

401, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 135A and 137; repealing Minnesota Statutes 1986, sections 136.26; and 136C.13, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	Larsen	Orenstein	Segal
Anderson, R.	Greenfield	Lasley	Osthoff	Shaver
Battaglia	Gruenes	Lieder	Otis	Skoglund
Beard	Gutknecht	Long	Ozment	Solberg
Begich	Hartle	Marsh	Pappas	Sparby
Bennett	Haukoos	McDonald	Pauly	Stanius
Bishop	Heap	McEachern	Pelowski	Steensma
Blatz	Himle	McKasy	Peterson	Sviggum
Boo	Hugoson	McLaughlin	Poppenhagen	Swenson
Brown	Jacobs	McPherson	Price	Thiede
Burger	Jaros	Milbert	Quinn	Tjornhom
Carlson, D.	Jefferson	Miller	Quist	Tompkins
Carlson, L.	Jennings	Minne	Redalen	Trimble
Carruthers	Johnson, A.	Munger	Reding	Tunheim
Clark	Johnson, R.	Murphy	Rest	Valento
Clausnitzer	Johnson, V.	Nelson, C.	Rice	Vellenga
Cooper	Kahn	Nelson, D.	Richter	Voss
Dauner	Kalis	Nelson, K.	Riveness	Wagenius
Dawkins	Kelly	Neuenschwander	Rodosovich	Waltman
DeBlieck	Kelso	O'Connor	Rose	Welle
Dempsey	Kinkel	Ogren	Rukavina	Wenzel
DeRaad	Kludt	Olsen, S.	Sarna	Winter
Dille	Knickerbocker	Olsen, E.	Schafer	Wynia
Dorn	Knuth	Olsen, K.	Scheid	Spk. Vanasek
Forsythe	Kostohryz	Omann	Schreiber	
Frederick	Krueger	Onnen	Seaberg	

The bill was passed, as amended, and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Wynia from the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be It Resolved that the report of the Select Committee on Ethics regarding Representative Kenneth J. Kludt be adopted and the

report and the letter addressed to the House by Representative Kludt be printed in the Journal of the House.

REPORT OF THE SELECT COMMITTEE ON ETHICS
TO THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

On February 19, 1988, the Committee on Rules and Legislative Administration, pursuant to the Minnesota Constitution, Article IV, Sections 6 and 7, enumerating the powers of the House "to judge the eligibility of, and to punish or expel members," adopted a motion calling on the Speaker of the House to appoint a Select Committee on Ethics. On February 22, 1988, the Speaker appointed the Select Committee: Dee Long (Chair), Robert Anderson, David Bishop, Sidney Pauly, Leo Reding, and Loren Solberg.

The Select Committee determined through its deliberations and through clarifying correspondence with the Speaker, that it was within its jurisdiction to investigate and make recommendations regarding the conviction of Representative Kenneth J. Kludt for his violation of Minnesota Statutes, section 609.324, subd. 3.

On March 9, 1988, the Select Committee adopted the following motion: "The Select Committee on Ethics [shall] hold a public hearing to consider such action as the Committee may find appropriate regarding the conviction of Representative Kenneth J. Kludt on December 14, 1987, for violation of Minnesota Statutes, section 609.324, subd. 3, and that Representative Kludt be notified of such hearing and be allowed to appear before the Committee."

The Committee further determined that the public hearing regarding Representative Kludt should be held March 16, 1988, and that Representatives Long and Bishop were to notify Representative Kludt of the Committee's action and hearing date. Immediately following the Committee meeting, Representative Kludt was informed of the Committee's action. He was requested to appear at the public hearing. The Chair of the Committee, Representative Long, presented Representative Kludt with a letter signed by her notifying him of the Committee's action.

Representative Kludt appeared before the Committee on March 16, 1988. Mr. Gerald Hendrickson, Chief Prosecutor for the St. Paul City Attorney's Office, also appeared. The Committee established the information contained in items one through four in its finding of fact and questioned Representative Kludt concerning the events surrounding his arrest and conviction.

Representative Long moved that the Select Committee find that Representative Kludt's behavior on June 25, 1987, was inappropriate and that Representative Kludt be required to submit a written apology to the House of Representatives. The motion further di-

rected staff to prepare a report of the Committee's actions to submit to the Committee on Rules and Legislative Administration. The Committee adopted this motion.

Representative Kludt indicated that he would comply with the Committee's motion and that he would furnish a copy of his apology for the Committee to review.

On March 17, 1988, Representative Long presented to the Committee a letter of apology which she had received from Representative Kludt. The letter was accepted by the Committee and was ordered to become part of its report.

The Committee also determined that the report, records and supporting documents should be delivered to the Chief Clerk for disposition in the manner prescribed by the House rule for standing committee records.

With respect to the case of Representative Kludt, the Select Committee makes the following findings of fact:

Findings of Fact

1. On June 25, 1987, a special session of the Minnesota House of Representatives in St. Paul was called by the Governor of Minnesota. Representative Kludt was in St. Paul for the purpose of attending the special session.

2. On June 25, 1987, at approximately 11:20 a.m., Representative Kludt was arrested by the St. Paul Police Department for a violation of Minnesota Statutes, section 609.324, subd. 3.

3. On August 6, 1987, Representative Kludt was charged in Ramsey County District Court with a violation of Minnesota Statutes, section 609.324, subd. 3.

4. On December 14, 1987, Representative Kludt was found guilty of a violation of Minnesota Statutes, section 609.324, subd. 3, a misdemeanor, in Ramsey County District Court, with imposition of sentence stayed for one year.

5. With two exceptions there are no rules of procedure for the discipline of Members of the House of Representatives whose conduct is unbecoming to one who holds this office. The two exceptions are the power of the House to punish its members for disorderly behavior and to expel a member as set forth in Article IV, Section 7; and, the provision in Article IV, Section 6 that requires that a Member be a qualified voter, which qualification is lost for conviction of a felony crime.

6. On March 17, 1988, Representative Kludt submitted a letter addressed to the House of Representatives apologizing for his actions on June 25, 1987. This letter of apology was accepted by the Select Committee and is attached to this report.

Based on the deliberations of the Select Committee on Ethics and its findings of fact, the Committee adopts the following conclusions and recommendations:

1. Representative Kludt's actions on June 25, 1987, were inappropriate and unbecoming for a member of the House of Representatives.

2. Representative Kludt's conduct and criminal conviction have adversely reflected upon the House of Representatives.

3. This Select Committee requires that Representative Kludt make a written apology to the House of Representatives.

4. Representative Kludt's apology, together with this report, shall be submitted to the Committee on Rules and Legislative Administration.

5. This Select Committee recommends that both Representative Kludt's apology and this report be entered into the Journal of the House.

Signed:

Dee Long, Chair
Robert Anderson
David Bishop

Sidney Pauly
Leo Reding
Loren Solberg

March 17, 1988

House of Representatives
State of Minnesota

I would like to apologize to each of you and to the collective body of the Minnesota House of Representatives for my inappropriate and illegal conduct on June 25, 1987, and for any embarrassment and shame I may have caused.

Being a member of the Minnesota House of Representatives is a great honor for me. My conduct should not be viewed as a reflection on your honor, just mine.

Thank you for your time and concern.

Sincerely,

Kenneth J. Kludt
State Representative

MINORITY REPORT

March 29, 1988

We, the undersigned, being a minority of the Committee on Rules and Legislative Administration, recommend that the following report of the Committee on Rules and Legislative Administration, regarding Representative Kenneth J. Kludt, be adopted:

“It is recommended that the report of the Select Committee on Ethics regarding Representative Kenneth J. Kludt be adopted and that the letter addressed to the House by Representative Kludt be printed in the Journal of the House; and

That it is further recommended that Representative Kenneth J. Kludt be divested of his responsibilities and titles as Vice-Chair of the House Judiciary Committee and Chair of the Subcommittee on Child Abuse/Child Protection and that the divestiture of these responsibilities and titles be reported in the Journal of the House.”

With the recommendation that the report be adopted.

Signed:

Bill Schreiber
Paul M. Thiede
Donald J. Valento
Kathleen Blatz

Gerald Knickerbocker
John Himle
Elton Redalen

Schreiber moved that the Minority Report on the Select Committee on Ethics 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 on the Select Committee on Ethics and the roll was called.

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

There were 40 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Blatz	Forsythe	Knickerbocker	Ozment	Shaver
Boo	Frederick	Marsh	Poppenhagen	Sviggum
Burger	Frichs	McDonald	Quist	Swenson
Carlson, D.	Gruenes	McKasy	Redalen	Thiede
Clausnitzer	Heap	McPherson	Richter	Tjornhom
Dempsey	Himle	Miller	Schafer	Tompkins
DeRaad	Hugoson	Olsen, S.	Schreiber	Valento
Dille	Johnson, V.	Onnen	Seaberg	Waltman

Those who voted in the negative were:

Anderson, G.	Gutknecht	Lieder	Osthoff	Segal
Anderson, R.	Jacobs	Long	Otis	Skoglund
Battaglia	Jaros	McEachern	Pappas	Solberg
Beard	Jefferson	McLaughlin	Pauly	Sparby
Begich	Jennings	Milbert	Pelowski	Stanius
Bennett	Johnson, A.	Minne	Peterson	Steensma
Bishop	Johnson, R.	Munger	Price	Trimble
Brown	Kahn	Murphy	Quinn	Tunheim
Carlson, L.	Kalis	Nelson, C.	Reding	Vellenga
Carruthers	Kelly	Nelson, D.	Rest	Voss
Clark	Kelso	Nelson, K.	Rice	Wagenius
Cooper	Kinkel	Neuenschwander	Rivenness	Welle
Dauner	Knuth	O'Connor	Rodosovich	Wenzel
Dawkins	Kostohryz	Ogren	Rose	Winter
DeBlieck	Krueger	Olson, E.	Rukavina	Wynia
Dorn	Larsen	Olson, K.	Sarna	Spk. Vanasek
Greenfield	Lasley	Orenstein	Scheid	

The motion did not prevail.

The question recurred on the adoption of the report of the Select Committee on Ethics relating to the Kludt case. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2126:

Greenfield, Rodosovich, Murphy, Rivenness and Anderson, R.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2565:

Rice, Lieder, Sarna, Kalis and Seaberg.