	Morlock	Sabo	White
Coombe	Hoff	Mueller	Salchert	Winter
Dammermann	Johnson, C. A.	Munger	Samuelson	Mr. Speaker
DeGroat	Johnson, C. M.	Murray	Sathre	

So the motion, as divided, was lost.

Mr. Lindstrom moved that the report of the Committee on Elections and Reapportionment relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, as printed in the Journal for Friday, April 18, 1969, lie over until Saturday, April 26, 1969, on the order of business "Reports of Standing Committees" and that the Committee on Elections and Reapportionment be and is hereby instructed to take such additional testimony and evidence as may be necessary to enable said committee to determine whether John P. Skeate was legally elected as a Representative of District 41 and the eligibility of said John P. Skeate to retain his seat as such Representative and to make a report to the House as to the findings and conclusions of the committee with reference thereto; that for said purposes the committee have the power to use subpoenas issued by the Speaker of the House and that such report be made by said committee to the House not later than April 26, 1969.

A roll call was requested and properly seconded.

The roll being called, there were yeas 77, and nays 48, as follows:

Mr. Lindstrom moved that those not voting be excused from voting. The motion prevailed.

Those who voted in the affirmative were:

Adams, S.	Fischer, W. C.	Humphrey	Newcome	Sillers
Albertson	Fisher, D.	Johnson, C. A.	Niehaus	Skaar
Andersen, R.	Fitzsimons	Johnson, J.	O'Neill	Stangeland
Anderson, D.	Flakne	Jopp	Pavlak, R. L.	Stone
Anderson, H.	Forseth	Keefe	Plaisance	Swanstrom
Anderson, T.	France	Klaus	Rappana	Ulland
Bang	Frenzel	Knutson	Reigel	Voxland
Becklin	Fuller	Krenik	Renner	Weaver
Bell	Gimpl	Kvam	Sathre	White
Bernhagen	Graw	Larson	Savelkoul	Wingard
Chamberlain	Gruys	Lindstrom	Schafer	Wolcott
DeGroat	Gustafson, W.	Long	Scherer	Wright
Dirlam	Haaven	McFarlin	Schulz	Mr. Speaker
Dunn	Hanson	Morlock	Schumann	
Erickson	Heinitz	Mueller	Schwarzkopf	
Everson	Hoppe	Nelson	Searle	

Those who voted in the negative were:

Adams, J.	Dammermann	Kleinbaum	Nolan	Samuelson
Anderson, I.	Erdahl	Kozlak	North	Sommerdorf
Bares	Falk	Lee	Norton	Spanish
Barr	Fudro	Lindahl	O'Dea	Swanson
Bischoff	Gearty	Mann	Pavlak, R.	Theis
Brinkman	Gustafson, E.	McMillan, Mrs.	Prifrel	Ticen
Carlson	Haugerud	Miller	Richie	Tomeczyk
Chenoweth	Hoff	Moen	Ryan	Winter
Christensen, R.	Johnson, C. M.	Munger	Sabo	
Coombe	Judge	Murray	Salchert	

So the motion of Mr. Lindstrom prevailed, and the Speaker declared that the report of the Committee on Elections and Reapportionment relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, as printed in the Journal for Friday, April 18, 1969, shall lie over until Saturday, April 26, 1969, on the order of business "Reports of Standing Committees" and that the Committee on Elections and Reapportionment is hereby instructed to take such additional testimony and evidence as may be necessary to enable said committee to determine whether John P. Skeate was legally elected as a Representative of District 41 and the eligibility of said John P. Skeate to retain his seat as such Representative and to make a report to the House as to the findings and conclusions of the committee with reference thereto; that for said purposes the committee shall have the power to use subpoenas issued by the Speaker of the House and that such report be made by said committee to the House not later than April 26, 1969.

ADJOURNMENT

Mr. Dirlam moved that when the House adjourns today it adjourn until 1:30 p.m., Monday, April 21, 1969. The motion prevailed.

Mr. Dirlam moved that the House adjourn. The motion prevailed, and the Speaker declared the House adjourned until 1:30 p.m., Monday, April 21, 1969.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

H. F. No. 1662, A bill for an act relating to taxes on and measured by net income; amending Minnesota Statutes 1967, Section 290.19, Subdivision 1.

Reported the same back with the following amendments:

Page 3, clause (2), line 2, after "or" and before "used" insert "*rented, and*"; line 3, after "state" and before "in" insert "*during the tax period*"; line 5, after "or" and before "used" insert "*rented, and*"; line 6, after "business" and before the semicolon, insert "*during the tax period*".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

S. F. No. 1285, A bill for an act relating to taxes on and measured by net income; amending Minnesota Statutes 1967, Section 290.48, Subdivision 9.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

S. F. No. 1289, A bill for an act relating to income taxes and the rent credit; amending Minnesota Statutes 1967, Section 290.982.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

S. F. No. 1291, A bill for an act relating to taxes on and measured by net income; amending Minnesota Statutes 1967, Section 290.46.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

S. F. No. 1293, A bill for an act relating to taxes on and measured by net income and signatures on corporate returns; amending Minnesota Statutes 1967, Section 290.37, Subdivision 1.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

H. F. No. 1844, A bill for an act removing certain lands in Beltrami County from the Red Lake game preserve, and placing the lands in the status of tax forfeited lands.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Conservation.

The report was adopted.

Mr. Swanstrom from the Committee on Elections and Reapportionment, which committee had been instructed by the Lindstrom motion adopted by the House on April 19, 1969, to take additional testimony and evidence to determine whether John P. Skeate was legally elected as a Representative of District 41 and the eligibility of said John P. Skeate to retain his seat as such Representative and to make a report to the House as to its findings and conclusions, makes the following report:

That the committee met after the House Session Monday, April 21, 1969 and Mr. Skeate met with the committee at that time for more than an hour. Mr. Skeate informed the committee that he desired to be represented by counsel and at his request the committee agreed to allow Mr. Skeate until Thursday, April 24, 1969 to obtain counsel.

At the regular meeting of the committee on April 24, 1969, Mr. Skeate appeared with his attorneys, Mr. Weissman and Mr. Bellman. Mr. Skeate and his attorneys asked for further continuance of the hearing on the matter to May 8, 1969 in part because of other commitments of the attorneys and in part to give the attorneys time to prepare the representation of Mr. Skeate. The committee granted the request. The committee then discussed informally the question of the involvement of Mr. Skeate in the issues in the Brandt-Smaby contest.

The Committee on Elections and Reapportionment recommends to the House that the report of the committee relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41 as printed in the Journal for Friday, April 18, 1969 and laid over until Saturday, April 26, 1969 by adoption of the Lindstrom motion on April 19, 1969, lie over until May 10, 1969, on the order of business "Reports of

Standing Committees" and that the time for the Committee on Elections and Reapportionment to report pursuant to the Lindstrom motion adopted on April 19, 1969, be extended from April 26, 1969, to May 10, 1969.

Respectfully submitted,

Dwight Swanstrom, Chairman

Committee on Elections and Reapportionment

Mr. Swanstrom moved that the report of the Committee on Elections and Reapportionment be adopted, that the report of the committee relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41 as printed in the Journal for Friday, April 18, 1969 and laid over until Saturday, April 26, 1969 by adoption of the Lindstrom motion on April 19, 1969, lie over until May 10, 1969 on the order of business "Reports of Standing Committees" and that the time for the Committee on Elections and Reapportionment to report pursuant to the Lindstrom motion adopted on April 19, 1969, be extended from April 26, 1969 to May 10, 1969.

A roll call was requested and properly seconded.

Mr. Sabo requested a division of the question and pursuant to that request the vote was taken on the motion that the report of the committee relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41 as printed in the Journal for Friday, April 18, 1969 and laid over until Saturday, April 26, 1969 by adoption of the Lindstrom motion on April 19, 1969, lie over until May 10, 1969 on the order of business "Reports of Standing Committees".

The roll being called, there were yeas 80, and nays 47, as follows:

Those who voted in the affirmative were:

Adams, S.	Erickson	Heinitz	McFarlin	Schulz
Albertson	Everson	Hoppe	Morlock	Schumann
Andersen, R.	Fischer, W. C.	Humphrey	Mueller	Schwarzkopf
Anderson, D.	Fisher, D.	Johnson, C. A.	Nelson	Searle
Anderson, H.	Fitzsimons	Johnson, J.	Newcome	Sillers
Anderson, T.	Flakne	Johnson, N.	Niehaus	Skaar
Bang	Forseth	Johnson, R.	O'Neill	Stangeland
Becklin	France	Jopp	Pavlak, R. L.	Stone
Bell	Frenzel	Keefe	Pavlan	Swanstrom
Bernhagen	Fuller	Klaus	Rappana	Ulland
Chamberlain	Gimpl	Knutson	Reigel	Voxland
Christensen, R.	Graw	Krennik	Renner	Weaver
DeGroat	Gruys	Kvam	Sathre	White
Dirlam	Gustafson, W.	Larson	Savelkoul	Wingard
Dunn	Haaven	Lindstrom	Schafer	Wolcott
Erdahl	Hanson	Long	Scherer	Mr. Speaker

Those who voted in the negative were:

Adams, J.	Bischoff	Chenoweth	Coombe	Fudro
Anderson, I.	Brinkman	Christianson, Mrs.	Dammermann	Gearty
Bares	Carlson		Falk	Haugerud

Hoff	Mann	Norton	Sabo	Theis
Johnson, C. M.	Miller	O'Dea	Salchert	Ticen
Judge	Moen	Pavlak, R.	Samuelson	Tomczyk
Kleinbaum	Munger	Peterson	Shores	Winter
Kozlak	Murray	Prifrel	Sommerdorf	Wright
Lee	Nolan	Richie	Spanish	
Lindahl	North	Ryan	Swanson	

The motion prevailed and the House ordered that the report of the committee relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41 as printed in the Journal for Friday, April 18, 1969 and laid over until Saturday, April 26, 1969 by adoption of the Lindstrom motion on April 19, 1969, lie over until May 10, 1969 on the order of business "Reports of Standing Committees".

Pursuant to the request of Mr. Sabo for a division of the question the vote was taken on the motion that the time for the Committee on Elections and Reapportionment to report pursuant to the Lindstrom motion adopted on April 19, 1969, be extended from April 26, 1969 to May 10, 1969.

The roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Erdahl	Johnson, C. M.	Nelson	Schumann
Adams, S.	Erickson	Johnson, J.	Newcome	Schwarzkopf
Albertson	Everson	Johnson, N.	Niehaus	Searle
Andersen, R.	Falk	Johnson, R.	Nolan	Shores
Anderson, D.	Fischer, W. C.	Jopp	North	Sillers
Anderson, H.	Fisher, D.	Judge	Norton	Skaar
Anderson, I.	Fitzsimons	Keefe	O'Dea	Sommerdorf
Anderson, T.	Flakne	Klaus	O'Neill	Spanish
Bang	Forseth	Kleinbaum	Pavlak, R.	Stangeland
Bares	France	Knutson	Pavlak, R. L.	Stone
Becklin	Frenzel	Kozlak	Peterson	Swanson
Bell	Frick	Krennik	Plaisance	Swanstrom
Bernhagen	Fudro	Kvam	Prifrel	Theis
Bischoff	Fuller	Larson	Rappana	Ticen
Brinkman	Gearty	Lee	Reigel	Tomczyk
Carlson	Gimpl	Lindahl	Renner	Ulland
Chamberlain	Graw	Lindstrom	Richie	Voxland
Chenoweth	Gruys	Long	Ryan	Weaver
Christensen, R.	Haaven	Mann	Sabo	White
Christianson, Mrs.	Hanson	McFarlin	Salchert	Wingard
Coombe	Haugerud	Miller	Samuelson	Winter
Dammermann	Heinitz	Moen	Sathre	Wolcott
DeGroat	Hoff	Morlock	Savelkoul	Wright
Dirlam	Hoppe	Mueller	Schafer	Mr. Speaker
Dunn	Humphrey	Munger	Scherer	
	Johnson, C. A.	Murray	Schulz	

The motion prevailed and the House ordered that the time for the Committee on Elections and Reapportionment to report pursuant to the Lindstrom motion adopted on April 19, 1969, be extended from April 26, 1969 to May 10, 1969.

SECOND READING OF HOUSE BILLS

H. F. Nos. 663, 1352, 1861, 1477, 1636, 2038, 2312, 1500, 1875, 990, 1382, 810, 2155, 2276, 1889, 2412, 1002, 2243, 2246, 1656 and 1662 were read for the second time.

ed land and products thereof in St. Louis county; amending vs 1966, Chapter 826, Section 1.

Reported the same back with the following amendments:

Page 2, clause (b), line 6, strike "ten" at the end of the line, insert in lieu thereof "20"; in line 8, strike "state," at the beginning of the line.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

S. F. No. 1373, A bill for an act relating to taxation; providing for the homestead treatment of certain buildings and structures; amending Minnesota Statutes 1967, Section 273.13, by adding a subdivision thereto.

Reported the same back with the following amendments:

Section 1, line 4, after the first "and" strike "structures" and insert in lieu thereof "appurtenances thereto"; in line 7, after "buildings", strike "and structures".

Amend the title, line 4, after "and" strike "structures" and insert in lieu thereof "appurtenances thereto".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Anderson, H., from the Committee on Taxes to which was referred:

H. F. No. 2088, A bill for an act relating to taxation; the collection of cigarette taxes; amending Minnesota Statutes 1967, Section 279.03, Subdivision 12.

Reported the same back with the following amendments:

At the end of the bill add a new sentence: "*The commissioner shall have the right to withdraw this designation without cause.*"

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Swanstrom for the Committee on Elections and Reapportionment makes the following report pursuant to the instructions of the House of Representatives by the Lindstrom motion adopted by the House on April 19, 1969:

Based on the matters presented at the Committee hearings at which John P. Skeate was presented and represented by counsel,

and on the testimony and exhibits included in the record in the matter of the election contest of Alpha Smaby against Edward R. Brandt before the Honorable Eugene Minenko, Judge of the District Court, Fourth Judicial District, County of Hennepin, State of Minnesota, and on the arguments of counsel, the committee finds as follows to-wit:

FINDINGS OF FACT

1. That Alpha Smaby, Edward R. Brandt, John P. Skeate and Douglas Pratt were candidates running at large for the two seats of State Representative in the 41st District at the general election held on November 5, 1968.

2. That John P. Skeate received 10,465 votes, Edward R. Brandt 9,069 votes, Alpha Smaby 8,371 votes and Douglas Pratt 3,214 votes. That Messrs. Skeate and Brandt were declared duly elected to the Office of State Representative for the 41st District.

3. That the pamphlet (Exhibit "AA") distributed by the so-called "Bi-Partisan Committee for Democratic Government" to the electorate prior to the General Election contained half truths and misleading statements and employed the tactic of guilt by association, which has no place in the political campaign process. That John P. Skeate together with Edward R. Brandt, as candidates, must bear the responsibility for the preparation, publication and distribution of this pamphlet and stand accountable for its contents even though they may not have been personally involved in all phases of its preparation, publication and distribution. That the subject matter in this pamphlet was of a serious and material nature.

4. That in the pleadings in the District Court contest proceedings Brandt alleged that Smaby, her personal campaign committee and other persons and committees for whose acts she was responsible committed deliberate, serious and material violations of the Fair Campaign Practices Act and alleged specific acts in violation thereof and further alleged that Smaby did not come into court with "clean hands"; that the record transmitted by the District Court shows that at the trial Brandt attempted to present evidence to prove the alleged violations and that the court denied to Brandt the right to present such evidence.

CONCLUSIONS

1. That the pamphlet as set forth herein contained serious and material misstatements of fact which may in fact have deceived the electorate.

2. That John P. Skeate was legally elected and is entitled to retain his seat as a Representative of the 41st Legislative District, County of Hennepin, in the State House of Representatives, but he nevertheless should be reprimanded for his involvement in the preparation, publication and distribution of the pamphlet

published by the "Bi-Partisan Committee for Democratic Government."

3. That the Report of the Committee on Elections and Reapportionment regarding the election contest of Alpha Smaby against Edward R. Brandt as printed in the Journal of the House for Friday, April 18, 1969, shall be amended by deleting in its entirety Paragraph 3 of the Conclusions and substituting in lieu thereof the following:

"That there is an affirmative duty upon any candidate for elective office, upon actual or constructive notice, to immediately thereafter publicly renounce any false or misleading statements regarding his opponent made on his behalf by a party committee or a political (volunteer) committee as defined in Chapter 211, Minnesota Statutes, even though such statements were not made at his instance."

4. That paragraph 5 of the conclusions in the report of this committee regarding the election contest of Alpha Smaby against Edward R. Brandt as printed in the Journal of the House for Friday, April 18, 1969, shall be amended by deleting the word "not" in the two places where said word appears in the first line of said paragraph 5.

5. That Edward R. Brandt should be reprimanded and admonished for his involvement with said survey and pamphlet.

6. That paragraph 6 of the conclusions in the report of this committee regarding the election contest of Alpha Smaby against Edward R. Brandt as printed in the Journal of the House for Friday, April 18, 1969, shall be deleted in its entirety.

Dated this 8th day of May, 1969.

DWIGHT SWANSTROM, Chairman
Committee on Elections and Reapportionment

Mr. Renner moved that the report of the Committee on Elections and Reapportionment, pursuant to the instructions from the House by the Lindstrom motion adopted by the House on April 19, 1969, be printed in the Journal and lie over until Saturday, May 10, 1969, on the order of business "Reports of Standing Committees." The motion prevailed.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1019, 1030, 1110, 1328, 1336, 1818, 2052, 2297, 2319, 1081, 1405, 2613, 1857, 2820, 2211, 2459, 2818, 2061, 1359, 1637, 2220, 2135, 271, 2848, 724, 804, 1679, 2047, 2640, 2781, 2414, 1571, 2512, 2277, 2562, 1449, 2452, 2796 and 2088 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1649, 597, 1455, 1585, 507, 95, 712, 714, 810, 1345, 8, 1019, 1754, 1557, 1255, 1450, 1111, 717, 1477, 703, 1240 and 1373 were read for the second time.

INTRODUCTION OF BILLS

Upon the author's request, permission to introduce within bill hereby requested.

HAROLD LEVANDER, Governor

Messrs. Brandt and Skeate introduced:

H. F. No. 3033, A bill for an act relating to the claim of Andrew H. Kovisto; arising from the loss of vacation and sick leave time while in military service; appropriating money for the payment thereof.

The bill was read for the first time and referred to the Committee on Claims.

Upon the author's request, permission to introduce within bill hereby requested.

HAROLD LEVANDER, Governor

Mr. Anderson, I., introduced:

H. F. No. 3034, A bill for an act authorizing Koochiching county to form districts for the construction of water or sewer facilities or both and to acquire land and easements, impose service charges, levy special assessments, and issue bonds for that purpose.

The bill was read for the first time and referred to the Committee on County and Township Government.

Upon the author's request, permission to introduce within bill hereby requested.

HAROLD LEVANDER, Governor

Messrs. Wolcott; Skeate; Swanstrom; Johnson, C. M.; and Hoppe introduced:

H. F. No. 3035, A bill for an act relating to credit unions; interest on loans by credit unions; amending Minnesota Statutes 1967, Section 52.14.

The bill was read for the first time and referred to the Committee on Financial Institutions and Securities.

Upon the author's request, permission to introduce within bill hereby requested.

HAROLD LEVANDER, Governor

Messrs. Smith, Munger, Wright, Plaisance, and Samuelson introduced:

H. F. No. 3036, A bill for an act creating an interim commission to study fluoridation of water and laws relating thereto; appropriating money therefor.

The bill was read for the first time and referred to the Committee on Legislative Administration and Rules.

SECOND READING OF SENATE BILLS

S. F. Nos. 50, 801, 562, 1168, 1234, 943, 678, 1014, 1713, 1349 and 2036 were read for the second time.

INTRODUCTION OF BILLS

Upon the author's request, permission to introduce within bill hereby requested.

HAROLD LEVANDER, Governor

Messrs. DeGroat, Skaar, Schafer, Morlock, and Long introduced:

H. F. No. 3044, A bill for an act appropriating money to the department of economic development to promote Minnesota agricultural products.

The bill was read for the first time and referred to the Committee on Appropriations.

Upon the author's request, permission to introduce within bill hereby requested.

HAROLD LEVANDER, Governor

Messrs. Pavlak, R. L.; Sommerdorf; Richie; O'Neill; and Ryan, for the Ramsey County Delegation, introduced:

H. F. No. 3045, A bill for an act pertaining to the city of Saint Paul; authorizing the city to provide by an additional tax levy funds for preparation of storm and sanitary sewerage studies and plans.

The bill was read for the first time and referred to the Committee on Cities of the First Class.

Upon the author's request, permission to introduce within bill hereby requested.

HAROLD LEVANDER, Governor

Messrs. Christensen, R.; O'Neill; Prifrel; Ryan; and Pavlak, R. L., for the Ramsey County Delegation, introduced:

H. F. No. 3046, A bill for an act relating to the city of Saint Paul; authorizing the issuance of bonds to provide funds to construct, reconstruct, remodel and equip a civic center, exhibition hall, and auditorium and to acquire land therefor; amending Laws 1967, Chapter 459, Sections 1 and 2.

The bill was read for the first time and referred to the Committee on Cities of the First Class.

H. F. No. 2302, A bill for an act relating to notification of the department of corrections in those cases where a juvenile is detained; amending Minnesota Statutes 1967, Section 260.171.

Reported the same back with the following amendments:

Page 1, Section 1, Subd. 2, line 3, strike the new matter.

Page 2, Section 1, Subd. 2, line 8, after the word "custody" strike ", or unless" and insert in lieu thereof the following:

"Where a child is to be detained in a jail beyond 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of such continued detention and the reasons therefor. The commissioner shall thereupon offer the services of his department to assist the court in the relocation of such child in appropriate detention facilities within the county or elsewhere in the state, or in determining suitable alternatives. If"

Page 2, Section 1, Subd. 2, line 10, after the figure "260.125" and before the "" insert the words ", notice to the commissioner shall not be required".

Page 2, Section 1, Subd. 2, line 11, strike the new matter.

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

REPORTS FROM THE COMMITTEE ON ELECTIONS
AND REAPPORTIONMENT

The report from the Committee on Elections and Reapportionment, pursuant to the instruction from the House of Representatives by the Lindstrom motion adopted by the House on April 19, 1969, and as printed in the Journal on Friday, May 9, 1969, under the order of business "Reports of Standing Committees", and the report of the Committee on Elections and Reapportionment relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, as printed in the Journal on Friday, April 18, 1969, under the order of business "Reports of Standing Committees", were reported to the House.

Mr. Renner moved that the reports be laid over until the completion of the Calendar today. The motion prevailed.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3041, 3042, 3043, 358, 477, 596, 681, 711, 1180, 1361, 1389, 1537, 1884, 2900, 943, 1228, 1921, 2066, 2218, 2326, 2366, 2649, 2937, 2580, 2957, 2732, 2496, 2603, 1334, 98, 1931, 2589, 1976, 2453, 2147, 2474, 2594, 239, 2507, 728, 2509 and 2302 were read for the second time.

Mr. Gruys moved that S. F. No. 1611 be laid over to Monday, May 12, 1969. The motion prevailed.

REPORTS FROM THE COMMITTEE ON ELECTIONS
AND REAPPORTIONMENT

The report from the Committee on Elections and Reapportionment, pursuant to the instruction from the House of Representatives by the Lindstrom motion adopted by the House on April 19, 1969, and as printed in the Journal on Friday, May 9, 1969, under the order of business "Reports of Standing Committees", and the report of the Committee on Elections and Reapportionment relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, as printed in the Journal on Friday, April 18, 1969, under the order of business "Reports of Standing Committees", were reported to the House.

Mr. Renner moved that the report from the Committee on Elections and Reapportionment, pursuant to the instruction from the House of Representatives by the Lindstrom motion adopted by the House on April 19, 1969, and as printed in the Journal on Friday, May 9, 1969, under the order of business "Reports of Standing Committees", be now adopted.

A roll call was requested and properly seconded.

The question being taken on the motion of Mr. Renner and the roll being called, there were yeas 78, and nays 42, as follows:

Those who voted in the affirmative were:

Albertson	Falk	Humphrey	Murray	Sillers
Andersen, R.	Fischer, W. C.	Johnson, C. A.	Nelson	Skaar
Anderson, D.	Fitzsimons	Johnson, J.	Niehaus	Stangeland
Anderson, H.	Flakne	Johnson, R.	North	Stone
Anderson, T.	Forseth	Jopp	O'Neill	Swanstrom
Bang	France	Keefe	Pavlak, R. L.	Theis
Becklin	Frick	Klaus	Plaisance	Tomczyk
Bell	Fuller	Kleinbaum	Rappana	Ulland
Bernhagen	Gimpl	Knutson	Reigel	Voxland
Chamberlain	Graw	Kvam	Renner	Weaver
Christensen, R.	Gruys	Larson	Sathre	White
DeGroat	Gustafson, W.	Lindstrom	Savelkoul	Wingard
Dunn	Haaven	Long	Scherer	Wolcott
Erdahl	Hanson	McFarlin	Schulz	Mr. Speaker
Erickson	Heinitz	Morlock	Schwarzkopf	
Everson	Hoppe	Mueller	Searle	

Those who voted in the negative were:

Adams, J.	Dammermann	Lindahl	Pavlak, R.	Sommerdorf
Anderson, I.	Fudro	McMillan, Mrs.	Peterson	Spanish
Bares	Gearty	Miller	Prifrel	Swanson
Barr	Gustafson, E.	Moen	Richie	Ticen
Bischoff	Haugerud	Munger	Ryan	Winter
Brinkman	Hoff	Newcome	Sabo	Wright
Carlson	Judge	Nolan	Salchert	
Chenoweth	Kozlak	Norton	Samuelson	
Coombe	Lee	O'Dea	Smith	

So the motion prevailed.

Mr. Renner moved that the report of the Committee on Elections and Reapportionment relating to the election contest of Alpha Smaby, contestant, against Edward R. Brandt, contestee, in District 41, as printed in the Journal on Friday, April 18, 1969, under the order of business "Reports of Standing Committees", and as amended by the report of the Committee on Elections and Reapportionment as reported to the House and printed in the Journal on Friday, May 9, 1969, adopted this date be now adopted.

A roll call was requested and properly seconded.

The question being taken on the motion of Mr. Renner and the roll being called, there were yeas 92, and nays 18, as follows:

Those who voted in the affirmative were:

Adams, J.	Fischer, W. C.	Johnson, R.	Niehaus	Skaar
Albertson	Fitzsimons	Jopp	North	Stangeland
Andersen, R.	Flakne	Keefe	O'Dea	Stone
Anderson, D.	Forseth	Klaus	O'Neill	Swanstrom
Anderson, H.	France	Kleinbaum	Pavlak, R. L.	Theis
Anderson, T.	Frick	Knutson	Peterson	Ticen
Bang	Fudro	Kozlak	Plaisance	Tomczyk
Barr	Fuller	Kvam	Rappana	Ulland
Becklin	Gimpl	Larson	Reigel	Voxland
Bell	Graw	Lee	Renner	Weaver
Bernhagen	Gruys	Lindstrom	Sabo	White
Chamberlain	Gustafson, W.	Long	Salchert	Wingard
Christensen, R.	Haaven	McFarlin	Sathre	Winter
DeGroat	Hanson	Morlock	Savelkoul	Wolcott
Dunn	Heinitz	Mueller	Scherer	Wright
Erdahl	Hoppe	Munger	Schulz	Mr. Speaker
Erickson	Humphrey	Murray	Schwarzkopf	
Everson	Johnson, C. A.	Nelson	Searle	
Falk	Johnson, J.	Newcome	Sillers	

Those who voted in the negative were:

Anderson, I.	Coombe	Haugerud	McMillan, Mrs.	Prifrel
Bischoff	Dammermann	Hoff	Moen	Spanish
Brinkman	Gearty	Judge	Norton	
Carlson	Gustafson, E.	Lindahl	Pavlak, R.	

So the motion prevailed.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1

May 8, 1969

Honorable L. L. Duxbury,
Speaker of the House of Representatives

Honorable James B. Goetz, President of the Senate

We, the undersigned conferees on the part of the House and Senate, upon the disagreeing votes as to H. F. No. 1, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

That H. F. No. 1 be amended by striking everything after the enacting clause and substituting in lieu thereof the following: