

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

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

REPORT OF THE RULES COMMITTEE REGARDING  
REPRESENTATIVE RANDOLPH W. STATEN

SUMMARY OF COMMITTEE MEETINGS

The Committee on Rules and Legislative Administration met at 10:00 A.M. on February 27, 1986 to consider the report of the Select Committee on the Staten Case. Representative Dempsey, chair of the Select Committee, presented the report to the committee and answered questions from the committee members.

Representative Staten was present with his counsel, Kenneth Tilsen. Mr. Tilsen addressed the committee and responded to questions from the committee. Representative Staten addressed the committee and responded to questions from committee members. Representative Staten provided written materials to the committee.

The Committee on Rules and Legislative Administration continued its hearing on the Report of the Select Committee at 5:00 P.M. on March 4, 1986.

Representative Staten and his counsel, Kenneth Tilsen, were present and responded to questions from committee members. Representative Staten provided written materials to the committee. Representatives Brandl and Vellenga, members of the Select Committee, were present and responded to questions from committee members.

ADOPTION OF REPORT OF SELECT COMMITTEE

The Findings and Report of the Select Committee on the Staten Case are adopted and are incorporated in this report.

RECOMMENDATION

1. The House of Representatives finds that Representative Staten's conduct with respect to the requirements of Chapter 10A, the Ethics in Government Act, from January 31, 1985 to January 31, 1986 and his plea of guilty to felony theft reflect a pattern of willful neglect and willful and deliberate conduct in disregard of state law, and fail to meet the standard of conduct for members of the House of Representatives.

2. Representative Staten shall be expelled pursuant to the Minnesota Constitution, Article IV, Section 7.

3. Upon Representative Staten's expulsion, the existence of a vacancy in the office of Representative from Legislative District 57B, Hennepin County, shall be certified to the Honorable Rudy Perpich, Governor of Minnesota.

REPORT OF THE SELECT COMMITTEE  
ON THE STATEN CASE

APPOINTMENT OF SELECT COMMITTEE

On January 24, 1986 the Speaker of the House appointed a Select Committee to investigate:

(1) findings by the Ethical Practices Board in the matter of repeated filings of incomplete reports of receipts and expenditures by the Staten Volunteer Committee, referred to the House Rules Committee on November 8, 1985 (Hereafter, "Board Findings"); and

(2) a plea of guilty to felony theft entered in district court by Representative Randolph W. Staten on January 17, 1986.

The committee was directed to make a recommendation to the House Rules Committee no later than February 26, 1986 as to what action, if any, the House of Representatives should take on these matters.

The committee's charge was to decide whether action should be taken pursuant to the House's power to judge the eligibility of its members (Minn. Const., Art. IV, Sec. 6; Art. VII, Secs. 1, 6) or its power to punish or expel members (Art. IV, Sec. 7). The committee determined its inquiry would be limited to the public record in the two matters under investigation and any additional evidence Representative Staten might supply. The committee's meetings were conducted in public with the same advance notice and other procedures as apply to all legislative committee hearings. Representative Staten and his attorney were invited to be present and were offered the opportunity to question witnesses and to call their own witnesses.

SUMMARY OF COMMITTEE MEETINGS

The committee held its first meeting Tuesday, February 11, 1986 at 4:00 p.m. Representative Dempsey, chairman of the committee, outlined the procedures the committee would follow and introduced Representative Staten to the committee. After

making a statement, answering questions, and submitting a copy (attached) of the check in question in Board Finding No. 4, Representative Staten left the meeting.

Copies of the Board Findings and supporting records were provided to the committee and are attached to this report. Mary Ann McCoy, Executive Director of the Ethical Practices Board, explained the Findings.

Martha J. Casserly, Special Assistant Attorney General for the Ethical Practices Board, explained her work on the Staten matter and answered questions from the committee.

The committee held its second meeting Friday, February 14, 1986, at 10:30 a.m. Representative Staten was not present. Ms. McCoy, Ms. Casserly, and Martin McGowan, Chairman of the Ethical Practices Board, answered further questions about the Board Findings. The complaint and transcripts of the plea and sentencing hearings in *State v. Staten* (D.C. 89406; C.A. 85-2600) were provided to the committee and are attached to this report. William Edwards, Chief of the Hennepin County Attorney's Office Criminal Division, and Stephen L. Redding, the Assistant Hennepin County Attorney responsible for prosecuting *State v. Staten*, explained the complaint, plea, and sentencing in the case and answered questions from the committee.

The committee held its third meeting, Tuesday, February 18, 1986, at 11:00 a.m. Representative Staten and his attorney, Kenneth Tilsen, were present.

Mr. Tilsen made a statement and answered questions from the committee.

Ms. McCoy, Ms. Casserly, and Harmon Ogdahl, Vice-Chair of the Ethical Practices Board, answered questions from the committee.

Representative Brandl made a statement. He then made a motion that the staff be directed to prepare a document in two parts:

- (1) a chronology of Representative Staten's reports and other communications to the Ethical Practices Board and the Board's findings, and the facts regarding Representative Staten's felony plea; and

- (2) a recommendation to the Rules Committee for the Select Committee's consideration at its next meeting, that Representative Staten be expelled from the House of Representatives.

The committee adopted Representative Brandl's motion.

Based upon the documents submitted to the committee and the testimony of witnesses appearing at its meetings, the undersigned members of the committee find as follows.

#### FINDINGS OF FACT

##### I. ETHICAL PRACTICES BOARD MATTER

The Select Committee incorporates in its findings as background to the Board's 1985 Findings a chronology of the incidents relating to Representative Staten's filing of incomplete and untimely reports with the Ethical Practices Board from 1981 through January 31, 1986, identified as APPENDIX—REPORT OF THE SELECT COMMITTEE. Board Findings Nos. 4 and 8 are incorporated only to the extent specified in Part B of this section.

The Select Committee adopts seven of the nine 1985 Ethical Practices Board Findings in their entirety, and portions of the remaining two. (The committee has noted in parentheses criminal penalties were applicable for the Chapter 10A provisions cited in the Board Findings.)

##### A. Board Findings Adopted in Their Entirety

Finding No. 1. As treasurer of his principal campaign committee, Representative Staten failed to timely file two of the three reports covering the 1984 election year. In two instances, certified letters and other official communications were sent. Reports as filed and subsequent amendments were incomplete and inconsistent with subpoenaed committee and bank records. Minn. Stat. Sec. 10A.20, subs. 2, 3, and 12 (misdemeanor).

Finding No. 2. Representative Staten stated on several filed reports or amendments that the contents were incomplete as filed and would need subsequent amendments. Amendments were not filed within the ten days required by law. Minn. Stat. Sec. 10A.23 (gross misdemeanor).

Finding No. 3. Although a public financing warrant for \$3,115.36 was presented to the committee depository for payment, \$2,040 in cash was paid at the same time and only \$1,874.36 of public financing was deposited in the committee depository. Minn. Stat. Sec. 10A.15, subd. 3 (misdemeanor).

Finding No. 5. Representative Staten has failed to maintain committee records as required by law, due to the event of a fire at his home in January, 1985. However, he has failed to demonstrate good faith efforts to reconstruct his records. Minn. Stat. Sec. 10A.22, subd. 6 (misdemeanor).

Finding No. 6. The pattern observed by the Board in its 1983 investigation of a second "all zeros" filing by Representative Staten on behalf of his committee has continued into 1984 and 1985, despite Representative Staten's declaration in 1983 that any problem encountered in the past would not occur in the future. Board Findings, July 5, 1983.

Finding No. 7. Representative Staten has repeatedly failed to comply with the requirements imposed by Minn. Stat. Ch. 10A for timely, accurate disclosure of campaign contributions, campaign expenditures; record keeping and deposits of campaign contributions and public financing warrants; and timely, accurate reporting and amending of filed reports. Minn. Stat. Secs. 10A.13, subd. 1 (misdemeanor); 10A.15, subd. 3 (misdemeanor); 10A.20, subd. 12 (misdemeanor); 10A.22, subd. 6 (misdemeanor); and 10A.23 (gross misdemeanor).

Finding No. 9. The ultimate responsibility for maintenance of ethical practices in the election process lies with the body in which a legislator serves. While the Board administers the campaign finance disclosure process, it is the legislative body which must judge the standards of its membership.

#### B. Board Findings Adopted in Part

Finding No. 4. Representative Staten failed to deposit in the committee depository a \$700 check, which included a contribution of \$350 and a loan of \$350. Although the contribution was received just before the 1984 general election, no timely notice of the receipt was received by the Board, as required by law. Minn. Stat. Sec. 10A.15, subd. 5.

Representative Staten supplied evidence to the committee contradicting the first sentence of Finding No. 4, which is not adopted by the committee. The committee adopts the second sentence of Finding No. 4.

Finding No. 8. Board members, its staff, and counsel have exhausted the remedies available to them to secure compliance by Representative Staten with the requirements of Minn. Stat. Ch. 10A. The Board has collected each late filing fee owed, with the exception of \$250 for which payment was promised by Representative Staten in writing. The Board has deposited the fees in the general fund of the state. Minn. Stat. Secs. 10A.20, subd. 12; 10A.34, subd. 1a.

The committee adopts Finding No. 8, except for the reference to the unpaid \$250 filing fee. When the Findings were referred to the House Rules Committee, the fee had not been paid. As of January 31, 1986 it was paid in full.

## II. CRIMINAL CHARGES

With respect to the case of *State v. Staten* (D.C. 89406; C.A. 85-2600), the Select Committee makes the following findings of fact:

1. On November 8, 1985, a criminal complaint was filed in Hennepin County District Court by the Hennepin County Attorney's office alleging that Representative Staten had violated Minnesota Statutes, section 609.52, subdivisions 2(3) (a) and 3 by committing theft in an amount over \$2,500. This offense is a felony and carries a maximum penalty of ten years imprisonment and/or a \$20,000 fine.

2. On January 17, 1986, pursuant to a plea agreement with the Hennepin County Attorney's office, Representative Staten entered a plea of guilty to a reduced charge of theft in an amount over \$250. Representative Staten's guilty plea was accepted by the Court. This offense is a felony and carries a maximum penalty of five years imprisonment and/or a \$10,000 fine.

3. On February 10, 1986, Representative Staten appeared before District Judge Walter Mann for sentencing. Judge Mann ordered that Representative Staten be sentenced to 90 days in the Hennepin County Workhouse, that execution of the sentence be stayed, and that Representative Staten be placed on one year's probation under certain conditions.

4. Under Minnesota Statutes, section 609.13, because the sentence imposed on Representative Staten was within the limits placed by law on misdemeanor offenses, Representative Staten's conviction for a felony pursuant to his guilty plea is deemed to be a conviction for a misdemeanor.

5. Because of the nature of the sentence imposed, Representative Staten did not suffer a loss of his civil rights as a result of his conviction, and therefore remains a qualified voter of this state as required by Article VII, Section 1 of the Minnesota Constitution and eligible to serve in the Minnesota House of Representatives pursuant to Article IV, Section 6.

6. The fact that Representative Staten was sentenced within the misdemeanor limits and, therefore, deemed to have been convicted of a misdemeanor rather than felony, does not change the nature of the conduct engaged in and admitted to by Representative Staten; that is, the intentional theft of property or services in an amount over \$250 by writing checks which Representative Staten knew would not be paid by the bank on which they were drawn.

## RECOMMENDATIONS

We, the undersigned, upon the foregoing findings of fact, recommend that:

1. The House of Representatives find that Representative Staten's conduct with respect to the requirements of Chapter 10A, the Ethics in Government Act, from January 31, 1985 to January 31, 1986 and his plea of guilty to felony theft reflect a pattern of willful neglect and willful and deliberate conduct in disregard of state law, and fail to meet the standard of conduct for members of the House of Representatives.
2. The House of Representatives expel Representative Staten pursuant to the Minnesota Constitution, Art. IV, Sec. 7.
3. Upon Representative Staten's expulsion, the existence of a vacancy in the office of Representative from Legislative District 57B, Hennepin County, be certified to the Honorable Rudy Perpich, Governor of Minnesota.

TERRY M. DEMPSEY, CHAIR

JOHN E. BRANDL

SIDNEY PAULY

KATHLEEN VELLENGA

## APPENDIX—DRAFT REPORT OF THE SELECT COMMITTEE

## ETHICAL PRACTICES BOARD CHRONOLOGY

The Select Committee finds that the following sequence occurred in Representative Staten's filing of incomplete and untimely reports with the Ethical Practices Board from 1981 through January 31, 1986.

## 1981

February 2, 1981: A 1980 year end report of receipts and expenditures was due but not filed.

February 6, 24, and March 11, 1981: Rep. Staten's treasurer was sent notices that the report was late and a late fee would be imposed.

March 3, 1981: Rep. Staten filed the report which was due February 2, 1981. It contained "all zeros" for expenditures from October 21 to December 31, 1980.

March 12, 1981: Rep. Staten requested a waiver of the \$45 late fee because the delay was due to his campaign manager's being out of town and another staff person's losing necessary materials.

April 17, 1981: By letter, staff informed Rep. Staten that on April 10 the Board reviewed and denied the waiver. Staff requested payment by May 14, 1981.

May 14, 1981: A staff memo was sent to Rep. Staten requesting a response to the Board regarding his failure to submit the late filing fee.

May 15, 1981: The Board received a check for the late fee from Rep. Staten.

## 1982

February 1, 1982: The 1981 year end report was due but not filed.

February 18, 1982: The 1981 year end report was filed and a \$10 late fee was paid.

September 7, 1982: The pre-primary report was due but not received.

September 16, 1982: The pre-primary report was received, subject to a \$50 per business day late fee (\$150 total).

September 17, October 1, and October 8, 1982: Notices of the late filing fee were sent.

October 12, 1982: The late filing fee of \$150 was paid.

October 25, 1982: The pre-election report was due but not filed.

November 4, 1982: The pre-election report was received subject to a \$50 per business day late fee (\$200 total).

November 4, November 15, and November 24, 1982: Notices of the late fee were sent to Rep. Staten.

December 12, 1982: Rep. Staten paid the \$200 late fee.

## 1983

February 4, 1983: Notice by certified mail was sent to the Staten Volunteer Committee treasurer that a report of receipts and expenditures for October 19 — December 31, 1982 was not filed by January 31, 1983, as required.



February 22, 1983: The notice was returned unclaimed, then deposited in first class mail and deemed received five days later on March 1, 1983. A late filing fee began to accrue March 9 and reached its \$100 maximum April 15, 1983.

March 3, 1983: Rep. Staten filed a report of committee receipts and expenditures containing only zeros for the period October 19 — December 31, 1982. The report (1) did not carry forward required information from the 1982 pre-primary and pre-general election periods and (2) did not disclose receipt of two public financing warrants cashed on December 16, 1982. Rep. Staten noted on the report that he would amend his last three reports March 7, 1983.

March 18, 1983: A Board executive session determined that no required amendments to the three prior reports had been made. The Board noted that in March, 1981 an "all zeros" report was filed and the Board had imposed a \$45 late filing fee and notified Rep. Staten that there was a penalty for omitting information on a report certified to be true.

March 25, 1983: By letter this date the Board requested Rep. Staten to appear in executive session May 6, 1983 and provide information about the March 3 filing and the failure to amend 1982 election committee reports.

April 21, 1983: Since no response was received to the March 23 letter, a copy of it and a reminder were hand delivered to Rep. Staten. By letter received later that day, Rep. Staten informed the Board that he would meet with staff on April 26, 1983 to file the amendments. Rep. Staten cancelled this appointment. Several other appointments with staff were made and cancelled by Rep. Staten, but no amendments were filed before the May 6 Board meeting.

May 6, 1983: Rep. Staten appeared before the Board in executive session, apologized for past negligence, stated that he had acted on advice that it was more important to file on time than to file accurately, and promised to file amendments by May 9, 1983.

May 9, 1983: Rep. Staten met with staff, filed the January 31, 1983 report and properly amended two prior reports covering January 1 — October 18, 1982. The Board discussed the matter in executive session.

June 23, 1983: The Board again discussed the Staten matter in executive session.

July 5, 1983: The Board issued findings as follows. Material in brackets is supplied by this committee.

Finding No. 1. There is no probable cause to believe a violation of Minn. Stat. Sec. 10A.23 (1982) occurred. [i.e., no willful failure to report a material change or correction in a report]

Finding No. 2. The Board did not accept the statement Representative Staten filed on March 3, 1983, as a report, because it did not contain the information required by Minn. Stat. Sec. 10A.20 [i.e. specifics about assets, contributions, etc.]

Finding No. 3. The Board accepted the report covering the period October 19 through December 31, 1982, which was filed by Representative Staten on May 9, 1983, together with amendments to two 1982 reports which were filed on May 9, 1983. The Board's action in accepting the referenced report and amendments did not alter the fact that the committee failed to provide timely disclosure and amendments to filed reports in accordance with the Ethics in Government Act.

Finding No. 4. The Board concluded that the March 3, 1983, statement resulted from Representative Staten's reliance upon faulty advice and that the statement was not a willful attempt to deny to the public the disclosure of campaign finance information.

Finding No. 5. Representative Staten paid the \$100 late filing fee on June 30, 1983.

The matter is concluded and entered into the public record under Minn. Stat. Sec. 10A.02, subd. 11.

#### 1984

September 4, 1984: The pre-primary report Rep. Staten filed was incomplete. It omitted occupations and/or addresses for 20 contributors.

September 17, October 1, October 16, 1984: Rep. Staten was sent Board staff notices requesting an amended report.

October 10, 1984: Rep. Staten presented a public finance warrant for \$3,115.36 and other checks to his committee depository but deposited only \$1,874.36 of the total in the committee account.

October 18, 1984: Rep. Staten filed an amended report. One contributor was changed from Pilot City Special Fund to Jim Mosley between the September 4 report and the October 18 report.

October 29, 1984: A report was due, but not filed.

November 5, 1984: A late report was filed with blank receipt and expenditure summary pages. Rep. Staten wrote on it: "I

will need to submit an amended report to summarize enclosed information and submit additional details of expenditures and receipts."

December 26, 1984: After three notices, Rep. Staten paid the \$50 fee for late filing of the October 29 report.

### 1985

January 31, 1985: The year-end 1984 report was not filed when due.

March 14, 1985: After three notices, Rep. Staten filed the report due January 31, 1985 with blank receipt and expenditure summary pages and blank schedules for notes, loans and unpaid bills. He also filed an incomplete amendment to the October 29, 1984 report just before the Board meeting. The Board voted to subpoena committee records and invite Rep. Staten to appear at its next executive session to discuss apparent problems with filing proper reports.

April 2, 1985: Subpoena issued to Rep. Staten for the delivery of committee records by April 12, 1985; date extended to April 16, 1985.

April 16, 1985: Records were delivered with a letter stating that additional records would be furnished in about two weeks (April 30, 1985). Rep. Staten paid \$60 late filing fee for January 31, 1985 report after three staff notices dated March 15, March 29 and April 12, 1985.

April 18, 1985: Rep. Staten was sent a letter setting the time for his appearance at the May 16, 1985 Board meeting.

May 3, 1985: Rep. Staten was sent a letter changing the time for his appearance at the May 16 meeting, with a reminder that additional records had not been received.

May 6, 1985: A staff memo to the Board summarized problems noted with committee records supplied April 16, 1985.

May 7, 1985: Rep. Staten called the office and stated that due to end-of-legislative-session matters he would be unable to appear at the May 16th meeting. The Board chairman authorized extending the matter until the next Board meeting; staff notified Rep. Staten by telephone.

May 16, 1985: In executive session the Board reviewed subpoenaed committee records and found them inconsistent with filed reports.

May 23, 1985: Letter dated May 21, 1985 from Rep. Staten was received by the Board, regarding a delay by the bank in supplying records.

May 24, 1985: Staff responded to Rep. Staten's letter by sending him a copy of the May 6, 1985 memo they had provided the Board.

June 12, 1985: Rep. Staten called the Board about the date of the next Board meeting.

June 24, 1985: The Board sent Rep. Staten a letter setting the date and time of his Board appearance with a reminder that additional records had not been received.

July 15, 1985: Letter sent Rep. Staten confirming time of appointment on August 9th and place of meeting.

August 6, 1985: Due to his father's death, Rep. Staten cancelled the August 9 Board appointment.

August 9, 1985: In executive session the Board decided to subpoena committee bank records to review potential problems with the deposit of public finance warrants.

August 16, 1985: A letter was sent to Rep. Staten from the Board's attorney demanding complete and accurate 1984 reports and an explanation of his apparent failure to deposit public finance warrants by August 26, 1985.

August 26, 1985: The Board received Rep. Staten's letter stating he would file the reports by 4:30 p.m., August 27, 1985, and was attempting to provide records and answers from other sources.

August 27, 1985: No reports were filed, but Rep. Staten made an appointment with Board staff for August 28, 1985 and promised he would file the reports August 28, 1985.

August 28, 1985: Rep. Staten met with Board staff and promised he would file reports August 29, 1985.

August 29, 1985: No report was filed; Board staff left telephone messages at Rep. Staten's office.

August 30, 1985: No report was filed; Board staff left a telephone message, which Rep. Staten returned after staff left.

September 3, 1985: Rep. Staten made an appointment with Board staff for September 4, 1985 stating his report was 95% completed.

September 4, 1985: Rep. Staten cancelled his appointment and promised reports would be filed September 5, 1985.

September 5, 1985: Partially completed reports for the pre-1984 general election period and the 1984 year-end period were filed with a promise that the remainder of the reports would be submitted on September 6, 1985.

September 6, 1985: No response from Rep. Staten.

September 9, 1985: No response from Rep. Staten.

September 23, 1985: Notice was sent to Rep. Staten that a late filing fee was due for failure to timely report a large contribution received just before the 1984 election.

September 30, 1985: Rep. Staten was asked by letter to appear before the Board on October 24 to conclude the Board's inquiry into his repeated failure to file timely reports. A second notice of the 1984 report late filing fee was also sent.

October 8, 1985: Rep. Staten was sent a third notice of the 1984 report late filing fee.

October 23, 1985: Rep. Staten came to the Board office with additional amendments to 1984 reports and a letter stating he would pay the late filing fee by November 1. He stated he would not appear at the October 24 Board meeting.

October 24, 1985: In executive session the Board discussed the matter and made findings.

November 8, 1985: Rep. Staten was sent a letter noting errors in the report amendments filed October 23. Findings were sent from the Ethical Practices Board to the House Rules Committee as follows:

#### FINDINGS

Finding No. 1. As treasurer of his principal campaign committee, Representative Staten failed to timely file two of the three reports covering the 1984 election year. In two instances, certified letters and other official communications were sent. Reports as filed and subsequent amendments were incomplete and inconsistent with subpoenaed committee and bank records. Minn. Stat. Sec. 10A.20, subs. 2, 3, and 12.

Finding No. 2. Representative Staten stated on several filed reports or amendments that the contents were incomplete as filed and would need subsequent amendments. Amendments were not

filed within the ten days required by law. Minn. Stat. Sec. 10A.23.

Finding No. 3. Although a public financing warrant for \$3,115.36 was presented to the committee depository for payment, \$2,040 in cash was paid at the same time and only \$1,874.36 of public financing was deposited in the committee depository. Minn. Stat. Sec. 10A.15, subd. 3.

Finding No. 4. Representative Staten failed to deposit in the committee depository a \$700 check, which included a contribution of \$350 and a loan of \$350. Although the contribution was received just before the 1984 general election, no timely notice of the receipt was received by the Board, as required by law. Minn. Stat. Secs. 10A.15, subd. 3; 10A.20, subd. 5.

Finding No. 5. Representative Staten has failed to maintain committee records as required by law, due to the event of a fire at his home in January, 1985. However, he has failed to demonstrate good faith efforts to reconstruct his records. Minn. Stat. Sec. 10A.22, subd. 6.

Finding No. 6. The pattern observed by the Board in its 1983 investigation of a second "all zeros" filing by Representative Staten on behalf of his committee has continued into 1984 and 1985, despite Representative Staten's declaration in 1983 that any problem encountered in the past would not occur in the future. Board Findings, July 5, 1983.

Finding No. 7. Representative Staten has repeatedly failed to comply with the requirements imposed by Minn. Stat. Ch. 10A for timely, accurate disclosure of campaign contributions, campaign expenditures; recordkeeping and deposits of campaign contributions and public financing warrants; and timely, accurate reporting and amending of filed reports. Minn. Stat. Secs. 10A.13, 10A.15, 10A.20, 10A.22, 10A.23.

Finding No. 8. Board members, its staff, and counsel have exhausted the remedies available to them to secure compliance by Representative Staten with the requirements of Minn. Stat. Ch. 10A. The Board has collected each late filing fee owed, with the exception of \$250 for which payment was promised by Representative Staten in writing. The board has deposited the fees in the general fund of the state. Minn. Stat. Secs. 10A.20, subd. 12; 10A.34, subd. 1a.

Finding No. 9. The ultimate responsibility for maintenance of ethical practices in the election process lies with the body in which a legislator serves. While the Board administers the campaign finance disclosure process, it is the legislative body which must judge the standards of its membership.

The findings in the matter of Representative Staten's failure to comply with certain provisions of Minn. Stat. Ch. 10A together with findings in the 1983 matter, shall be forwarded to the Chairman of the Rules Committee, Minnesota House of Representatives, and to the Speaker of the House of Representatives. The Board respectfully requests that the Rules Committee advise the Board what action is taken in regard to these findings.

The matter is concluded and entered into the public record under Minn. Stat. Sec. 10A.02, subd. 11.

December 3, 1985: \$150 of the \$250 late fee Rep. Staten promised to pay November 1, 1985 was paid and the balance was promised on January 2, 1986.

### 1986

January 2, 1986: The balance of the filing fee was not received, so the Board went to conciliation court.

January 31, 1986: The remaining \$100 of the late filing fee Rep. Staten promised to pay November 1, 1985 was paid. Rep. Staten also filed a committee report for the period January 1 to December 31, 1985 showing a negative committee depository balance and no change since the last report.

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 report of the Select Committee on the Staten Case, make the following recommendations and conclusions: delete the report of the Committee on Rules and Legislative Administration and insert the following:

The Minnesota House of Representatives censure Representative Randolph W. Staten for a pattern of conduct that:

- (1) brings into question his individual judgment;
- (2) is inappropriate to the office of state representative;
- (3) creates uncertainty and a lack of public confidence in the process of representative government; and

(4) is unacceptable in the eyes of his colleagues in the Minnesota House of Representatives.

CHARLES C. HALBERG

TOM OSTHOFF

FRED C. NORTON

Halberg, Osthoff and Norton moved that the Minority Report regarding Representative Randolph W. Staten be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

Tomlinson, Scheid, Seaberg and Omann moved to amend the Minority Report of the House Committee on Rules and Legislative Administration as follows:

Page 1, item (4) after the period insert:

“The Minnesota House of Representatives requires Representative Staten to:

a. direct the House Office of Legislative Management to withhold 18 percent of his salary for the months of April through December of 1986. The salary withheld will be contributed to a non-profit chemical dependency program of Representative Staten's choice;

b. donate one-hundred hours during the remainder of 1986 working in a community service program that enhances the understanding of chemical dependency problems. Furthermore, the director of the community service program shall report periodically to the Speaker of the House, the Chair of the Committee on Rules and Legislative Administration and the Minority Leader on Representative Staten's participation;

c. continue in a program of chemical dependency treatment; and

d. return all 1986 public financing if the Ethical Practices Board makes a finding of probable cause that a violation of Minnesota Statutes, sections 10A.01 to 10A.34 has occurred on either the campaign finance report due on September 2, 1986 or the report due on October 27, 1986.”

Halberg, Osthoff and Norton agreed to incorporate the Tomlinson et al., amendment to the Minority Report of the House Committee on Rules and Legislative Administration.



Simoneau moved to amend the Minority Report of the House Committee on Rules and Legislative Administration, as amended, as follows:

Delete clause d.

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

The question recurred on the adoption of the Minority Report of the House Committee on Rules and Legislative Administration, as amended, relating to the Staten case and the roll was called.

There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

|              |              |                |            |           |
|--------------|--------------|----------------|------------|-----------|
| Anderson, G. | Ellingson    | McLaughlin     | Pappas     | Solberg   |
| Anderson, R. | Fjoslien     | Metzen         | Peterson   | Sparby    |
| Battaglia    | Greenfield   | Minne          | Piper      | Tomlinson |
| Beard        | Halberg      | Munger         | Price      | Tompkins  |
| Becklin      | Jacobs       | Murphy         | Quinn      | Tunheim   |
| Begich       | Jaros        | Nelson, D.     | Rice       | Valan     |
| Boo          | Jennings, L. | Nelson, K.     | Rivness    | Vanasek   |
| Brown        | Kahn         | Neuenschwander | Sarna      | Voss      |
| Carlson, D.  | Kalis        | Norton         | Scheid     | Welle     |
| Carlson, L.  | Kelly        | Ogren          | Schoenfeld | Wenzel    |
| Clark        | Kostohryz    | Olson, E.      | Seaberg    | Wynia     |
| Cohen        | Krueger      | Omann          | Segal      |           |
| Elioff       | Lieder       | Osthoff        | Simoneau   |           |

Those who voted in the negative were:

|             |               |           |             |                   |
|-------------|---------------|-----------|-------------|-------------------|
| Backlund    | Forsythe      | Knuth     | Ozment      | Sherman           |
| Bennett     | Frederick     | Kvam      | Pauly       | Skoglund          |
| Bishop      | Frederickson  | Levi      | Piepho      | Stanisus          |
| Blatz       | Frerichs      | Long      | Poppenhagen | Sviggum           |
| Boerboom    | Gruenes       | Marsh     | Quist       | Thiede            |
| Brandl      | Gutknecht     | McDonald  | Redalen     | Thorson           |
| Burger      | Hartinger     | McEachern | Rees        | Tjornhom          |
| Carlson, J. | Hartle        | McKasy    | Rest        | Uphus             |
| Clausnitzer | Haukoos       | McPherson | Richter     | Valento           |
| Dempsey     | Heap          | Miller    | Rodosovich  | Vellenga          |
| DenOuden    | Himle         | O'Connor  | Rose        | Waltman           |
| Dimler      | Johnson       | Olsen, S. | Schafer     | Zaffke            |
| Dyke        | Kiffmeyer     | Onnen     | Schreiber   | Spk. Jennings, D. |
| Erickson    | Knickerbocker | Otis      | Shaver      |                   |

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 Staten case.

Bishop moved to amend the Majority Report from the Committee on Rules and Legislative Administration relating to the Staten case, as follows:

Page 2, line 16, after "7" add "*effective with adjournment sine die of the 1986 regular session.*"

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

The question recurred on the adoption of the Majority Report from the Committee on Rules and Legislative Administration relating to the Staten case and the roll was called. There were 80 yeas and 52 nays as follows:

Those who voted in the affirmative were:

|             |               |                |             |                   |
|-------------|---------------|----------------|-------------|-------------------|
| Beard       | Fjoslien      | Knuth          | Otis        | Sherman           |
| Bennett     | Forsythe      | Krueger        | Ozment      | Skoglund          |
| Bishop      | Frederick     | Kvam           | Pauly       | Stanius           |
| Blatz       | Frederickson  | Levi           | Piepho      | Sviggunn          |
| Boerboom    | Frerichs      | Long           | Poppenhagen | Thiede            |
| Boo         | Gruenes       | Marsh          | Quist       | Thorson           |
| Brandl      | Gutknecht     | McDonald       | Redalen     | Tjornhom          |
| Burger      | Hartinger     | McEachern      | Rees        | Uphus             |
| Carlson, J. | Hartle        | McKasy         | Rest        | Valan             |
| Carlson, L. | Haukoos       | McPherson      | Richter     | Valento           |
| Clausnitzer | Heap          | Miller         | Rodosovich  | Vellenga          |
| Dempsey     | Himle         | Nelson, K.     | Rose        | Voss              |
| DenOuden    | Johnson       | Neuenschwander | Schafer     | Waltman           |
| Dimler      | Kelly         | O'Connor       | Schoenfeld  | Welle             |
| Dyke        | Kiffmeyer     | Olsen, S.      | Schreiber   | Zaffke            |
| Erickson    | Knickerbocker | Onnen          | Shaver      | Spk. Jennings, D. |

Those who voted in the negative were:

|              |              |            |          |           |
|--------------|--------------|------------|----------|-----------|
| Anderson, G. | Ellingson    | Metzen     | Peterson | Solberg   |
| Anderson, R. | Greenfield   | Minne      | Piper    | Sparby    |
| Backlund     | Halberg      | Munger     | Price    | Tomlinson |
| Battaglia    | Jacobs       | Murphy     | Quinn    | Tompkins  |
| Becklin      | Jaros        | Nelson, D. | Rice     | Tunheim   |
| Begich       | Jennings, L. | Norton     | Riveness | Vanasek   |
| Brown        | Kahn         | Ogren      | Sarna    | Wenzel    |
| Carlson, D.  | Kalis        | Olson, E.  | Scheid   | Wynia     |
| Clark        | Kostohryz    | Omann      | Seaberg  |           |
| Cohen        | Lieder       | Osthoff    | Segal    |           |
| Elioff       | McLaughlin   | Pappas     | Simoneau |           |

The motion did not prevail.

#### MOTION FOR RECONSIDERATION

Brandl moved that the vote whereby the Minority Report to the Majority Report from the Committee on Rules and Legislative Administration relating to the Staten case was not adopted be now reconsidered.

A roll call was requested and properly seconded.

Kiffmeyer moved to re-refer the Minority Report to the Majority Report from the Committee on Rules and Legislative Admin-

istration relating to the Staten case to the Committee on Rules and Legislative Administration.

#### POINT OF ORDER

Bishop raised a point of order pursuant to rule 3.4 relating to the motion for reconsideration. The Speaker ruled the point of order well taken and the Kiffmeyer motion out of order.

The question recurred on the Brandl motion and the roll was called. There were 95 yeas and 36 nays as follows:

Those who voted in the affirmative were:

|              |              |                |            |            |
|--------------|--------------|----------------|------------|------------|
| Anderson, G. | Cohen        | Kostohryz      | Omamn      | Schoenfeld |
| Anderson, R. | Dyke         | Krueger        | Onnen      | Seaberg    |
| Backlund     | Elioff       | Levi           | Osthoff    | Segal      |
| Battaglia    | Ellingson    | Lieder         | Otis       | Simoneau   |
| Beard        | Erickson     | Long           | Ozment     | Skoglund   |
| Becklin      | Forsythe     | Marsh          | Pauly      | Solberg    |
| Begich       | Greenfield   | McDonald       | Peterson   | Sparby     |
| Bennett      | Halberg      | McEachern      | Piper      | Thorson    |
| Bishop       | Hartle       | McLaughlin     | Price      | Tomlinson  |
| Blatz        | Heap         | Metzen         | Quinn      | Tompkins   |
| Boerboom     | Himle        | Minne          | Quist      | Tunheim    |
| Boo          | Jacobs       | Munger         | Rees       | Vanasek    |
| Brandl       | Jaros        | Murphy         | Rest       | Vellenga   |
| Brown        | Jennings, L. | Nelson, D.     | Rice       | Voss       |
| Burger       | Kahn         | Nelson, K.     | Riveness   | Waltman    |
| Carlson, D.  | Kalis        | Neuenschwander | Rodosovich | Welle      |
| Carlson, L.  | Kelly        | Norton         | Rose       | Wenzel     |
| Clark        | Kiffmeyer    | Ogren          | Sarna      | Wynia      |
| Clausnitzer  | Knuth        | Olson, E.      | Scheid     | Zaffke     |

Those who voted in the negative were:

|              |               |             |           |                   |
|--------------|---------------|-------------|-----------|-------------------|
| Carlson, J.  | Gruenes       | McKasy      | Redalen   | Sviggum           |
| Dempsey      | Gutknecht     | McPherson   | Richter   | Thiede            |
| DenOuden     | Hartinger     | Miller      | Schafer   | Tjornhom          |
| Dimler       | Haukoos       | Olsen, S.   | Schreiber | Uphus             |
| Fjoslien     | Johnson       | Pappas      | Shaver    | Valan             |
| Frederick    | Knickerbocker | Piepho      | Sherman   | Valento           |
| Frederickson | Kvam          | Poppenhagen | Stanius   | Spk. Jennings, D. |
| Frerichs     |               |             |           |                   |

The motion prevailed.

The Minority Report to the Majority Report from the Committee on Rules and Legislative Administration relating to the Staten case was reported to the House.

A roll call was requested and properly seconded.

The question was taken on the Minority Report and the roll was called.

Pursuant to rule 2.5, Thiede requested that he be excused from voting. The request was granted and Thiede was excused from voting.

There were 99 yeas and 31 nays as follows:

Those who voted in the affirmative were:

|              |              |                |            |           |
|--------------|--------------|----------------|------------|-----------|
| Anderson, G. | Dyke         | Levi           | Onnen      | Segal     |
| Anderson, R. | Elioff       | Lieder         | Osthoff    | Shaver    |
| Backlund     | Ellingson    | Long           | Otis       | Simoneau  |
| Battaglia    | Erickson     | Marsh          | Ozment     | Skoglund  |
| Beard        | Fjosien      | McDonald       | Pauly      | Solberg   |
| Becklin      | Forsythe     | McEachern      | Peterson   | Sparby    |
| Begich       | Gruenes      | McKasy         | Piper      | Stanisus  |
| Bennett      | Halberg      | McLaughlin     | Price      | Thorson   |
| Bishop       | Hartle       | McPherson      | Quinn      | Tomlinson |
| Blatz        | Heap         | Metzen         | Quist      | Tompkins  |
| Boerboom     | Himle        | Minne          | Rest       | Tunheim   |
| Boo          | Jacobs       | Munger         | Rice       | Valan     |
| Brandl       | Jennings, L. | Murphy         | Riveness   | Vanasek   |
| Brown        | Kahn         | Nelson, D.     | Rodosovich | Vellenga  |
| Burger       | Kalis        | Nelson, K.     | Rose       | Voss      |
| Carlson, D.  | Kelly        | Neuenschwander | Sarna      | Welle     |
| Carlson, L.  | Kiffmeyer    | Norton         | Scheid     | Wenzel    |
| Clark        | Knuth        | Ogren          | Schoenfeld | Wynia     |
| Clausnitzer  | Kostohryz    | Olson, E.      | Schreiber  | Zaffke    |
| Cohen        | Krueger      | Omann          | Seaberg    |           |

Those who voted in the negative were:

|              |            |               |             |                   |
|--------------|------------|---------------|-------------|-------------------|
| Carlson, J.  | Greenfield | Knickerbocker | Poppenhagen | Sviggum           |
| Dempsey      | Gutknecht  | Kvam          | Redalen     | Tjornhom          |
| DenOuden     | Hartinger  | Miller        | Rees        | Uphus             |
| Dimler       | Haukoos    | Olsen, S.     | Richter     | Valento           |
| Frederick    | Jaros      | Pappas        | Schafer     | Waltman           |
| Frederickson | Johnson    | Piepho        | Sherman     | Spk. Jennings, D. |
| Frerichs     |            |               |             |                   |

The motion prevailed and the Minority Report to the Majority Report from the Committee on Rules and Legislative Administration relating to the Staten case was adopted.

#### ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Friday, March 14, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives