

2246 JOURNAL OF THE HOUSE [53rd Day

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
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668		79	May 10	May 10
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1388		80	May 10	May 10
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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	Mehrkins
Biersdorf	Erickson	Halberg	Knickerbocker	Nelsen, B.
Blatz	Esau	Haukoos	Kvam	Niehaus
Carlson, D.	Evans	Heap	Laidig	Norman

Journal pages - Previous MN ethics cases provided by complainants

[53rd Day

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MONDAY, MAY 14, 1979

2247

Date Filed
1979

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

May 10

May 10

Those who voted in the negative were:

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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

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election

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.

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

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Those who voted in the affirmative were:

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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.	

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Those who voted in the negative were:

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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-

Speaker Searle

Those who voted in the negative were:

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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

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Faricy	Kahn	Metzen	Pehler	Swiggum
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

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adopted.

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	Swiggum	
Den Ouden	Jennings	Murphy	Valento	
Elioff	Johnson, D.	Nelsen, M.	Waldorf	

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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

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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:

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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.

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:

Tom Kreager
ate Represen-
Dakota Coun-
ember 7, 1978.

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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. KOSTOHRYZ

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

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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	Swiggum	
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

REPORT OF SELECT COMMITTEE

Report of the Special Committee on the Matter of the Election Contest of Linn Slattengren, Contestee, and John P. Wingard, Contestant

Mr. Renner, for the Special Committee on the Slattengren-Wingard election contest to which was referred the matter of the contest of the election of Linn Slattengren from the 30th Legislative District East Half, Hennepin County, Minnesota, for alleged violation of the Minnesota Corrupt Practices Act, makes the following report:

The matter of the Contest was heard by the Committee on February 19, 1965, after due notice to all interested parties. The Contestant, John P. Wingard, was represented by his counsel, Michael J. Bolen of Edina, Minnesota, and the Contestee, Linn Slattengren, was represented by his counsel, Richard J. Kantorowicz of Minneapolis, Minnesota.

The court file including the transcript of testimony, exhibits and the certificate of the reporter attesting to the accuracy of the proceedings before the Honorable Rolf Fosseen, Judge of the District Court, Fourth Judicial District, Hennepin County, Minnesota, was received by the Committee and accepted as the true Record of the proceedings in the District Court with reference to this contest.

The Contestant, John P. Wingard, and the Contestee, Linn Slattengren, proceeded on this basis before the Committee, at which time counsel for both parties argued at some length as to the facts and the law. The Committee heard and considered the matter concerning the office in question, and as neither party offered additional testimony, your Committee, with the approval of the parties and their counsel accepted the certified Record of testimony in the contest. Written briefs were submitted by both parties pursuant to prior notice from the Committee.

We find that in several instances, the Contestee, Linn Slattengren, violated the Minnesota Corrupt Practices Act in a deliberate, serious and material manner. After full consideration, the Committee finds these facts:

I.

Nominees for the office of Representative from the 30th District East Half, Hennepin County, Minnesota, were John P. Wingard and Linn Slattengren who were candidates at the general election on November 3, 1964.

II.

That at the said general election Linn Slattengren received 11,270 votes and John P. Wingard received 10,931 votes for the said Legislative office.

III.

That the Contestee, Linn Slattengren, is a lawyer and holds degrees in law and the physical sciences. He has legislative research experience and was familiar with the voting records of the Contestant, John P. Wingard. That he, prior to the campaign, had been hired to compile statistics and to research and author observations of voting records for use by candidates for campaign purposes in the election to be held in November of 1964.

IV.

The campaign conducted by the Contestee, Linn Slattengren, was a highly organized approach consisting of committees and subcommittees to which authority had been delegated to handle specific areas in order to give complete coverage and exposure to the viewpoints, positions and approaches of the candidate in his endeavor to become elected.

Some 70 to 100 press releases were issued by one Todd Lawson, who had been given the task of publicity and press release Chairman. In many instances, the information contained in the press releases was erroneous and damaging to the cause of the Contestant in that they deceived or tended to deceive the voting public.

V.

That as specific acts of deception which we find actionable and of material nature, tending to deceive the voters of the District, we find as follows:

A. Representations that Wingard refused to vote on the Kerr-Mills Bill.

B. Representations that Wingard was responsible for defeating a bill which would have increased Old Age Assistance payments.

C. Representations that Wingard killed a bill to give more aid to his school districts.

D. Representations that Wingard did not bother to vote on the Taconite Amendment.

VI.

That the actions of Slattengren's volunteer committee members in promulgating misleading information concerning the voting record of Wingard with regard to the Oleo Bill, the Building Bill, the Seat Belt Bill, and the Hennepin County Commissioner Redistricting Bill, are to be condemned; that while we don't determine that the Contestee knew in every instance the deception that was being practiced, we do find that he personally condoned, and acquiesced to, press releases, without retraction, containing such false information, and must therefore be held responsible for them.

VII.

That political advertisements and press releases pertaining to the number of missed roll call votes referring to "one-fourth of legislation. . .", "missed more roll call votes than anyone else except one member who had a heart attack . . ." were false and untrue but that this information was not known to the Contestee Slattengren.

That in fact 13 roll calls were not on items of legislation but were on procedural motions. That 4 were on amendments. That in fact, four other House members missed more roll call votes.

We find that before specific charges are made, the burden to determine the accuracy thereof is on the proponent. This the Contestee failed to do.

VIII.

That the deceptive statements were publicized to the voters of the 30th District in a variety of ways. Press releases and advertisements were circulated through the "North Hennepin Post", a newspaper which has a circulation of 14,000 within the District. Oral statements were made by the Contestee at numerous coffee parties and at public gatherings. Circulars were mailed to voters in the District. Press releases were submitted and published in the "Minneapolis Star", the "Labor Review", and the "Brooklyn Center Press". Political advertisements were published in the "Brooklyn Park Sentinel" and the "North Minneapolis and Suburban Shopping Guide".

IX.

That in fact, the publication and circulation of the untruths and misleading information were intended to deceive the voters and influence them to vote for the Contestee.

The Committee, based on the foregoing findings of fact, determines and finds that:

1. The Contestant has met the burden of establishing a violation of the corrupt practices act on the part of the Contestee and that in effect there was a general plan or design of deception conceived and promoted by the Contestee and the members of his volunteer committee, the responsibility for which we attribute to the Contestee. The Contestee has failed to establish that his actions and the actions of the individual members of his volunteer committee amounted to innocent fair comment.

2. We find that the violations were serious, deliberate and material and that as a result of such violations, Linn Slattengren was not legally elected and is not entitled to be seated as a Representative of the 30th Legislative District East, Hennepin County, Minnesota.

3. That the seat for Representative for the 30th Legislative District East, Hennepin County, Minnesota, is vacant and that this vacancy be certified to his Excellency, Karl F. Rolvaag,

Governor of the State of Minnesota, so that he may issue a writ of election, as provided for by law, to fill said seat.

ROBERT G. RENNER, Chairman of
the Special Committee to Consider
the Election Contest between John P.
Wingard and Linn Slattengren

*Supplementary Addendum in Concurrence With the Over-All
Report and Conclusion of the Special Elections Committee
of the House of Representatives*

In concurring generally with the conclusion of this special committee, I feel I should supplement the report so as to crystallize the substance and to further endeavor to bring fairness to the forefront under this strained set of circumstances. The full transcript was carefully reviewed, as were the exhibits appertaining thereto by the Committee.

The standard that the Minnesota Corrupt Practices Act imposes is a fair one and must be construed and applied to the full set of circumstances that may exist in any given situation. Since we are sitting as a special committee of the House of Representatives reviewing the evidence which has been offered in the proceedings in the lower court, it is important to remember that, when applying strict standards that would ordinarily apply to evidence that may be offered, by and large, the great weight of the evidence contained in these proceedings would not be allowed in evidence in an ordinary civil proceeding. The committee spent many hours deliberating over the legal theory that would be applied to the responsibility of a candidate running for office even though utterances or publicity might have been issued directly or indirectly by a well organized volunteer committee. Although it is in part reputed and in part controverted as to the direct responsibility of Linn Slattengren for certain claimed falsities and damaging statements, it is nevertheless, apparent that at least in one clear-cut instance, he was aware of an incorrect statement and reprimanded the man in charge of press releases for same, but did not officially retract the statement attributed to him when there was time and apparently opportunity to do so. This was in addition to the other evidence offered and stipulated to as essentially correct in substance as were other technically false statements that were issued in various press releases and in other forms.

The winner of this election was a man who is well educated and who held a law degree and who further had a background of familiarity with the legislative processes that perhaps the average layman does not have. Although the committee tended to place a higher degree of care upon the shoulders of such a candidate, I feel this should not be considered necessarily a determining factor as to when a certain standard of care should be applied to a candidate running for office. I emphatically believe that a candidate should be knowledgeable with material important facts that are uttered as direct quotes of himself when

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they are contained in the public press on numerous and varied occasions. There was ample evidence that he was aware of these utterances which were being quoted, although in his testimony he indicated a wide degree of latitude was given to his voluntary committee and in turn delegated to the political intern assigned to press releases by the volunteer committee. There is no justification for condoning and acquiescing in statements which a candidate must have the responsibility for deeming correct, even though the statements were in part prepared by another, especially under the circumstances where the evidence was clear that the candidate himself, in person, delivered the press releases in question to the source which ultimately publicized them.

As mentioned previously, there is the question of also stipulating to the truth and the responsibility for such statements. Any candidate must be cognizant and aware of the truth of statements issued and made, especially when they do not relate to matters of political opinion or matters of pure political debate which are ordinary and necessary in the free political process that goes on prior to elections. This is not to say that there was a design to malign the personal character of his opponent, Representative Wingard, or that it was in any other respect an attempt at wholesale character assassination, for I do not believe that this is substantiated by the evidence and the transcript. It is to say, however, that even though wide latitude is needed in political campaigns, a line must be drawn concerning statements relative to a man's official record and which might directly or indirectly impugn his political character in any manner, and that although this area is difficult to define, it, nevertheless, must be done and the truth in its full context must be a cornerstone of political elections and the campaign that is involved. The standard should also be applied to the individuals making statements on behalf of the candidate which are slanderous and libelous in the same vein as mentioned herein when the candidate properly knows or should know or be aware of the circumstances. In the instant case, it is also apparent that Representative Wingard did miss a great number of roll-call votes, that he himself ran certain ads through his voluntary committee which he was aware of and which tended by association to leave the impression that he was endorsed and supported by the AFL-CIO as well as the GOP and the DFL, when in fact he was endorsed by the GOP only. Therefore, it is the essence of this matter that note be made that the party challenging the election results does not appear from the evidence and the transcript to come within the category known in the law as "clean hands" which connotes a condition necessary to prevail entirely in an action of this kind. It is perhaps important to note that throughout the transcript, evidence was available indicating that this was a hotly contested and zealous contest on the part of the participants and their supporters, and there is no question that this added to the confusion and in the conflicting reports in a number of instances.

The decision of the committee to declare a vacancy and not seat either one of the parties to this action is set out further in the findings of fact and conclusions in the main body of the

report hereto. Elaboration and exception is made to that report in the instances mentioned in this addendum as outlined herein, and it is my feeling that a vacancy was declared for all of the reasons contained herein, and should serve as notice to candidates and supporters alike that a high degree of care is necessary and will be expected in the future in elections in Minnesota in accordance with and along the lines outlined herein.

ERNEST A. BEEDLE

Addendum

As a member of the special Wingard-Slattengren election contest committee, I am in basic agreement with the findings and report of the full committee. In agreeing, however, I feel something further should be said.

The pleadings, record and nature of these proceedings made the alleged improper activities of the contestee, Slattengren, the only issue. This meant that the evidence and our deliberations were concerned with only a portion of this entire and wide-ranging campaign, and the activities of Wingard were not put in issue.

It was originally charged that Slattengren was responsible for 42 absolutely false statements and 6 statements, which due to omission of the full truth, amounted to false statements. Many of the allegations proved to be without substance. Others amounted to opinions and characterizations that are a necessary and proper part of a vigorous election campaign.

In reaching our decision that Slattengren should not be seated, we applied the following standard:

A statement uttered or printed by a candidate for the office of State Representative which is willful, and knowingly false, or calculatedly misleading, and which imports the lack on integrity of an opponent, or his disregard of the public welfare, or untruthfully describes any act or vote attributed to an opponent while holding public office, and which is made for the purpose of furthering the candidacy of the one making the statement, is sufficient ground for his disqualification as a Representative or for voiding his election.

This standard of conduct may be a difficult one to maintain in the heat of a robust election campaign. In some past elections it undoubtedly has been violated and some might even question if the public does not generally expect a lower standard in political campaigns. Most of us are, therefore, painfully cognizant of the fact that Linn Slattengren may be paying an extremely high price for conduct some others have never had called into question.

Our decision could result in some abuse. The loser in future legislative elections might be encouraged to bring unfounded and harassing charges in the hope that he would replace the rightful winner. I personally doubt that this will happen, and

feel that this must be weighed against the more important consideration that we require of all candidates a high standard of honesty and responsibility in their campaign statements and advertising.

EARL B. GUSTAFSON

Concurring Opinion

I concur in the result. However, I would limit the findings to three violations of the election law.

The statement that contestant failed to vote on the so-called Kerr-Mills bill was not true. The fact that contestee had in mind the Latz amendment to that bill cannot change the effect of the allegation.

The statement that contestant refused to give the so-called Parish School Aid bill a hearing in his own committee was not true.

A statement made by one of contestee's supporters that contestant was responsible for killing the bill to increase old-age assistance was not true. Contestee knew it was not true and reprimanded his supporter, but made no retraction or withdrawal of the statement, although he had ample time and opportunity to do so.

Each of these statements was made for the purpose of furthering the candidacy of contestee.

Other allegations made by contestant are not sustained by the evidence but the above facts are sufficient to justify the House in refusing to seat contestee.

The tenor of the campaign on both sides left much to be desired. It is particularly important that candidates for the Legislature, the body that prescribes the rules of conduct for all candidates, should conduct their campaigns on a high level.

R. N. NELSON

Additional Addendum

The Corrupt Practices Act of Minnesota (Statutes of 1963, Chapter 210 and 211) are intended to protect candidates for public office and the voters who elect, to the end that deceptions be discouraged in all political campaigns. When willful violations occur through the conduct of a candidate, he must be held to forfeit any right to the office he seeks unfairly. On this basis, I feel the unanimous report of the Special Committee is entirely justified.

But that does not alone solve the problem. The public, and in particular the people of the 30th District, East, one of the largest Legislative Districts in the State, are entitled to their representation in the House through their elected representative during the current session. It would amount to a political decision to seat the loser.

There is some precedent in the analagous situation that occurred in 1957 in Cass County when the winner of the 1956 general election, George E. Erickson, incumbent, in what was then the 52nd District, was not seated; nor was his opponent Seth Phillips seated. Instead, the House of Representatives, then controlled by Liberals, recommended to Governor Freeman that a special election be held to fill the vacancy. This was done. Now, although the conservative controlled House of Representatives could lawfully seat the loser in the present contest, it is much more in the public interest that the voters of the 30th District, East, be given the right to choose their representative at a special election which Governor Rolvaag can call at once.

F. GORDON WRIGHT
ERNEST A. BEEDLE

Mr. Renner moved that the report of the Special Committee appointed by the Speaker on Monday, February 8, 1965, to consider the election contest between John P. Wingard and Linn Slattengren, together with all addenda and concurring opinions thereto, be printed in the Journal and lie over until Friday, February 26, 1965, on the order of business "Reports of Select Committees". The motion prevailed.

INTRODUCTION OF BILLS

Mr. House introduced:

H. F. No. 835, A bill for an act relating to the city of Two Harbors in Lake county; authorizing disability pay to volunteer firemen under certain conditions.

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

Messrs. House, Fugina, and Farmer introduced:

H. F. No. 836, A bill for an act relating to the teachers retirement association; providing reciprocal arrangements with other public retirement systems; amending Minnesota Statutes 1961, Section 135.09, by adding a subdivision thereto.

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

Messrs. Christianson, M.; Wilder; Anderson, I. N.; Engelbrecht; and Peterson, H., introduced:

H. F. No. 837, A bill for an act relating to the legislature; proposing an amendment to Article IV, Section 1 of the constitution of the state of Minnesota to provide for annual sessions of the legislature of not more than 90 days.

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

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Carruthers from the Committee on Rules and Legislative Administration made the following report and moved its adoption:

Censure Resolution

Be It Resolved, by the House of Representatives of the State of Minnesota:

(1) That the Committee on Ethics having found probable cause, and the parties having waived further investigation by the committee and having consented to dispositional action without a public hearing to make a final determination whether evidence is sufficient to support disciplinary action.

(2) That Representative Bertram be censured by the Minnesota House of Representatives in open session.

(3) That Representative Bertram publicly admit on the House floor in open session and cause to be printed in the House Journal, the following acts of misconduct as contained in the Finding of Probable Cause:

(a) That on October 15, 1994, Representative Bertram pressured Kevin Pierskalla, a salesperson at KASM radio, into giving Representative Bertram a \$100 campaign contribution by threatening to give his future business at KASM to a different salesperson.

(b) That Representative Bertram made false statements about Greg and Kathy Peterson's marital status on KSTP television.

(c) That on September 26, 1995, Representative Bertram pressured Charles Koshiol and Michelle Hoffenkamp to consider dropping shoplifting charges filed against his brother, Joe Bertram.

(d) That Representative Bertram stated and repeated false information regarding Dave Easterday's reputation.

(e) That Representative Bertram repeated false information regarding Michelle Hoffenkamp's reputation.

(f) That Representative Bertram engaged in other acts of intimidation, threats, and harassment as presented to the committee which violated the standards of conduct expected of members of the House of Representatives.

(4) That Representative Bertram specifically apologize on the House floor to each of the individual victims of his misconduct including the following:

(a) Michelle Hoffenkamp

(b) William Drager

(c) Charles Koshiol

(d) Greg and Kathy Peterson

(e) David Easterday

(f) Kim Krueger

(g) Kevin Pierskalla

(h) Steve Gretsches

(i) Barbara Gretsches

(j) James Read.

(5) That Representative Bertram apologize on the House floor in open session to his constituents and the Minnesota House of Representatives for his acts of misconduct.

(6) That Representative Bertram agree to undergo a psychological evaluation by a psychologist for anger and participate in any treatment, if recommended as a result of the evaluation, and report to the Speaker and the chairman and vice chairman of the Ethics Committee the results of the evaluation.

(7) That Representative Bertram must resign from all House committee chair or vice chair positions and memberships on legislative commissions.

A roll call was requested and properly seconded.

MINORITY REPORT OF THE HOUSE COMMITTEE ON
RULES AND LEGISLATIVE ADMINISTRATION

We, the undersigned, being a minority of the Committee on Rules and Legislative Administration; and having reviewed the findings and recommendations of the Ethics Committee regarding Representative Jeff Bertram, make the following recommendations and conclusions: delete the report of the Committee on Rules and Legislative Administration and insert the following:

Pursuant to the Minnesota Constitution, Article IV, Section 7, the Minnesota House of Representatives hereby expels Representative Jeff Bertram for a pattern of conduct that includes, but is not limited to:

1. On October 15, 1994, Representative Bertram coerced Kevin Pierskalla, a salesperson at KASM radio, into giving Representative Bertram a \$100 campaign contribution by threatening to give his future business at KASM to a different salesperson.
2. Representative Bertram made false statements about Greg and Kathy Peterson's marital status on KSTP television.
3. On September 26, 1995, Representative Bertram pressured Charles Koshiol and Michelle Hoffenkamp to consider dropping shoplifting charges filed against his brother, Joe Bertram.
4. Representative Bertram started and repeated false information regarding Dave Easterday's reputation.
5. Representative Bertram repeated false information regarding Michelle Hoffenkamp's reputation.
6. Representative Bertram engaged in other acts of intimidation, threats, and harassment as presented to the committee which violated the Code of Conduct of the House of Representatives.
7. On December 10, 1993, Representative Bertram gave a campaign contribution refund receipt in the amount of \$100 to Dana Aitchison despite the fact that Ms. Aitchison never gave Representative Bertram a contribution. In exchange, Representative Bertram asked Ms. Aitchison to provide \$100 worth of haircuts to him and his family.

The above listed pattern of conduct displayed by Representative Jeff Bertram is in direct violation of the standard of conduct expected of members. It is based upon this information that we seek the expulsion of Representative Jeff Bertram.

Signed:

STEVE SVIGGUM
RON ABRAMS
HILDA BETTERMANN
LEROY KOPPENDRAYER

CHARLES WEAVER
TERESA LYNCH
TIM PAWLENTY

Swiggum moved that the Minority Report be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

The question was taken on the adoption of the Minority Report from the Committee on Rules and Legislative Administration relating to the Bertram matter and the roll was called. There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abrams	Davids	Gunther	Krinkie	Mulder	Rostberg	Van Dellen
Anderson, B.	Dehler	Haas	Larsen	Ness	Seagren	Van Engen
Bettermann	Dempsey	Hackbarth	Leppik	Olson, M	Smith	Vickerman
Bishop	Erhardt	Harder	Lindner	Onnen	Stanek	Warkentin
Boudreau	Finseth	Holsten	Lynch	Osskopp	Swiggum	Weaver
Bradley	Frenchs	Johnson, V.	Macklin	Ozment	Swenson, D.	Wolf
Broecker	Garcia	Knight	Mares	Paulsen	Swenson, H.	Worke
Carlson, S.	Girard	Knoblach	McCollum	Pawlenty	Sykora	Workman
Commers	Goodno	Koppendrayer	McElroy	Pellow	Tompkins	
Daggett	Greiling	Kraus	Molnau	Rhodes	Tuma	

Those who voted in the negative were:

Anderson, R.	Dorn	Johnson, A.	Lourey	Opatz	Rest	Wagenius
Bakk	Entenza	Johnson, R.	Luther	Orenstein	Rice	Wejzman
Brown	Farrell	Kahn	Mahon	Orfield	Rukavina	Wenzel
Carlson, L.	Greenfield	Kalis	Mariani	Osthoff	Sarna	Winter
Carruthers	Hasskamp	Kelley	Marko	Ostrom	Schumacher	Spk. Anderson, I.
Clark	Hausman	Kelso	McGuire	Otremba	Skoglund	
Cooper	Huntley	Kinkel	Milbert	Pelowski	Solberg	
Dauner	Jaros	Leighton	Munger	Perlt	Tomassoru	
Dawkins	Jefferson	Lieder	Murphy	Peterson	Trumble	
Delmont	Jennings	Long	Olson, E.	Pugh	Tunheim	

Not having received the constitutionally required two-thirds vote, the motion did not prevail.

The question recurred on the adoption of the Majority Report from the Committee on Rules and Legislative Administration relating to the Bertram matter.

Kelley and Rest moved to amend the Majority Report from the Committee on Rules and Legislative Administration relating to the Bertram matter, as follows:

Page 2, line 22, after the period, insert "This provision does not require release of the records of examination or treatment or a formal report."

The motion prevailed and the amendment was adopted.

The question recurred on the adoption of the Majority Report from the Committee on Rules and Legislative Administration, as amended, relating to the Bertram matter and the roll was called.

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

There were 84 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Brown	Clark	Dawkins	Entenza	Garcia	Greenfield
Bakk	Carlson, L.	Cooper	Delmont	Farrell	Girard	Greiling
Bishop	Carruthers	Dauner	Dorn	Finseth	Goodno	Hasskamp

Hausman	Kalis	Long	Milbert	Ostrom	Rice	Tomasson
Holsten	Kelley	Lourey	Munger	Ottremba	Rukavina	Trimble
Huntley	Kelso	Luther	Murphy	Ozment	Sarna	Tunheim
Jaros	Kinkel	Mahon	Ness	Pelowski	Schumacher	Vickerman
Jefferson	Knoblach	Mares	Olson, E.	Perlt	Skoglund	Wagenius
Jennings	Larsen	Mariani	Opatz	Peterson	Smith	Wejzman
Johnson, A.	Leighton	Marko	Orenstein	Pugh	Solberg	Wenzel
Johnson, R.	Leppik	McCollum	Orfield	Rest	Swenson, D.	Winter
Kahn	Lieder	McGuire	Osthoff	Rhodes	Swenson, H.	Spk. Anderson, I.

Those who voted in the negative were:

Abrams	Dauids	Frerichs	Koppendraye	Macklin	Pawlenty	Van Engen
Bettermann	Dempsey	Gunther	Krinkie	McElroy	Pellow	Warkentin
Commers	Erhardt	Johnson, V.	Lynch	Paulsen	Sviggum	Weaver

The motion prevailed and the Majority Report from the Committee on Rules and Legislative Administration, as amended, relating to the Bertram matter, was adopted.

PUBLIC APOLOGY OF REPRESENTATIVE BERTRAM

The following remarks were delivered on the House floor by Representative Bertram:

Mr. Speaker and members:

Last month, a complaint was filed against me with the House Ethics Committee alleging conduct that is improper for a member of the House of Representatives.

I agree that I have not always acted in accordance with the behavior expected of a member of the House of Representatives. My conduct at times has not been appropriate for a public official. I apologize for any dishonor that I have brought to my colleagues and to this institution.

Legislators should always treat everyone with respect, fairness and courtesy. I have not always done that. At times, I have said things to people and about people that I now regret.

Consequently, I apologize to the following individuals for my inappropriate remarks and other misconduct: Bill Drager, Dave Easterday, Steve and Barb Gretsche, Michelle Hoffenkamp, Chuck Koshiol, Kim Krueger, Greg and Kathy Peterson, Kevin Pierskalla, and Jim Read.

As directed by the resolution that was adopted here today, I agree that I

- repeated false statements about Michelle Hoffenkamp, Dave Easterday, and Greg and Kathy Peterson.
- pressured Chuck Koshiol and Michelle Hoffenkamp to consider dropping criminal charges against my brother.
- in addition, I understand that Kevin Pierskalla felt pressured and threatened by me. I believe I did nothing to violate a campaign or elections statute. However, I acknowledge that my behavior was inappropriate in this instance.

I've said many times before that a great honor in my life is that the citizens of my district have sent me here five times. So it's most important to me to apologize to the citizens who I represent in District 14B. To anyone who has been offended by my actions or remarks, I am very sorry.

I have learned how to be a better person from other recent events in my personal life, and I have also learned from this experience. You can be assured that at all times, I will conduct myself in a forthright and honorable way. For what remains of this legislative session, I will continue to work for my constituents in District 14B.

CALL OF THE HOUSE LIFTED

Kinkei moved that the call of the House be suspended. The motion prevailed and it was so ordered.

McCollum was excused for the remainder of today's session.

MOTION TO FIX TIME TO RECONVENE

Carruthers moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, March 25, 1996. The motion prevailed.

MESSAGES FROM THE SENATE, Continued

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2849.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2849

A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, the board of trustees of the Minnesota state colleges and universities, and the board of regents of the University of Minnesota; amending Laws 1994, chapter 643, section 69, subdivision 1.

March 20, 1996

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2849, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 2849 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [HIGHER EDUCATION APPROPRIATIONS.]

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified to be available for the fiscal years indicated for each purpose.