SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS

CHAIR:

The Honorable Harry Sieben
Former Speaker, Minnesota House of Representatives
900 Midwest Plaza East Building
800 Marquette Avenue
Minneapolis, MN 55402
339-9000

MEMBERSHIP:

The Honorable Joan Growe
Secretary of State
Former Member, Minnesota House of Representatives
State Office Building
St. Paul, MN 55155
296-2079

The Honorable Raymond Krause, Dean
Hamline Law School
1536 Hewitt Avenue
St. Paul, MN 55104
641-2968

The Honorable Phyllis Jones
Retired District Judge
10726 Grey Cloud Island Drive
St. Paul Park, MN 55071
459-5041

The Honorable Connie Morrison
Former Member, Minnesota House of Representatives
909 W. 155th St.
Burnsville, MN 55337
435-7647

The Honorable Walter F. Rogosheske
Retired Associate Justice of the Minnesota Supreme Court
Former Member, Minnesota House of Representatives
138 Canabury
Little Canada, MN 55117
483-2964

The Honorable Henry Savelkoul
Former Minority Leader, Minnesota House of Representatives
211 S. Newton
Albert Lea, MN 56007
507-373-6491

SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS

64

296-2079

The Honorable Joan Growe
Secretary of State
State Office Building
St. Paul, MN 55155

Tom Todd, Director
House Research
6th Floor
State Office Bldg.
65048

The Honorable Phyllis Jones
10726 Grey Cloud Island Drive
St. Paul Park, MN 55071 459-5041

Deb McKnight
House Research
6th Floor
State Office Bldg.
65056

Dean Raymond Krause
Hamline School of Law
1536 Hewitt Avenue
St. Paul, MN 55104 641-2968

Ms. Connie Morrison
909 W. 155th St.
Burnsville, MN 55337 435-7647

Virginia Lanegran
580 State Off. Bldg.

The Honorable W. F. Rogosheske
138 Canabury
Little Canada, MN 55117 483-2964

Darlene Keran
470 State Off. Bldg.

Mr. Henry Savelkoul
211 S. Newton
Albert Lea, MN 56007 507-373-6491

The Honorable Robert J. Sheran
1077 Sibley Memorial Highway
Lilydale, MN 55118 452-2866

Mr. Harry Sieben
Attorney at Law
900 Midwest Plaza East Blvd.
800 Marquette Ave.
Minneapolis, MN 55402 339-9000

THE HONORABLE JOHN SIMONETT
1896 WELLESLEY
ST. PAUL MN 55105
698-2299

For Immediate Release
March 12, 1996

Contact: Tom Smalec
612/296-5524

ANDERSON CALLS FOR SPECIAL TASK FORCE TO REVAMP ETHICS PROCESS

Speaker Irv Anderson today announced formation of a special task force of retired judges and legislators to make recommendations for changes in the way the House deals with ethics complaints.

Retired Supreme Court Chief Justice Peter Popovich has agreed to chair the task force. Others who have agreed to serve include retired Chief Justice Robert Sheran, Associate Justices John Simonett and Walter Rogosheske, District Judge Phyllis Jones, former House Minority Leader Henry Savelkoul and Secretary of State Joan Growe. Anderson said he hoped to assemble a panel of seven to nine members.

"I believe in the integrity of the House as an institution, and want to make sure the accusation that politics is played in ethics cases does not damage the institution," Anderson (DFL-International Falls) said. "The current process existed since 1989 without major changes. Recent events surrounding House ethics cases show we need a process that protects the public interest and ensures due process for the accused. That is what I am asking this task force to bring us."

The task force members have had distinguished careers and earned respect both in the Capitol and among the public. The high quality of the members will ensure a thorough and non-political review of the process, Anderson said, adding that he hoped they could complete their work within two weeks.

"I am assembling an outside group so current ethics complaints or partisan politics will not influence the recommendations," he said. "I will press for full adoption of their report regardless of where the chips may fall. We must have a process that the public has confidence in, where the public can hear both sides of the testimony."

-30-

To: Representatives Edgar Olson, Steve Smith, Charlie Weaver, Howard Orenstein, Mindy Greeling, Steve Sviggum

Senator Ember Reichgott Junge

John French

From: Harry Sieben, Chair Special Task Force to Revamp Ethics Process

In early March Speaker Irv Anderson appointed a Special Task Force to Revamp the Ethics Process for the House. Its members are retired judges and former members of the House. Retired Justice Peter Popovich was the chair and now I have been asked to be the chair.

The task force has met to discuss issues concerning the ethics process and will meet again on Wednesday, May 8 at 1:30 p.m. in Room 300N of the State Office Building.

The Task Force would like you to comment on ways you believe the process can be improved. We would like you to share your views on the following three issues:

1. what is ethical conduct
2. what should be the size of the committee
3. what should be confidential and how should confidentiality be handled

Please let Virginia Lanegran know if you cannot be with us. She can be reached at 296-2909. Looking forward to seeing you.

SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS
THE HONORABLE PETER POPOVICH, CHAIR
THURSDAY, MARCH 14, 1996
225 JUDICIAL CENTER

Chair Popovich called the meeting to order at 1:40 p.m., Thursday, March 14, 1996, in room 225 of the Judicial Center.

Chair Popovich introduced members and staff of the Task Force. They are:

The Honorable Joan Growe, Secretary of State
The Honorable Phyllis Jones, Retired District Judge
The Honorable Walter Rogosheske, Retired Associate Justice
The Honorable John Simonett, Retired Associate Justice
The Honorable Harry Sieben, former Speaker, Minnesota House of Representatives

Staff:
Virginia Lanegran, Committee Administrator
Tom Todd, House Research
Deb McKnight, House Research
Darlene Keran, Secretary

Representative Irv Anderson, Speaker, Minnesota House of Representatives, appointed the Task Force, and spoke briefly regarding the Task Force's responsibility. He stated that their charge was to change House rules to more clearly and easily handle ethics complaints against members and staff.

The Task Force discussed their responsibilities. Mr. Todd and Ms. McKnight answered questions and explained current procedures to the Task Force members.

For the next meeting of the Task Force, Chair Popovich requested that Ms. Lanegran contact DePaul Willett, Executive Director, Board of Judicial Standards and the Co-Chairs of the House Ethics Committee, Representatives Edgar Olson and Steve Smith.

Ms. Growe requested that the National Conference of State Legislatures and other resources be contacted for other state and federal processes in dealing with the ethics issue

The Task Force scheduled Wednesday, April 10 at 2:00; Wednesday, April 24 at 2:00, and Wednesday, May 8 at 1:30 as future meeting dates.

The meeting adjourned at 3:10 p.m.

SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS
THE HONORABLE PETER POPOVICH, CHAIR

Thursday, March 14, 1996
1:30 p.m.
Room 225, Judicial Center

A G E N D A

1. Call to order
2. Discussion - House Ethics Rules and Procedures
3. Adjournment

CODE OF CONDUCT - MINNESOTA HOUSE OF REPRESENTATIVES

A State Representative shall:

* Accept public office as a public trust and shall endeavor to be worthy of that trust - by respecting the principles of representative democracy, by exemplifying good citizenship and high personal integrity, and by observing the letter and spirit of laws and rules.

* Promote the health of democracy - by fostering openness in government, full public understanding of government actions, and public participation in governmental processes.

* Treat everyone with respect, fairness, and courtesy.

* Exercise sound judgment by deciding issues on their merits.

* Be respectful of the House of Representatives as a fundamental institution of civil government.

* Use the power and facilities of office only to advance the common good.

* Respect and maintain confidential information obtained as a public official.

HOUSE COMMITTEE ON ETHICS

RULES OF PROCEDURE

March 13, 1996

1. [Purpose] The committee shall meet only: (a) to review and dispose of complaints against members (other than those arising out of election contests) which are submitted prior to adjournment sine die; (b) to adopt written procedures for handling complaints; (c) to review and make recommendations regarding ethical guidelines; and, (d) to consider matters referred to it by the Committee on Rules and Legislative Administration or the House.

Pursuant to House Rule 6.10, the following shall serve as the written procedures and due process requirements for handling complaints referred to the Committee on Ethics.

2. [Complaints] As specified in House Rule 6.10, complaints against a member of the House shall be made by two or more members of the House, shall be in writing and under oath, shall name the member or members charged and the actions complained of, and shall be submitted to the Speaker. As further specified by House Rule 6.10, the Speaker and members making the complaint shall hold the complaint in confidence until a preliminary hearing is scheduled.

On matters of complaints against members, the House Research Department shall serve as staff to the Committee only, and not to either the complainants or any member

named in a complaint.

The Committee may, with approval of the Speaker, retain a retired judge or other nonpartisan legal advisor to collect information and advise the committee on the complaint.

2A. [Proceedings to be Held in Public] Pursuant to House Rule 6.10, the complaint and supporting materials shall be made public once the preliminary hearing has been scheduled, or upon an earlier request from the member named in the complaint.

All committee meetings shall be held in public, except that the committee may meet in executive session upon a vote of two-thirds of its members to make a determination on probable cause, to consider a member's medical or other health records, or to protect the privacy of a victim or a third party.

3. [Preliminary Hearing] The committee shall, upon receipt of a complaint, hold a preliminary hearing within 21 days to determine the existence of evidence to support the complaint. The member or members named in the complaint shall be given a copy of the complaint, shall be given timely notice of all hearings, and shall be fully informed of due process rights. The committee may, upon a vote of the majority of the whole committee, defer its proceedings until the completion of ongoing criminal proceedings related to the conduct named in the complaint.

At any hearing on a complaint, the members making the complaint shall be notified of the hearing and be given notice of their opportunity to offer evidence of matters alleged in the complaint. The member who is the subject of the complaint shall then have the opportunity to present rebuttal evidence. All member parties shall be advised of the

confidentiality of any executive session of the committee and that the confidentiality requirement applies to evidence presented in executive session, unless a majority of the whole committee votes to make items from an executive session public.

4. [Finding of Probable Cause] If a majority of the whole Committee finds sufficient factual evidence to believe that the allegations contained in the complaint are more probably true than not and that, if true, they tend to support disciplinary action, the committee shall inform the Speaker and the member or members named that it has found probable cause and shall proceed to public hearings to make a final determination whether the evidence is sufficient to support disciplinary action. If a majority of the whole Committee fails to find probable cause, the complaint shall be dismissed. If the complaint is dismissed because the Committee finds the complaint to have been frivolous, the committee shall immediately issue a public letter of reproval to the complainants and may recommend other disciplinary action against the complainants.

5. [Due Process] Any member or members named in a complaint shall have the right to be present at all hearings, to respond to all charges, to be represented by counsel, to call and cross-examine witnesses, to introduce exhibits, and to be furnished with copies of all complaints, exhibits, documents, and evidence in possession of the Committee.

6. [Committee Records] Committee records of executive sessions shall be confidential unless determined by a majority vote of the whole committee that they become part of the public record.

All public records of the Committee shall be disposed of in accordance with Rule 6.06. Confidential records of executive sessions shall be kept by the Committee until the commencement of the next biennial session, at which time the confidential records shall be destroyed by the Chair of the Committee, or the Chair's designee, and notification of such destruction sent to the Chief Clerk.

7. [Final Hearing] The public hearing to make a final determination whether the evidence is sufficient to support disciplinary action shall be held under the same conditions and with the same due process as the preliminary hearing. The purpose of the hearing shall be to receive and evaluate the evidence offered in support of or opposition to disciplinary action.

8. [Conclusions] At the conclusion of the public hearing, if a majority of the whole Committee finds evidence sufficient to support disciplinary action, the Committee shall, with or without comment, make a recommendation to the Committee on Rules and Legislative Administration. If a majority of the whole Committee fails to find evidence sufficient to support disciplinary action, the complaint shall be dismissed.

9. [Recommendations] A recommendation to the Committee on Rules and Legislative Administration may be to expel as provided by Article IV, sections 6 and 7 of the State Constitution, to censure, to reprimand, or to require action, if any, or reconciliation by the subject member.

March 29, 1996

TO: Members, Special Task Force to Revamp House Ethics

FROM: Darlene Keran, Secretary - 296-4276

RE: Meeting Schedule

At the initial meeting of the Special Task Force, members scheduled three additional meetings - Wednesday, April 10 at 2:00; Wednesday, April 24 at 2:00, and Wednesday, May 8 at 1:30. Justice Popovich scheduled the same meeting room - Room 225 in the Judicial Center.

You are probably aware that Justice Popovich is hospitalized at this time. If these meeting dates are canceled or rescheduled, you will be notified at the earliest time possible.

In addition to the members present at the meeting of March 14, Connie Morrison, former State Representative, has agreed to serve on the Task Force.

If you have any questions, please call me.

SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS
THE HONORABLE HARRY SIEBEN, CHAIR
WEDNESDAY, APRIL 24, 1996
225 JUDICIAL CENTER

Chair Sieben called the meeting to order at 2:00 p.m., Wednesday, April 24, 1996, in room 225 of the Judicial Center. Members present were:

Chair Harry Sieben
Secretary of State Joan Growe
Judge Phyllis Jones
Ms. Connie Morrison
Judge Walter F. Rogosheske
Mr. Henry Savelkoul
Judge John Simonett

Mr. Sieben introduce Raymond Krause, Dean Hamline Law School, as the newest member of the Task Force.

Taking part in the discussion and answering questions from Task Force members were:

Representative Edgar Olson, Chair, House Ethics Committee
Representative Steve Smith, Vice-Chair, House Ethics Committee
Mr. Paul Willette, Executive Director, Board on Judicial Standards

Representatives Olson and Smith talked about their duties as members of the House Ethics Committee and their view of what improvements could be made in the Committee.

Mr. Willette talked about confidentiality in ethics type proceedings. See "Minnesota Board on Judicial Standards" attached.

Secretary of State Growe asked staff to provide task force with ethics committee comparisons with other states.

The Task Force asked that the following individuals who have been involved in previous Ethics Committee meetings and investigations be invited to the next Task Force meeting to share information.
Representative Edgar Olson, Chair, House Ethics Committee
Representative Steve Smith, Vice-Chair, House Ethics Committee
Representative Charlie Weaver
Representative Howard Orenstein
Representative Mindy Greiling
Representative Steve Sviggum

Senator Ember Reichgott Junge, Chair, Senate Ethics Committee
Attorney John French

The Task Force identified the following issues for discussion at their next meeting:

1. What is ethical conduct?
2. What should be the size of the Ethics Committee?
3. What should be confidential and how should confidentiality be handled by the Ethics Committee?

The next meeting of the Task Force will be May 8, 1996, at 1:30, in the State Office Building.

The meeting adjourned at 3:45 p.m.

HOUSE COMMITTEE TAPE LOG

TAPE: 1

START TIME: 1:43

SIDE: A

PAGE: 1

COMMITTEE: Special Task Force to Revamp House Ethics

DIVISION/SUBC:

CHAIR: Mr. Harry Sieban

DATE: May 8, 1996

REVOLUTIONS:	LOG:
1:43	- Call to Order - Mr. Sieban
	- Overview of Materials, Agenda
	Possible Dates for upcoming meetings: May 22
	June 5th
	June 19th
1:48	- MS. Morrison (Non-legislators as members)
	- Hon Joan Growe (Currently too large; how to select citizens) Mr. Sieban
1:51	- Justice Rogoshski (Necessity of Counsel)
	- Rep. Edgar Olson (Smaller: 4-6)
1:53	- Dean Krause (bring in outsiders to enhance public perception of legislature)
1:54	Exec - should be comm of 4 legislators
1:55	Rep - Service exemic?
1:58	Mr. Sieban (charged + convicted vs. acquitted)
	- Hon. Growe (Mr. French's suggestions: smaller, non-legislator as counsel to answer procedural ?'s)
	- Ms. Morrison (legitimacy of outside Counsel) Hon. Growe
2:00	- Hon Growe (procedural problems in hearings) Dean Krause
2:03	- Hon. Sheran (Outsider inhibit the process - shouldn't be relied upon, only to use in complex circumstances)
2:06	- Mr. Sieban (How to choose committee members)
	- Hon Rogoshski (Speaker should choose)
	- Hon. Growe (How does Senate do it?)
2:09	- Ms. Morrison (Effects of down-sizing committee) Ms. Largaon
2:14	Ms. McKnight (Role of research - neither prosecutor nor investigator)
2:15	Hon. Rogoshoski (Current procedure when complaint brought) Ms. McKnight

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HOUSE COMMITTEE TAPE LOG

TAPE: 1

START TIME: 1:43

SIDE: A

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COMMITTEE: Special Task Force to Revamp House Ethics

DIVISION/SUBC:

CHAIR: Mr. Sieban

DATE: Wednesday, May 8, 1996

REVOLUTIONS:	LOG:
2:17	- Mr. Sieban (Consensus met so far: - smaller 4-6 - case by case basis to appoint counsel - members appointed by Speaker
	- Rep. Olson (response to those suggestions)
2:20	- Hon Rogoshenski (Rep. as prosecutor) Rep. Olson
2:21	- TESTIMONY BY SENATOR EMBER REICHGOTT JUNGE
	I. Ethical Conduct: What sort of situation acceptable Complaint for Senate to decide? - Personal realm - less related - intentional fraudulent vs. unintentional - When did conduct occur (prior to service?)
	II Senate process: - PUBLIC - SMALLER (4) - INDEPENDENT COUNSEL ADVANTAGEOUS - SUPPORT FROM BI-PARTISAN LEADERSHIP
	III. Recommendations for House - To go smaller - Change in confidentiality (more like Senate)
	IV Role of independent Counsel - Guardian of due process - Fact-Finder - Recommendation of Sanctions
2:35 / SIDE B	V other uses of committee: - Advisory & when conflict of interest
	VI Additional issues - who pays for counsel - How to fit hearings w/in legislative calendar
2:41	- Mr. Sieban (effect of pending criminal case) Sen. R-J
2:43	- Mr. Sieban (How would acquittal effect Senate proceeding) Sen R-J
2:45	- Mr. Sauerland (Party relations in Senate vs. House; How to Revert to Confidentiality) Sen. Reichgott Junge
2:47	- Ms. Morrison (Thanks)
2:49	- Hon Growe (Appointment of Senate members) Mr. Wilson
	- Senator Reichgott Junge (cont. response to Mr. Sauerland)

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HOUSE COMMITTEE TAPE LOG

TAPE: 1

START TIME: 1:43

SIDE: B

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COMMITTEE: Special Task Force to Revamp

DIVISION/SUBC: House Ethics

CHAIR: Mr. Sieban

DATE: Wed, May 8, 1996

REVOLUTIONS:	LOG:
2:51	-Ms. Morrison (what happens post-Ethics) Sen. Reichgott-Junge
2:52	-Dean Krause (Deciding on sanctions, if they're to be used at all) Sen. R-J
2:54	-Mr. Sieban ("Let the Voters Decide") Sen. R-J
2:58	TESTIMONY BY MR. PETER WATSON - SENATE COUNSEL
	I. What's Unethical Conduct?
3:03	-Mr. Sieban (Do ~~cases~~ specific charges need to be listed?) Dean Krause answers Hon. Ms. Morrison
3:05	-Ms. Morrison (SMALLER Size a consensus)
	Hon Rogoshewski (Need for staff counsel) Ms. McKnight
	" (lawyer also helpful to question complainants)
3:10	Ms. Morrison (who decides if committee can handle it itself) Hon. Rogoshewski
	Mr. Sieban (Hon Sheran's opinion) Hon. Sheran.
	Unethical conduct:
	1) Behavior which interferes w/ relationship b/w individual + body
	2) Behavior unrelated to Leg. responsibilities which casts a shadow on the institution
	3) Relates to time during which individual is serving the public
3:19	Mr. Sieban - tasks Ms. McKnight to draft these suggestions
	Next meeting Wednesday, June 12th @ 2:00
	~~Inform Rep. Bues~~
3:20	meeting adjourned

CMTETAPE.LOG

TAPE: 1

START TIME: 1:40

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COMMITTEE: Special Task Force to Revamp House Ethics

DIVISION/SUBC:

CHAIR: The Honorable Peter Popovich

DATE: Thurs, March 14, 1996

REVOLUTIONS:	LOG:
1:40	Call to order - Chair Popovich
1:44	Speaker of the House Irv Anderson - Introduction & Necessity for such a task force
1:48	Concerns of Chair Popovich
1:50	Mr. Sieban (Hearing) (When + How these Recommendations would take effect) Speaker Anderson
1:51	Darlene Keran - Presentation of March 13th Ethics Changes & other materials
1:53	Chair Popovich - Clarifying internal rules vs rules of the body
1:54	MS Joan Growe - further clarification
1:55	MS Deb McKnight explains 6.10 vs. committee rule
1:57	Hon Walter Rogosheske - his suggestions - where to look for input
2:00	Chair Popovich - formalizing the legal procedures & the Ethics committee
2:03	Hon. Rogosheske - at what point should committee go "public"
2:04	The Honorable Phyllis Jones - where does House Rules define "improper conduct - need narrower definition
2:06	Chair Popovich (who is this special task force serving? Purpose of the task force)
2:07	The Honorable John Sarnett (How binding are the task forces considerations) Hon. Growe
2:08	The Hon Rogosheske - House needs to adopt more rules
2:11	Hon. Growe - legislative immunity vs. internal ethics of the House
2:14	Chair Popovich - Need for clear & convincing evidence to weed out these accusations

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TAPE: 1

START TIME: 1:40

SIDE: A

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COMMITTEE: ~~Special Task Force on House Ethics~~

DIVISION/SUBC:

CHAIR: The Hon Peter S. Popovich

DATE: Thursday, March 14 1995

REVOLUTIONS:	LOG:
2:16	The Hon Simonett (need to define misconduct, to encompass lobbyists & staff)
	The Hon Jones (deadlines for action, lobbyist)
	Hon Rogosheski (Immunity) Mr. Sieben
2:19	Mr. Sieben (What was decision on confidentiality)
	The Hon Growe (How does that compare to Senate) Ms McKnight
	Mr. Sieben (What happens when confidentiality broken)
2:21	Mr. Todd (House vs. Senate Rules) Mr. Tom Todd
	Quick break
start 2:31	Ms. McKnight - Dilemma of Confidentiality vs Disclosure
	Mr. Todd - Problems w/ Bob Johnson case
2:33	Hon Simonett - Barriers to discuss confidentiality w
2:35	Hon. Growe - Compare MN process to that of other State
	Chair Popovich
2:38	Hon Rogosheski - Need for probable cause before complaint made
	~~Chair~~ Chair Popovich - Scrutiny of the ~~public~~ politicians by the public, protections against ~~the~~ extremities
2:40	Hon. Rogosheski - An individual's actions embarrass the body as a whole; the role of partisan politics in ethics charges
2:44	Ms. McKnight - How Rules + Ethics have had same concerns as Judge Rogosheski this past week
2:45	Hon. Rogosheski - Public Concern
2:46	Mr. Todd - Bob Johnson example - how ethics vs rules procedure shaded outcome

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TAPE: 1

START TIME: 140 (restart) 231

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COMMITTEE: Special Task Force on House Ethics

DIVISION/SUBC:

CHAIR: The Hon. Peter S Popovich

DATE: Thurs, March 14, 1996

REVOLUTIONS:	LOG:
Sub B 249	Chair Popovich - the next steps to take, time restraints
250	Chair Popovich (on ethics complaints carry over into the interim?) Mr. Sieben Mr T.
	Chair Popovich - future logistics of this committee
	Hon Bowe - defining issues; > testimony, > credibility
3:01	Chair Popovich - Book next meeting to testimony by legislators + other 'expert' witne
	Next meetings: Wednesday April 10th @ 2:00
	Wednesday, April 24th @ 2:00
	Wednesday May 8th @ 1:30
3:10	Meeting Adjourned

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HOUSE COMMITTEE ...

TAPE: Tape 1

START TIME: 2.05

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COMMITTEE: Special Task Force to Revamp House Ethics

DIVISION/SUBC:

CHAIR: Mr. Harry Sieben

DATE: Wednesday, April 24, 1996

Mr. Willett 5/8 1:30

REVOLUTIONS:	LOG:
2.05	- Introduction, Summary of Past meeting, goals — Mr Sieben
2:08	- lack of definition of ethical/unethical conduct - Justice J
2:09	- What def has House adopted - Rep Smith
2:10	- " - Rep E. Olson
2:11	- How Ethics committee has changed - Rep. E. Olson
2:14	- Pros & Cons of Confidentiality issues (Probable Cause) - Rep. Smith
	- Sec Grove (How many members?) Rep E. Olson
	- Ms. Morrison (what's partisan split) Rep. Olson
2:19	- Mr Sieben (Confidentiality when member goes public?) - Rep. Olson, Rep. Smith
2:20	- Sec Grove (Senate vs. House Procedure) - Rep Olson
2:21	- Committe vs Courtroom - Rep. Smith
	- Type of Violations - Justice Rogosheske
2:25	- Sec. Grove (Rep. Smith's opinion of Confidentiality) Rep Smi
	- Presentation of MN Board of Judicial Standards Confidentiality procedures - Mr Willett
2:40	- Ms Morrison (where did such a code originate?) - Mr. Willett
	- Jus. Rogosheske (Why addition of a lay member on the committee?) - Mr. Willett
2:42	- Mr. Sieben (what's volume of cases/complaints) - Mr. Wil
2:44	- Ms. Morrison (what steps to go from complaint → probable cause?) - Mr. Willett
2:47	- Mr. Sieben (Is issue of confidentiality biggest obstacle to Ethics hearings?) - Rep. E Olson
2:50	- Jus. Rogosheske (media interference w/confidentiality) - Rep
2:51	- Jus. Rogosheske (impose media standards?) Rep. Olson
	- Sec. Grove (Committee's authority to hire an investigator?) Rep. E Olson

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TAPE: 1

START TIME: 2:05

SIDE: A

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COMMITTEE: Special Task Force to Revamp

DIVISION/SUBC: House Ethics

CHAIR:

DATE: Wednesday, April 24, 1996

REVOLUTIONS:	LOG:
2:54	- Mr. Sawelkoul (what about public process unless in need of being private) Rep. Olson
Side B 2:56	- Sec. Growe - example of public problem
	- Mr. Sawelkoul - more pragmatic to be public?
	- Jus. Rogosheski - media standards
2:58	- Ms. Morrison - example of Bertram case
2:59	- Dean Krause - University example
	- Rep. Olson - issues ethics committee needs resolved: confidentiality
	Size
	what happens post-probable cause
3:01	- Mr. Sawelkoul (independent vs House legal representation) Rep. Olson
3:06	- Jus. Rogosheski (Rules of evidence) Rep Olson
3:08	- Sec Growe (Comparison w/ other states) Ms McKnight
3:10	- Mr. Sawelkoul (different states/diff. standards
	- Sec. Growe (Resignation of prosecuting/presiding) - Rep. Olson
3:12	- Jus. Simonett (Standards vs. procedures standards) Rep Ols
3:14	- Mr. Sieben (Ethical/unethical?) Jus Jones
3:15	- Ms. Morrison (Referring to Rep Olson's suggestions)
	- Mr. Sieben - Review of what Senate does
3:19	- Rep. Olson - Changes to Rules of Procedure for House Ethics
3:21	- Sec Growe (who can file complaints?) Rep Olson
3:22	- Jus. Simonette (") - Rep. Olson
3:24	- Ms Morrison (Appeals process?) Mr. Sawelkoul
3:27	- Jus Jones (Investigator)
	- Mr. Sieben (from ethics to rules?) Rep Olson

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TAPE: 1

START TIME: 2:05

SIDE: B

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COMMITTEE: Special Task Force To Revamp House Ethics

DIVISION/SUBC:

CHAIR: Mr. Sieban

DATE: Wed 4-24-96

REVOLUTIONS:

LOG:

3:30 - Mr. Rogoshesti (Can expelling happen without going through process) Mr. Swetkovich / Rep Olson

3:34 Mr. Sieban - direction for next meeting

Jus Jones - Ethical/unethical def.

Mr. Sieban - Comparison w/ other states

Jus Sinnett - How justice system defines Ethical

3:37 - Jus Jones: Senates def of violation of conduct

3:38 - Sec. Growe - Size + confidentiality? for next meeting

- Mr. Sieban (What Resources can task force use?) Rep Olson / Sec. Growe

3:40 - Jus Rogoshesti: media standards pre-probable cause

3:42 - Ms. Morrison (inviting Rep. Weaver) Rep. Olson

- Mr. Sieban - next meeting, potential guests: Reps Weaver, Smith, Workman, Oenskin, Greiling, Sviggum, Mr. Jack Finnegan, Mr. John French, Sen. Ember Reichgott-Junge

Mr. Swetkovich - list of issues for next meeting

Dean Krueger - what needs to be covered

Next meeting May 8, 1996 @ 1:30 in SoB

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THE GREAT SEAL OF THE STATE OF MINNESOTA
L'ETOILE DU NORD
1858

WHAT IS THE BOARD ON JUDICIAL STANDARDS?

The Board on Judicial Standards is an independent state agency that receives and acts upon complaints about Minnesota judges for judicial misconduct or wrongdoing. The board also handles judicial disability matters.

WHO MAY FILE A COMPLAINT WITH THE BOARD ON JUDICIAL STANDARDS?

Any individual or group may file a complaint. The board has received complaints from litigants, attorneys, jurors, court-watchers, court personnel, prisoners, court administrators, judges...anyone who has knowledge of possible judicial misconduct or wrongdoing.

HOW DO I FILE A COMPLAINT?

Your complaint should be made in writing. Simply write a letter specifically describing the judge's conduct. Be sure to include the name of the judge, relevant dates, names of witnesses, and sources of information. You may wish to attach copies (do not send originals) of court documents or transcripts if these support your allegations against the judge.

If you have questions concerning the filing of a complaint, call the board's office at (612) 296-3999.

I'M UNHAPPY WITH THE OUTCOME OF MY CASE. CAN THE BOARD HELP ME?

No, the board does not have the authority to direct a judge to take legal action, or to review a case for judicial error, mistake or other legal grounds. These functions are for the state's appellate courts.

Allegations stemming from a judge's rulings or exercise of discretion do not provide a basis for board action, and personal dissatisfaction alone cannot be grounds for judicial investigation.

If you need advice or assistance about what to do next about your case, you should talk to a lawyer. If you seek to change the outcome of the case, DISCUSS THIS WITH A LAWYER WITHOUT DELAY.

For a summary of some types of judicial conduct that may warrant investigation, see "Judicial Misconduct."

The board does not have jurisdiction over federal judges or lawyers. Complaints against lawyers should be directed to the Lawyers Professional Responsibility Board, (612) 296-3952.

WHAT CAN THE BOARD ON JUDICIAL STANDARDS DO?

The board can investigate and take disciplinary action, or, in the most serious cases, recommend to the Supreme Court that it impose discipline.

In order of increasing severity, the board may issue letters of warning or public reprimand. In more serious cases, after a public hearing and recommendation from the board, the Supreme Court may impose public censure, removal or involuntary retirement.

ARE COMPLAINTS TREATED CONFIDENTIALLY?

All proceedings of the board are confidential until the formal statement of complaint and response has been filed with the Minnesota Supreme Court. A judge under investigation may waive confidentiality. During the course of an investigation of a complaint, a complainant's identity will probably come to the attention of the judge unless the board considers the allegations do not fall within the board's jurisdiction. And, if the matter is sufficiently serious to warrant a hearing, a complainant may be called to testify at that hearing.

An absolute privilege attaches to any information or related testimony submitted to the board or its staff and no civil action against an informant, witness, or their counsel may be instituted or predicated on such information.

HOW WILL THE BOARD HANDLE MY COMPLAINT?

Your complaint is carefully reviewed by the board's legal staff and acted on by the board. Complaints that include supportable allegations of misconduct within the board's jurisdiction will be handled promptly as circumstances permit. The board may dismiss a complaint, conduct a staff inquiry or order a public hearing. A public hearing may result in a recommendation of discipline to the Supreme Court.

Your complaint is acknowledged by letter. You will receive notification of the action taken.

ABOUT THE BOARD

The Board on Judicial Standards is a state agency. Since its inception, the Supreme Court has removed, involuntarily retired, and censured several judges based on the board's recommendation. Many more have been privately disciplined by the board.

The vast majority of Minnesota judges are honest, conscientious, and courteous to those appearing before them. However, an effective method of imposing sanctions on judges who engage in misconduct or wrongdoing is essential to the functioning of our judicial system. The board strives to maintain public confidence in the judiciary and promote greater awareness of proper judicial behavior; board proceedings provide a fair and appropriate mechanism to preserve the integrity of the judicial process.

The board has 10 members: one judge of the Court of Appeals, three trial judges, two lawyers who have practiced law in the state for at least 10 years, and four citizens who are not judges, retired judges, or lawyers. All members are appointed by the Governor with the advice and consent of the Senate. Members' terms are for four years and may be extended for an additional four years.

The board is supported by a two person staff, who, at the direction of the board, is responsible for reviewing and investigating the complaints, maintaining records and preparing regular reports.

THE FOLLOWING ARE SOME TYPES OF JUDICIAL MISCONDUCT THAT MAY LEAD TO DISCIPLINE:

IMPROPER COURTROOM DECORUM

- Rude, abusive, and otherwise improper treatment of parties, counsel, witnesses, jurors, court staff and others.
- Failing or refusing to promptly dispose of judicial business.
- Improper conduct while on the bench, such as sleeping or intoxication.
- Expressions of bias based on gender, ethnicity, etc.

IMPROPER INFLUENCE

- Allowing family, social, or political relationships to influence judicial decision-making.
- Conflict of interest.
- Giving or receiving gifts, bribes, loans, or favors.

OTHER IMPROPER OR ILLEGAL ACTIVITIES, INCLUDING OFF-BENCH CONDUCT

- Communicating improperly with only one side to a proceeding.
- Chemical abuse.
- Engaging in improper election campaign activities.
- Misappropriating or misusing public property, funds, or resources.
- Ticket-fixing.
- Criminal behavior.

FREQUENTLY ASKED QUESTIONS:

1. Will my identity be revealed to the judge?

Generally, yes. The board notifies judges about complaints unless there is an overriding reason to withhold this information.

2. Will my complaint be made public?

Usually, no, although a complaint may become public if the board issues a public reprimand or files formal charges against the judge.

3. Will filing a complaint with the board change the decision in my lawsuit?

No. Board proceedings have no effect on decisions or appeals.

4. Will my complaint automatically disqualify the judge from further involvement in my case?

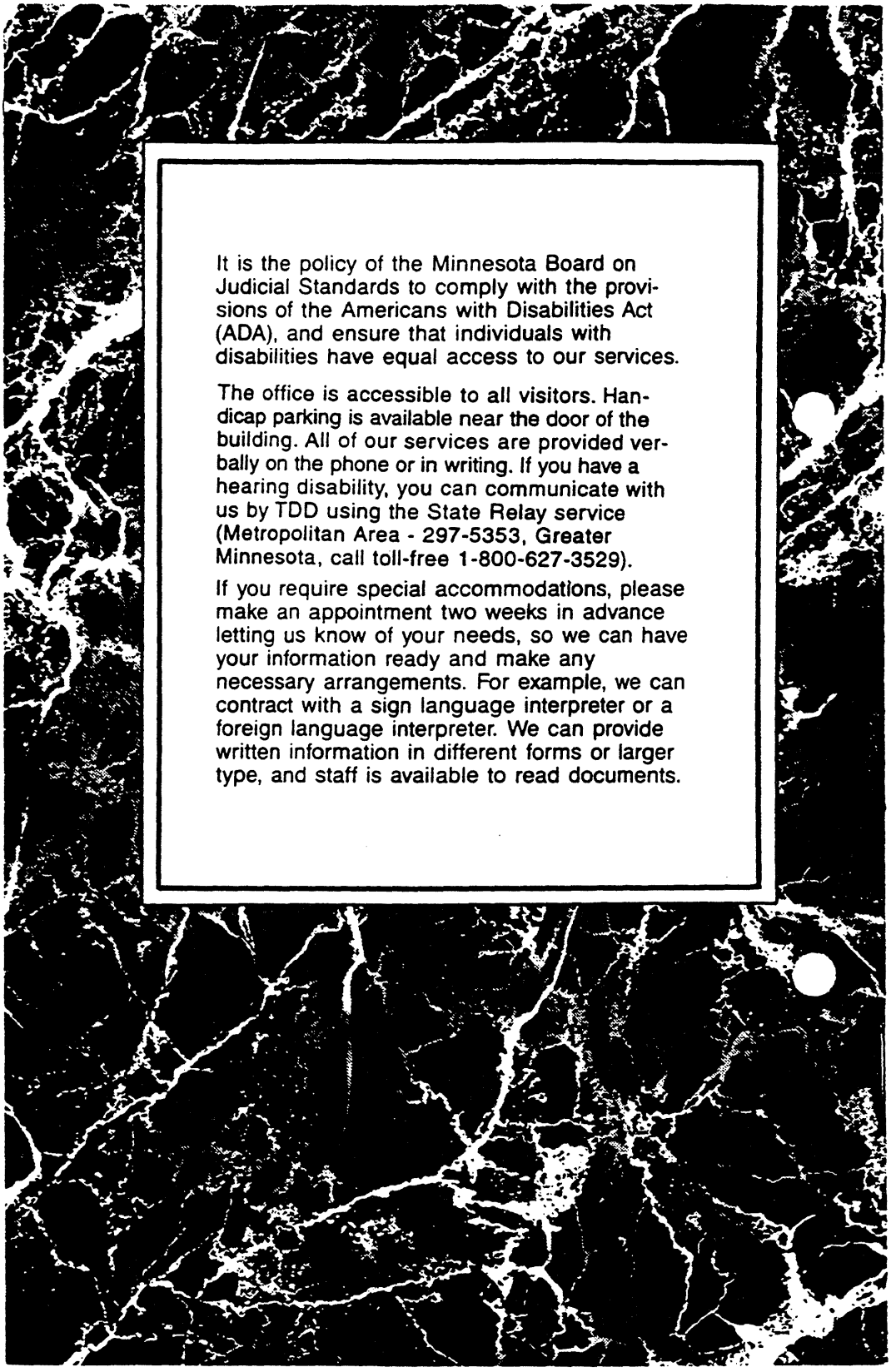
No. The board will only review your complaint to determine whether or not misconduct has occurred. Disqualification is determined in court proceedings by a judge.

5. Does the board act on all complaints?

Yes. Every complaint is reviewed by the staff and the board.

6. If my complaint is justified, will the board tell me how the judge was disciplined?

Yes. At the close of the case, you will receive a letter describing the action taken.



It is the policy of the Minnesota Board on Judicial Standards to comply with the provisions of the Americans with Disabilities Act (ADA), and ensure that individuals with disabilities have equal access to our services.

The office is accessible to all visitors. Handicap parking is available near the door of the building. All of our services are provided verbally on the phone or in writing. If you have a hearing disability, you can communicate with us by TDD using the State Relay service (Metropolitan Area - 297-5353, Greater Minnesota, call toll-free 1-800-627-3529).

If you require special accommodations, please make an appointment two weeks in advance letting us know of your needs, so we can have your information ready and make any necessary arrangements. For example, we can contract with a sign language interpreter or a foreign language interpreter. We can provide written information in different forms or larger type, and staff is available to read documents.

Pam Wiuette 4/24/96

STATE OF MINNESOTA
BOARD ON JUDICIAL STANDARDS

CONFIDENTIALITY

2025 CENTRE POINTE BOULEVARD
SUITE 420
MENDOTA HEIGHTS, MN. 55120
#612-296-3999

General Rule: All proceedings shall be confidential

Except:

Rule	
5(A)	A. If sufficient cause found:
6(d)(1)(ii)	1) Board issues public reprimand
7/8	2) File a formal complaint with the Supreme Court and proceed to a public hearing
6(e)(1)	B. Insufficient cause:
	1) Dismiss or
6(f)	2) Disposition in lieu of further Proceedings
	a) Private warning
	b) Private: Impose reasonable conditions
	c) Private: Direct professional counseling, treatment or assistance
5(a)(1)	C. Any disposition in B must be given to complainant
5(A)(3)	D. The board may notify chief justice, chief judge and/or district administrators to monitor judge's conduct — NEW
5(d)	E. Public statements: waiver or notoriety
5(e)	F. Judicial selection or assignment

(6) Conduct that constitutes a violation of the Code of Judicial Conduct or Professional Responsibility.

(b) Disposition of Criminal Charges. A conviction, acquittal or other disposition of any criminal charge filed against a judge shall not preclude action by the board with respect to the conduct upon which the charge was based.

(c) Proceedings Not Substitute for Appeal. In the absence of fraud, corrupt motive or bad faith, the board shall not take action against a judge for making findings of fact, reaching a legal conclusion or applying the law as understood by the judge. Claims of error shall be left to the appellate process.

RULE 5. CONFIDENTIALITY

(a) Before Formal Complaint and Response. Except as otherwise provided in this rule, all proceedings shall be confidential until the Formal Complaint and response, if any, have been filed with the Supreme Court pursuant to Rule 8. The board shall establish procedures for enforcing the confidentiality provided by this rule.

(1) Upon determination that there is insufficient cause to proceed, the complainant, if any, shall be promptly notified and given a brief explanation of the board's action. The complainant shall also be promptly notified of any disposition pursuant to Rule 6(f).

(2) If at any time the board takes action as may be authorized pursuant to Rule 6(d)(1)(ii), such action shall be a matter of public record.

(3) Any action taken by the board pursuant to Rule 6(f) may be disclosed to the chief justice, chief judge and/or district administrator of the judicial district in which the judge sits. Such disclosure is at the discretion of the board and shall be for the purpose of monitoring future conduct of the judge and for assistance to the judge in modifying the judge's conduct. To the extent that any information is disclosed by the board pursuant to this provision, the chief justice, chief judge and/or district administrator shall maintain the confidentiality of the information in accordance with Rule 5.

(b) After Formal Complaint and Response. Upon the filing of the Formal Complaint and written response, if any, with the Supreme Court, the files of the board, other than the Formal Complaint and the written response thereto, shall remain confidential unless and until any documents, statements, depositions or other evidence in the files of the board are introduced or used in a public hearing as provided in Rule 10.

(c) Work Product. The work product of the executive secretary and board counsel, and the records of the board's deliberations, shall not be disclosed.

(d) Public Statements by Board.

(1) In any case in which the subject matter becomes public through independent sources or through a waiver of confidentiality by the judge, the board may issue statements as it deems appropriate in order to confirm the pendency of the investigation, to clarify the procedural aspects of the disciplinary proceedings, to explain the right of the judge to a fair hearing without prejudgment and to state that the judge denies the allegations. The statement shall be first submitted to the judge involved for comments and criticisms prior to its release, but the board in its discretion may release the statement as originally prepared.

(2) If the inquiry was initiated as a result of notoriety or because of conduct that is a matter of public record, information concerning the lack of cause to proceed may be released by the board.

(3) The board may make such disclosures as it deems appropriate whenever the board has determined that there is a need to notify another person or agency in order to protect the public or the administration of justice.

(e) Disclosure for Judicial Selection, Appointment, Election or Assignment. When any state or federal agency seeks material in connection with the selection or appointment of judges or the assignment of a retired judge to judicial duties, the board may release information from its files only (1) if the judge in question agrees to such dissemination and (2) if the file reflects some action of the board pursuant to Rule 6(d), Rule 6(f) or Rule 7. If the board action was taken on or after January 1, 1996, such information may also be released if a judge is involved in a contested election, subject to the same restrictions.

(f) Waiver of Confidentiality. A respondent judge may waive confidentiality at any time during the proceedings.

RULE 6. PROCEDURE PRIOR TO SUFFICIENT CAUSE DETERMINATION

(a) Initiation of Inquiry. An inquiry may be initiated as follows:

(1) An inquiry relating to conduct of a judge may be initiated upon a complaint.

(2) The board may on its own motion make an inquiry into the conduct or physical or mental condition of a judge.

(3) Upon request of the Chief Justice of the Supreme Court, the board shall make an inquiry into the conduct or physical or mental condition of a judge.

(b) Preliminary Evaluation. Upon receipt of a complaint as to conduct that might constitute grounds for discipline, the executive secretary shall conduct a prompt, discreet and confidential evaluation. The results of all evaluations shall be routinely submitted to the board.

(c) Investigation; Discretionary Notice.

(1) Upon review of the preliminary evaluation, or on its own motion, the board may, by resolution, authorize an investigation.

(2) Notice that an investigation has been authorized may be given to the judge whose conduct or physical or mental condition is being investigated.

(d) Sufficient Cause Determination.

(1) The board shall promptly consider the results of the investigation. If the board determines that there is sufficient cause to proceed, it shall either:

(i) comply with Rule 7; or

(ii) issue a public reprimand. Prior to the issuance of a public reprimand pursuant to this Rule 6(d)(1)(ii), the judge shall be served with a copy of the proposed reprimand and a notice setting forth the time within which these rules require the judge to either submit comments and criticisms or to demand a formal hearing as provided in Rule 8. Within 20 days of service of the proposed reprimand, the board shall be served with either a written demand for a formal hearing as provided in Rule 8, or the written comments and criticisms of the judge regarding the proposed reprimand. If a timely demand for a formal hearing is made, the board shall comply with Rule 8. If no timely demand for a hearing is made, the board may consider the comments and criticisms, if any, but may in its discretion release the reprimand as originally prepared.

(2) A finding of sufficient cause shall require the concurrence of a majority of the full board.

(e) Insufficient Cause to Proceed.

(1) Upon determination that there is insufficient cause to proceed, the board shall promptly comply with Rule 5(a)(1). If informed of the proceeding, the judge shall also be promptly notified of its termination and the file shall be closed.

(2) A closed file may not be referred to by the board in subsequent proceedings unless the board has proceeded according to Rule 6(d) or (f), or Rule 7.

(f) Dispositions in Lieu of Further Proceedings. Even though the board does not find sufficient cause to proceed pursuant to Rule 7, it may make any of the following dispositions, unless the underlying conduct is part of a pattern involving the same or similar conduct:

(1) The board may warn the judge that the conduct may be cause for discipline.

(2) The board may impose reasonable conditions on a judge's conduct.

(3) The board may direct professional counseling, treatment or assistance for the judge.

(g) Objection to Dispositions. Any judge objecting to disposition of a complaint pursuant to Rule 6(f) may demand a full hearing before a factfinder as provided in Rule 8.

(h) Representation by Counsel. A judge may be represented by counsel, at the judge's expense, at any stage of the proceedings under these rules.

RULE 7. PROCEDURE WHERE SUFFICIENT CAUSE FOUND

(a) Statement of Charges.

(1) After a finding of sufficient cause to proceed, the executive secretary shall prepare a Statement of Charges against the judge setting forth the factual allegations and the time within which these rules require the judge to serve a written response. Where more than one act of misconduct is alleged, each shall be clearly set forth.

(2) The judge shall be served promptly with a copy of the Statement of Charges. Service shall be accomplished in accordance with the Rules of Civil Procedure.

(3) The judge shall serve a written response on the board within 20 days of service of the Statement of Charges. A personal appearance before the board shall be permitted in lieu of or in addition to a written response. In the event that the judge elects to appear personally, a verbatim record of the proceedings shall be made.

(b) Termination after Response. The board may terminate the proceeding and dismiss the Statement of Charges following the response by the judge, or at any time thereafter, and shall in that event comply with Rule 5(a)(1) and give notice to the judge that it has found insufficient cause to proceed.

(c) Quorum. If the board elects to proceed as authorized in Rule 8, such action must be by concurrence of a majority of the full board.

FAEGRE & BENSON
PROFESSIONAL LIMITED LIABILITY PARTNERSHIP
2200 NORWEST CENTER, 90 SOUTH SEVENTH STREET
MINNEAPOLIS, MINNESOTA 55402-3901
TELEPHONE 612-336-3000
FACSIMILE 612-336-3026

April 29, 1996

APR 30

Harry A. Sieben, Jr., Esq.
SIEBEN, GROSE, VON HOLTUM,
McCOY & CAREY, LTD.
900 Midwest Plaza East Building
Minneapolis, MN 55402

Dear Harry:

I am pleased to learn of the existence of your committee and I wish it well in its deliberations. I am pleased, also, to be invited to offer comments that may be useful to the committee in its work.

I will attempt in what follows to suggest impartial, nonpartisan principles that may objectively apply to the consideration of any charge against any member. There are many competing considerations that might be discussed, but I know that committee is not looking for a treatise, so I will limit these remarks to what I believe to be the most fundamental points.

First, I see the ethics process operating in the context of two major, conflicting concerns. One is the concern that members not conduct themselves in such a way as to demean the body in which they sit. Behavior that undermines public respect for the legislature also undermines its ability to govern.

On the other hand, the ultimate judges of the qualifications of any member to serve are the constituents who elect that member. We have a republican form of government, conducted by representatives elected pursuant to the democratic process. To deprive a member of the position to which the people elected that member is unrepublican and undemocratic.

To me this suggests that ethics proceedings, while necessary, should be instituted and prosecuted with reluctant caution and should be directed toward achieving carefully calibrated results. A balance needs to be struck between preserving public confidence in the institution and respecting the wishes of the electorate. This has implications both for the conduct to be scrutinized and the sanction to be applied.

Concerning conduct, there is, in addition to what I have already said, the fact that our society has a major, entirely separate mechanism for dealing with inappropriate behavior, viz., the judicial system. Crimes can be prosecuted and convicted offenders can be jailed or fined. Civil wrongs can be rectified by money damages or injunctive relief through civil litigation. The legislature need only concern itself with what is special or different about the member's status as a legislator that requires some sanction outside the judicial system.

In this context, I can think of only two grounds for ethical proceedings against a member. The first is conduct so grievous as to bring the body into widespread disrepute. Conviction of a felony would be evidence of such conduct. Short of that, both the conduct and the evidence of it should be scrutinized very skeptically before a conclusion is reached that an ethics proceeding is appropriate. Because the consequences are so grave and because mixed moral/legal/political considerations are so difficult to evaluate, I would not invoke the ethics process for any act that does not impair the ability of the legislature to function unless a prior conviction of a felony has occurred.

A second legitimate ground for action is conduct that offends the processes of the legislative body itself. Members who violate important rules of conduct of their own institution are (1) engaging in activity that the other members are unusually well-qualified to judge and (b) transgressing in an area that no other mechanism of government is likely to have authority to remedy.

These are the two classes of misconduct that justify ethics committee action. Now, what should that action be? It should be sufficient to uphold the dignity of the body without, if at all possible, overriding the will of the electorate. This suggests that expulsion should almost never be ordered because it totally cancels the votes of the majority of the citizens in the district that elected the offending member.

Penalties of a lesser magnitude will require thoughtful judgment. As they become more severe -- eg., loss of a committee chairmanship -- they diminish the effectiveness of the member in representing the electorate. Of course, this is, in part, the purpose of the sanction, so a penalty of this nature needs to be available, but it should be imposed in moderation.

A third major subject for consideration -- in addition to conduct and sanctions -- is process. Here I think the guiding principle must be that, in impaneling its ethics committee, the body is stepping outside its constitutional role as a legislature and taking on a quasi-judicial function. That is, it is no longer passing laws for the general governance of all citizens but deciding whether or not to take away from a single citizen rights and privileges which that citizen alone possesses. The responsible discharge of this duty requires careful adherence to procedures that ensure fundamental fairness.

I am not, of course, suggesting that the ethics committee be bound by the rules of procedure and evidence that would apply in a jury trial in court. I do urge, however, that, in order to assure procedural fairness, a legislative body should consider looking to some well-accepted model -- such as the Administrative Procedure Act -- for quasi-judicial rules to govern these hearings.

I suggest, also, that both the fairness and the efficiency of the process would be enhanced if the committee were to have a non-member legal officer to rule on procedural and evidentiary questions as they arise; ie., something akin to the model of the court martial, where the panel makes the ultimate decision on the merits but the law officer deals with procedural issues along the way.

Your letter of April 25, 1996, asks what the size of the committee should be. I doubt that there is any right answer to this question. However, my own preference would be for a small committee whose members feel a responsibility to become truly expert in the committee's work. I would think that a committee of six or eight would suffice.

You ask also about confidentiality. At the stage of the proceeding in which the committee is only concerned with determining if there is probable cause to bring a charge, the proceeding should be completely confidential. At this stage, the committee resembles a grand jury. Both for the protection of the subject member -- whose reputation could be damaged by baseless charges -- and the protection of the witnesses -- who may not come forward if it means entering a public spotlight -- confidentiality should be scrupulously observed. Of course, if a charge is filed, it is in the interest of everyone that the hearing becomes public.

Thank you, again, for the opportunity to present my views. I hope you and your colleagues find them of value.

With best regards,

Sincerely yours,

John D. French

JDF:dan

M2:20015264.01

May 2, 1996

For Task Force the Revamp House Ethics

House actions since 1973 on ethics issues

January 11, 1973 page 126

Flackne moved that House Seat 65B Ramsey County currently occupied by Donald M. Moe be declared vacant pending final determination by the proper courts of competent jurisdiction, on certain accusations contained in an indictment issued by the Grand Jury of Ramsey County against said member on December 6, 1972.

VOTE: 41 yeas (Savelkoul)
87 nays (Growe, Sieben)

January 11, 1973 page 127

Dirlam moved that House Seat 6A St. Louis County, currently occupied by William R. Ojala, be declared vacant and that the vacancy be certified to his Excellency, Wendell R. Anderson, Governor of the State of Minnesota, so that he may issue a writ of election, as provided for by law, to fill said seat.

VOTE: 44 yeas (Savelkoul)
84 nays (Growe, Sieben)

March 13,1986 pages 7456-7475

Committee on Rules and Administration, Select Committee on the Stanton Case Report. Recommendation to "expel pursuant to Minnesota Constitution Article IV, Section 7"

MINORITY Report of Select Committee recommendation to "censure"

VOTE: 63 yeas
69 nays

MAJORITY Report
VOTE: 80 yeas
52 nays NEED 90 TO EXPEL

MINORITY REPORT
VOTE: 99 yeas
31 nays

March 29, 1988 page 10452

Rules and Legislative Administration, Select Committee on Ethics Report Re Kenneth Kludt - recommendation Written Apology Adopted

SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS
THE HONORABLE HARRY SIEBEN, CHAIR
WEDNESDAY, MAY 7, 1996
300 North State Office Building

Chair Sieben called the meeting to order at ~~1~~:30 p.m., Wednesday, ~~May 7,~~ 1996, in room 300 North of the State Office Building. Members present were:

Chair Harry Sieben
Secretary of State Joan Growe
Judge Phyllis Jones
Dean Raymond Krause
Ms. Connie Morrison
Judge Walter F. Rogosheske
Mr. Henry Savelkoul
Justice Robert Sheran

Visiting with the Committee and sharing their views on ethical conduct and Ethics Committee responsibilities were:

Representative Edgar Olson, Chair, House Ethics Committee
Senator Ember Reichgott-Junge, Chair, Senate Ethics Comm.
Peter Wattson, Senate Counsel

Deb McKnight, Legislative Analyst, House Research, was requested to draft a revision of House Rules to include changes discussed (what is unethical conduct; size; confidentiality) and to circulate to Committee members before next meeting.

The next meeting will be held June 12, 2:00 p.m.

The meeting adjourned at 3:15 p.m.

SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS - MAY 8, 1996

****

Reichgott-Junge: Thank you. That was helpful for background. By the way, our committee had one attorney out of the four, but I might just say that the attorney was the one who asked the most questions of outside counsel., which was interesting because it was because of the issues raised. So I don't think your concern was probably going to be the one that would occur.

Mr. Chairman and members, thank you very much. I appreciate the opportunity to talk today about the process and the ethics committee of the Senate. For those of you who have not met me, my name is Ember Reichgott Junge and I am chair of the Ethical Subcommittee, the subcommittee on Ethical Conduct in the Minnesota Senate. We were appointed by the Majority Leader and by the Rules Committee.

Your questions were very helpful, I think, in helping me to come to some closure on some issues that I had been wrestling with over the last few months, and I may go beyond your questions as well, because any advice that you give to us will be most appreciated, and I certainly respect and appreciate the time that all of you are taking to look into this process generally.

First of all, what is ethical conduct? I will only tell you how I try to put my arms around the issue. I don't speak for the committee at all today, of course, but there were two issues particularly that were of concern to me. The first is, what jurisdiction does our committee have over what conduct? In other words, how do we deal with conduct normally thought to be within the personal realm or within the realm of that person's other profession. Let's say their legal profession or their other job. For example, if someone is accused of harassment in the work place in their role as a business person, but there is no such evidence here in the Minnesota Senate, is that an appropriate thing to file a complaint about? If in fact it has been resolved in the workplace separate and apart from the Senate. Is that something that should be fodder for a complaint?

Closer to home, if a person has one DWI, is that indeed Senate conduct or is that something that might and better be resolved within their personal life, and certainly evaluated by the voters, in either a recall election or a future election? What about domestic violence? As egregious as that conduct is, is that truly affecting their Senate conduct. Is it truly personal? And I think that as our cases unfold in the Senate, I found myself weighing these cases on a continuum and the more they related to personal conduct, the less I felt the need to impose strict penalties. And the more that they became closer to Senate conduct, like a phone abuse for example, or the individual who was alleged to have given an offer of money to keep things quiet to protect his senate career. That to me is related to Senate conduct. So that scale was something by which I measured all of the cases.

The second scale that I measured the cases in my own mind, was on a scale of whether the

conduct was intentional and fraudulent versus unintentional or non-fraudulent. The more that it appeared to involve fraud or deceit, the more concerned I became and the more I would impose or in my mind think about imposing more severe sanctions. For example, DWI, domestic violence, would not normally be considered intentional conduct. However, in the case of Senator Finn, for example, the issue that was before us was , and the only issue before us, was that of whether or not there was an intentional destruction of documents before the Grand Jury. Even though there was an ongoing criminal proceeding, I felt, and I think it was shared by the Committee members that that was something that because of the underlying question of fraud, or intention, should still be looked at by our committee. And as it turned out, that provision was dropped from the charges as it turned out later on. But it gives an example of the kind of thing I mean by fraud or intention. And I think that goes to the very integrity of the public official and the public service notion, and that is why to me, that is high on my range.

The third question about what is ethical conduct is when it occurs and what is covered by our committee, so what do you do with conduct that occurred prior to the Senate service? And then they become elected, maybe the public did not know of the transgression at the time, now it is public. Can we go into that? Our subcommittee as a group decided that we did not want to explore conduct that occurred prior to the time of that member's election to the service in the Senate. So we limited, in the Finn case, for example, our hearings only to the conduct that occurred after the time he became a senator.

SIEBEN: For that term or for prior terms?

REICHGOTT_JUNGE: In this case, for the earlier term as well, Senate service.

In general, I believe that our Senate process worked. It worked probably for four reasons.

1. It was public from start to finish.

Secondly, it was small. The committee was small. We are four. I think that what that means is more cooperation, less partisanship and more consensus. The role of the chair in a small committee is very important, because the role, I believe of that chair, is important as a consensus builder more than anything and a guardian of due process.

The third reason I think it worked well is because of the incredibly valuable advice we received from our independent counsel, Justice Sheran being one, Justice Amdahl the other. And I alluded to earlier, I think that the role that most helped me as chair was in that role of making sure that we were guarding due process rights and making sure we could not be challenged in our work. I always believe that a good process means a good result. And so I think that the third reason is because of the very valuable support we received from our counsel.

The fourth was the support we received from bipartisan leaders in the Senate for the work of the subcommittee. Once we made our determination, in all cases, our recommendations were supported by the leaders of both caucuses. Not every member of both caucuses b y any means. Some chose to vote differently. But I think having the leadership support us was affirming for the

work that we had done, and was very important to our process.

I have spoken already to your second question about the proper size of the committee. I truly would recommend a committee of four. I think it worked well and we really had an centergy and it really was non-political and I really thanked the members for that.

Third, confidentiality. I believe the Senate rule works. I am sure you have looked at it at some point in your work, but basically we, as a Senate subcommittee, can order an executive or private session by vote of three members whenever the subcommittee determines that matters relating to probably cause are likely to be discussed. The Executive Session must be limited to matters relating to probable cause. Upon a finding of probable cause, further proceedings on the complaint are open to the public. This rule was amended just last year, 1995, because we had a little problem with it. One of the first rounds in the Finn proceedings. In all honesty the media pointed out to us that it was vague, and it was, and we corrected that.

We never used it since. We never went into private session since. And I think there is a couple of reasons for that.

Number 1, I do believe that in most cases these things are going to be public one way or the other. I mean, I think that in these cases, the ones we were dealing with, most of the facts were public and there wasn't going to be any change in that regard. But secondly, I really think that being public will deter frivolous complaints because the person must stand behind the complaint. And they must defend it. I will share with you that a complaint was filed with me n confidence this last session, and I went back to that complainant and said, I can't keep it confidential. I have to post a notice, we will have to post a hearing, and the name of the complaint is going to be there and everybody will know there was a complaint filed on this person and who the complainant is.

SIEBEN: Is the complaint itself public?

REICHGOTT-JUNGE: No. It will be, it is under our rules once I go forward with a hearing and set it up for hearing, At the time it was submitted to me privately in confidence.

SIEBEN: Even before a finding of probable cause the complaint itself is public.

REICHGOTT-JUNGE: Yes, under our rules it is public in the sense that everyone knows that a complaint has been filed and we have to have a hearing on it, and yes, once it comes to the hearing, it would be distributed to the members and then go public at that time.

But in this case this person insisted it be held in confidence, and I said I could not, and that person finally at the end, I had thirty days to do something about it and to hold a hearing, and like on the 29th day, the complainant withdrew the complaint. So that was an instance where that person was not willing to go public with the complaint.

The third reason why I believe that our process works is because if a complaint is frivolous and the committee dismisses it, I believe that the public and the press will respect that if it is a good

process. The example I use there is the one regarding the conflict of interest request that we had, to look into conflict of interest in the case of Senator Stumpf. He himself requested that. We as a subcommittee looked into it, we heard the information from Senator Stumpf and from witnesses, all four of us came to the conclusion that there was not a conflict of interest. We had detailed findings about that. We distributed them, they were public, and it was respected. There was no spin, there was no question about the four of us trying to cover something up. I mean it was accepted, and that again was affirming.

And so what I am trying to say is that if we truly dismiss a complaint, I think the public will respect that maybe there wasn't anything there, or they will look at the findings carefully to determine why we made that decision.

So I would recommend something like our rule for confidentiality. I would say that there are times when confidentiality will be required. And specifically when rights may be violated. And particularly when rights of a witness or a complainant or someone involved, lets say in a harassment situation, where they do not wish to go public. I think there we may want to consider going private to determine probably cause, to give the witness some comfort.

SIEBEN: How would you get there without the complaint being public?

REICHGOTT-JUNGE: The complaint would have to be filed against XYZ person, Senator X. But in the complaint I suppose what they could say was you know, a person has alleged harassment against her, and then at that point you could go privately. Actually, I have not thought that through, but I would hope there would be ways to protect that person. But the person who has alleged to have done it would not be private.

And the only other thing is, and we have not wrestled with this too much, because we didn't have to, the question would be whether there would be rights of a Senator or member put in jeopardy in a future case of some sort. On of the first things we did in Senator Finn's trial was to check with the US Attorney's office to see whether or not there would be some conflict if we went ahead while the criminal proceedings was going on. We never got to the point where Senator Finn had to make a decision one way or the other whether to proceed. But if in fact he had raised the issue that his rights might be violated, that might be something else we would have to look at.

So, those are the issues regarding confidentiality.

Let me move on to a couple of other points, and I arrived today when Justice Sheran was talking about the role of independent counsel, and I would like to add some thoughts to that.

First, I would like to propose that our Senate rules be amended to authorize independent counsel when needed, and that funds should be authorized when necessary for any kind of complicated fact finding type of counsel. In my personal view, I think the proper role of independent counsel is three. First, is the one that has been talked about, the guardian of due process, very very important, and so important. Even to me a lawyer, it was just extraordinarily helpful. The second one that I think is really important is that of a fact finder. When confronted with the Finn case, a

very complex case, many many different things going on, our counsel and others -- the time it would take for them to investigate it would have been just too much.

I had at that time suggested hiring independent counsel to actually do a fact finding for us and present those facts to us, so we wouldn't have to do that, and indeed we might want to hire that. At the time it was so new, we didn't have funds and all that, it was not an idea that was pursued, but I would like to pursue it with more vigor in the future.

The third role of independent counsel is the one that we asked of counsel, but in all honesty I am least comfortable with. And I think they were too. And that is the role of having to recommend sanctions for particular conduct. I have always viewed the independent counsel role more as the process role, the guardian role and the fact finding role, not so much the person who provides the sanctions or the recommendations for sanctions. I personally found them very helpful, they were affirming, and in the way they did that I thought it was very appropriate in that they basically allowed us to come to our decisions and then affirmed, or maybe gave us pointers or thoughts to consider along those lines. And the affirmation is always very good. But I do think that is the role that we struggled with the most as a group.

A couple of other issues, real quickly. I would like to suggest that the advisory committee on ethical conduct can well be advisory in nature, and not just one that is adversarial all the time. We have been exploring that recently in the role of conflict of interest. After Senator Stumpf's case came before us, I had no less than two other Senators approach me and say, "you know, I would really like just some advice about whether or not this contract I want to enter into, or this business relationship I want to enter into constitutes a conflict. I don't know really where to turn." Technically, you are supposed to go to the Ethical Practices Board. It is not a very comfortable place for legislators to go. And so is there another place that they can go? And we are now developing, I have been working with my co-chair, Senator Denny Fredrickson, on a procedure to send out to the members, saying if you do want to ask for advice, it is okay, and here is the process. Go to our counsel first, and if counsel believes that there is some need for committee review, we can take it a step further. If it is an issue that might affect many Senators, lets look at that and lets give advice up front, or even when an issue has been raised in the district. We would be happy to do that.

That hasn't been used in that way. But our rules certainly allow it. The rules allow any member to ask for advice, for himself or herself, or for someone else that might be involved in something.

So, I would like to see the use of the committee in a possible advisory role, not only for conflict of interest, but it occurred to me that there may be a role here on ethical issues as well. If certain conduct has been raised, it has become an issue, its maybe becoming a political issue, an individual may want to come voluntarily before us and say what do you think about this conduct? Was this wrong, if so I would be happy to do whatever it is that I need to do to make it right. I don't like it to be always adversarial. I wish we didn't have to have a complaint all the time. We don't under our rules. But if somebody wants that guidance, if they have done something wrong and they say, I want to submit myself to the committee -- which Senator Solon did the first time around, then I think we should do that and that should be an accepted part of our process.

Two last points to think about. The question came up especially on extended proceedings. Who pays attorney's fees. Who pays as counsel was saying, who pays for the work of the complainant or the prosecutor. Now we don't have as much of a prosecutorial system on our side as you do. We are more fact finding, but there were many questions raised about, in this case, the role of the minority caucus in preparing the complaint. Who pays for that? Does the state pay for that? And should that be the case? And then on the side of the person being accused, should they have attorney's fees reimbursed. The reason there is precedence for this issue is because campaign violations, where those issues come up, the opportunity arises for them to ask the Senate Rules Committee to be reimbursed in campaign contests. Both sides. And the Senate has, on occasion, awarded attorney's fees back to the two parties involved in those cases. Should this be treated in the same way?

The last issue is should ethics committees meet year round? Or be able to at least complete complaints that are filed during the session? I absolutely understand why it is not a good idea to have new complaints filed right now. Because we have an election coming up, and we don't want political mischief and I understand that. But when indeed complaints are filed in timely fashion during the session, but are unable to be completed for various reasons, either waiting the outcome for a criminal trial, or health reasons, or whatever, should those committees be able to complete jurisdiction on those complaints? We are wrestling with that now as you can tell.

This works both ways. What if a complaint is filed against a member and they are acquitted in a criminal trial? Then they have this complaint hanging over them which has never been resolved. And that was a concern of mine as we were awaiting the verdict for Senator Finn. And if he was acquitted, he would still have this complaint and we would have really no way of dismissing it, unless we just kind of did it informally.

And so those would be some of the issues that I would raise. So, Mr. Chairman and members, I truly appreciate the chance to offer some comments and probably raise more questions than answered, but I also very much appreciate your looking into it, and any advice you can give us on some of these issues and the things that you are working on.

SIEBEN: Thank you very much. Good comments. We appreciate them. If there is a criminal charge pending, such as Senator Finn, was the fact that that hadn't been resolved, is that the reason for not hearing the same things>

REICHGOTT-JUNGE: We struggled a lot with that. In this case, the decision of the committee number one, was to limit our jurisdiction only to conduct that occurred during the time that he was a sitting Senator. Which limited greatly what we could look at in the Finn matter. Most of it occurred prior to his service in the Senate. That left only one major issue, the obstruction of justice issue, and then some smaller issues left. The reason we did not pursue it in the Finn case, was because we knew that in something like that, an obstruction of justice issue, it was really important that we hear from the witnesses. We were not going to go off the papers on the prosecutor. And in this case, that was the right decision. Because in the end the prosecutors themselves asked to dismiss this very charge. Because their witnesses, apparently for whatever reasons, they didn't want to bring forward. So we were urged by the complainant to go ahead

even without the witnesses, and we said no. I think our experience subsequent to that in hearing from witnesses in other cases, absolutely verifies that in one of these cases where it is his word against another word, we must hear from the witnesses. They refused to come forward, or they did not choose to come forward or they gave defenses or whatever. And because we couldn't get the witnesses, we could not deal with that issue and we didn't.

SIEBEN: You had subpoena power, didn't you?

REICHGOTT-JUNGE: We do, but in this case there was tribal sovereignty issues, there were roadblocks in our way, we had to go to the court and get dispensation for federal agents to come forward. In one case, one was incarcerated and was not healthy. So there were lots of different issues that we just felt we couldn't overcome all those obstacles.

SIEBEN: But the members criminal conduct, or the issue of a criminal offense is tried and you are acquitted, under some circumstances would the committee continue and say, well that is the way the criminal system dealt with it, but we want to hear the same stuff again. We will make our own decision on whether there was a violation or not. Or, would the fact that the same conduct is dealt with in the criminal justice system, would that be enough , and acquitted, would that be enough for the committee to say, okay, we are going to close our books on it too. Because it is the same charge, we are not going to hear it again.

REICHGOTT-JUNGE: That is a real open question. Any or all of the above could occur. I think it really depends on the case. And we struggled with that a lot in the Finn one. I think that though in my mind there are two different points here. One is a criminal case and we are an ethical subcommittee. Ethical conduct subcommittee. And so the ethical issues may well be apart from the criminal issues, and in my view the coverup issue was an ethical issue that was different, and so there is a difference. But you say what if we had sanctioned him for that and he was acquitted. Well, there are two different standards. Lets face it. Reasonable doubt, so that could occur. We never got there. It is a struggle. We wrestled with that. As it turned out, we couldn't go forward so that probably was the best result in this case.

But, if you have advice on that, I would be very open. Very thorny issue. May I just add too that all of these cases on issues are cases of first impressions. We have never dealt with these things before. The last two years have been totally new. We were making precedent as the Justice helped us to understand and that is why we wanted to be so careful, and we will continue to take it case by case.

SAVELKOUL: Senator, a couple of questions, how is that Majority and Minority leaders seem to work together better on these issues in the Senate? Is the Rules Committee really appointing a recommendation of the minority to the committee or is it cold turkey, I guess, is one of the questions. And then the other is, I think I concur with your approach that it should be public unless you make some kind of a finding that sets the standard for confidentiality, but as a practical question, how do you get over that hurdle of making it confidential when there might be a consensus that there really needs to be in light of all of the other pressures that can develop?

REICHGOTT-JUNGE: Well those are two good and hard questions. The first one is why is it different in the House and the Senate. I have never served in the House and I can't speak to the culture. The Senate has had a tradition of working together more in a bipartisan fashion. I think that helped us a great deal. I think also the leadership of the Senate, the Majority Leader brought in the Minority Leader early on in these issues and said we need to deal with these together, because you know, its our people this time, but it might be yours next time. And I think the Minority leader understood that. That what we were doing here was developing a process. So the Minority Leader was brought in early to talk about independent counsel, in fact this started out as his idea, as an independent commission. We tried to incorporate their ideas along the way.

Personally, from the level of the subcommittee, the first thing I did was ask Senator Frederickson, the Minority ranking member, if he would serve in the capacity of co-chair. And all the leadership decisions in the subcommittee were made jointly. I didn't make a decision alone. I never did. Normally, it would be with him, our counsel and our two outside advisors. And that was extraordinarily helpful. Denny was extraordinarily helpful in this process, and I think it made a big difference. So anytime we suggested a process, it was decided on by the two of us.

So I would recommend that too among the leadership of the subcommittee. I think a lot of it depends on the personalities involved in the leadership in the House and the Senate as well.

MORRISON: Just curious, don't you think it helps not to have quite so much partisanship when you don't turn over every two years?

REICHGOTT-JUNGE: Yes, I think so.

MORRISON: I think that is part of it. I would just like to, while I have the floor, say that I just thought your remarks were very very useful and helpful. Clearly, the two committees don't work a thing alike though do they? Some of the reasons perhaps, I have never yet figured out why the House committee got so big. But maybe one of the reasons it got so big was because of the privacy issue, whereas yours is open.

GROWE: One more question, the members of the committee in the Senate are appointed by the Majority Leader and you said with the Rules Committee.

REICHGOTT-JUNGE: Well, with consultant with the Minority Leader, and I was going to ask counsel, did the rules committee ever approve, did they ratify us or not. I forgot.

WATTSON: The members of the subcommittee are appointed by the Subcommittee on Committees, the Committee on Rules and Administration. Senator Moe proposes a slate but before he proposes a slate to the subcommittee, he always consults with Senator Johnson, the Minority Leader about who he would want as the Minority representatives. So the two of them would have been in agreement on who the four people would be at the beginning.

REICHGOTT-JUNGE: By the way, Mr. Wattson, of course, served as our counsel throughout the proceedings and was a tremendous help and I have suggested he might want to make some

comments if that was of interest to the committee. He has been through every step of the way.

If I may just go back Mr. Savelkoul to your second question on confidentiality just real quickly. I don't want to miss that one. I think if I recall the question, it was you know, what if you really have to go private, but the public is saying no. Is that kind of what I heard. That is a tough one and we were in that a little bit. There were sometimes there where even the attorney for one of the Senators said you should be private, but no one made a motion. So there was just no way we were going to go private. We were not going to.

But I can see that those cases will arise and there will be pressure. My hope is that if we build credibility in the process, if we build credibility so far on what we have done and what we will hopefully, I hope we won't have any more work, but in the future if we do, that maybe the public and the press will just respect that and that is all you can do is build credibility and reputation. And hope that the four of us will withstand the pressure and do what is right. I really think the four of us tried to work as hard as we could together to do the right thing and I think we would in a case like that and close it if we had to.

MORRISON: Your point about rules, now does the finding of your committee then go to Rules and if so, what is Rules role. Do they change anything or do they okay it or deny it, or exactly why does it go to Rules and what is done with it there?

REICHGOTT-JUNGE: The recommendation of the subcommittee is to the Rules Committee. Its fully debated and approved one way or the other, and in some cases was amended and modified, in this case. The sanctions that we recommended on one member were modified in the Rules Committee. The Rules Committee didn't feel they were tough enough and so they added a reprimand. Actually, it was a clarification. There had been a reprimand, we didn't think we had to do it again, but they really wanted to do it again. So, it was modified by that suggestion and that became the recommendation of the subcommittee.

MORRISON: So it is normal procedure then for rules to modify findings?

REICHGOTT-JUNGE: To review, debate and decide whether to approve, modify or reject them.

KRAUSE: I also wanted to thank you. I thought your comments were very helpful. I was particularly intrigued with your thought process on the question of what is ethical conduct or is not. Particularly when you were talking about fraud or deceit, not intentional conduct, things occurring prior to service in the Senate. Could you clarify for me a little bit though, where you draw those lines as far as in some instances you were talking about it going to the sanctions, the severity of the sanctions, in others, it was whether there was a violation in the first instance, and how do you wrestle with some of those issues that you raised here and whether they go to the severity of sanctions or whether there is an ethical violation in the first place.

REICHGOTT-JUNGE: That is an excellent question. We can only respond as a subcommittee to complaints that are filed or request for advice. And so, it my view, although I do not condone domestic violent conduct, I don't think it was an appropriate complaint in the Senate. But once it

came to us, that is not an option. We must deal with it. We must respond to the complaint and so the next way I can do that, in my own analysis again, no one else, is that well, I am going to probable focus on a lesser severe sanction instead. Because I don't have, I mean, I am not sure you can, in this political climate, I don't think you can just dismiss a complaint when it has occurred and you have got a conviction and all that. You must acknowledge that it occurred. But I don't think the complaint on that should have been brought in the first place, nor do I think it would have been had there not been three or four others that had all made this much bigger thing. And that I think is also why you never saw a complaint come forward in the Senate for our subcommittee on the one DWI that occurred. I think we were starting to understand this distinction a little more.

SIEBEN: What about the whole issue of let the voters decide and all that and if somebody's conduct has been laundered through a campaign, and the constituents of that legislator decided to elect them anyway, is it treated as that is enough, we are not going to keep this issue alive. Say it is somebody running for reelection. The conduct occurred during their prior term of office. It is in the public domain, treated or not treated within the campaign, but available to be dealt with during a campaign, and the voters elect that legislator, reelect that legislator, so you get to the next legislative session and somebody makes a complaint and says, well, in the past session, this legislator did something that they think is terrible, and one response logically well, the voters decided to send that person here knowing about all these other problems that the person has. What do you think about that whole concept or idea.

REICHGOTT-JUNGE: It came up several times. Senator Fredrickson and I discussed it at length and we felt that if the public had full knowledge of the facts and the record was public, lets say in the Joe Bertram case, he had chosen to run again at that time. As long as the facts were public, there was a transcript anybody could know, and then if he was in fact reelected after his resignation, would we pursue the complaint. I think the answer was no. That at that point the people had decided, with full knowledge.

The question arises when the people don't have full knowledge. And it is not fully public, and that is a more difficult question. The Constitution of our state says, that even after expulsion you may run again and be reelected. It is not our place at that point to say that you can't serve again. In fact, the Constitution says, you cannot expel someone twice for the same conduct. So there is a philosophy in our Constitution that the final say, the final arbiter is the voter, and I respect that and that is part of our analysis, that if they truly have public knowledge of it and it is part of the campaign process and they are reelected, that is the end of it for that conduct.

SIEBEN: Senator, thank you very much.

REICHGOTT-JUNGE: Thank you. Again, I appreciate the work you are doing and I will look for your recommendations for help as well.

Mindy Greiling
State Representative

District 54B
Ramsey County

Minnesota House of Representatives

May 3, 1996

Dear Chair Sieben and Special Task Force Members:

I am sorry I will be in Seattle on May 8th, but very much appreciate being asked to testify, as well as your work in general.

In lieu of verbal testimony, I respectfully submit the following answers to your questions:

1. Ethical conduct is acting above a reasonable person's reproach: with honesty, legally, respectfully, fairly, kindly and courteously. I strongly subscribe to the theory that legislators are not mere employees of the state, but rather representative of the people. As that, we should stand out as role models of virtue.

2. I believe there should be six members. The current House committee, inflated this year to 12 members, is too large to operate in the high-minded, nonpartisan fashion originally intended.

3. The public and the press clearly have demanded that the entire process be open, preserving confidentiality only for those documents and witnesses where special legal priviledge would exist for any nonelected individual. Legislators do not merit special considerations.

   In the former House ethics rules, proceedings were secret until probable cause was determined. I believe honorable intent was to prohibit political points being made through frivolous charges. This year, however, Minnesotans found that this goal could not be attained (even without Rep. Tom Workman's actions), because a loophole existed, i.e., before a complaint was filed partisan points were being made quite regularly as potential plaintiffs debated in the press whether or not they had evidence to file a formal complaint. Since the same damage to an individual can clearly be accomplished via that mode, the confidentiality stage no longer serves a useful function.

Sincerely,

Mindy Greiling
State Representative

2495 Marion Street, Roseville, Minnesota 55113 (612) 490-0013
State Office Building, Constitution Ave, St. Paul, Minnesota 55155-1298 (612) 296-5387
House Fax (612) 296-1563 TDD (612) 296-9896

May 2, 1996

TO: Members, Special Task Force to Revamp House Ethics

M E E T I N G N O T I C E

WHEN: Wednesday, May 8, 1996

WHERE: 300N State Office Building

TIME: 1:30 P.M.

AGENDA

Discussion on

1. What is ethical conduct?
2. What should be the size of the committee?
3. What should be confidential and how should confidentiality be handled?

Justice Sheran - the Speaker's outside spot will be available for you to park. The parking spot is outside the ramp on Aurora (off Rice Street) between the Ramp and the public parking lot. It is the spot nearest the entry to the public parking lot.

Any other questions, please contact Virginia Lanegran or Darlene Keran 296-4276.

Steve Smith
State Representative

District 34A
Hennepin and Wright Counties

Minnesota House of Representatives

COMMITTEES: ETHICS, VICE CHAIR; COMMERCE, TOURISM AND CONSUMER AFFAIRS; REAL ESTATE AND COMMERCE SUBCOMMITTEE; JUDICIARY; JUDICIARY FINANCE DIVISION; CIVIL LAW SUBCOMMITTEE; LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT

June 6, 1996

Ms. Darlene Keran
Chief Committee Clerk
Special Task Force to Revamp
House Ethics
470 State Office Bldg.
St. Paul, MN 55155

Dear Darlene:

I have received your notice of the Special Task Force meeting set for June 12 at 2:00 p.m.

Because of a previous appointment, I will be **unable** to attend this meeting. Please provide me with a draft of the proposed changes so that I can review it and provide written comment if I so wish.

Thank you.

Sincerely,

Steve Smith
State Representative

2710 Clare Lane, Mound, Minnesota 55364 (612) 472-7664
State Office Building, 100 Constitution Ave, St. Paul, Minnesota 55155-1298 (612) 296-9188
IR FAX (612) 296-8803

SPECIAL TASK FORCE TO REVAMP HOUSE ETHICS
THE HONORABLE HARRY SIEBEN, CHAIR

Wednesday, June 12, 1996
300 North State Office Building

Chair Sieben called the meeting to order at 2:00 p.m., Wednesday, June 12, 1996, in Room 300 North of the State Office Building. Members present were:

Chair Harry Sieben
Secretary of State Joan Growe
Judge Phyllis Jones
Dean Raymond Krause
Ms. Connie Morrison
Judge Walter F. Rogosheske
Justice Robert Sheran
Judge John E. Simonett

Chair Sieben started the meeting with discussion of the "Proposed House Rule Changes." Deb McKnight, Legislative Analyst, House Research, will draft the revised House Rules to include changes discussed and will circulate before next meeting..

The next meeting will be held Wednesday, June 26, 2:00 p.m., 300N.

The meeting adjourned at 3:20 p.m.

Research Department

Thomas Todd, Director

600 State Office Building
St. Paul, Minnesota 55155-1201
(612) 296-6753 [FAX 296-9887]

Minnesota House of Representatives

May 6, 1996

TO: Special Task Force to Revamp House Ethics

FROM: Deborah K. McKnight, Legislative Analyst

RE: Ethics Committees in Other States

You asked Tom Todd and me to review legislative ethics committee composition, jurisdiction, and procedures in other states. We were able to identify 15 states with either a joint legislative or separate house and senate ethics committee. We obtained statutes and\or rules from most of these states. Wherever a state is mentioned without added reference to "House" or "Senate," the state is one with a joint committee.

This memo focuses on aspects of the statutes or rules on those committees that relate to the issues raised in the first two task force meetings. The final section of the memo points out some additional potentially interesting committee features noted during the review process. Because the goal is to point out relevant features rather than survey these states as such, there is no attempt here to account for each state's provisions on each issue reviewed. Also, on many points of interest to the task force, rules or statutes were silent.

The committee

Size and membership: A joint legislative committee of eight members, four from the house and four from the senate, with the same number from each of two political parties (New Jersey, New York, and North Carolina).

A committee of five to seven with party membership reflecting party membership in the body (Colorado House).

A committee of six, not evenly divided between the major parties, but the chair of the committee rotates between parties (California Senate).

Non-legislator members:

Jurisdiction over non-legislators: Employees (California Senate, Iowa House, New Hampshire, New Jersey) and lobbyists (Iowa Senate and House), clients of lobbyists (Iowa House).

"Statute of limitations"

The California Senate will hear a complaint up to 18 months after the conduct occurs except (1) the complaint may be filed three years after the conduct if the conduct could not have been known with reasonable diligence earlier and (2) complaints filed during the 60 days before an election will be returned to the filer and may be re-submitted after the election.

The Iowa Senate committee may meet after sine die and its recommendations will be referred to either the next regular session or any intervening special session for action. The Iowa House will refer post sine die recommendations only to the next regular session.

A complaint must be brought within one year after the conduct occurred or after it should have been discovered through reasonable diligence (New Jersey).

A complaint may be brought within three years after the alleged occurrence (Iowa Senate).

Grounds for an ethics complaint

Each state reviewed specified the grounds for ethics committee action.

Violation of ethics code provisions adopted by the Senate pursuant to law (California Senate)

Violation of the rules of the body or a specified constitutional provision (Colorado House)

Violation of specified ethics statutes (Kentucky and New York)

Violation of law, ethics guideline, rule, or regulation (New Hampshire)

Violations of the conflict of interest law, a code of ethics adopted by the body according to law, and whatever house or senate rules the respective bodies give the joint committee jurisdiction over (New Jersey)

Violation of senate/house ethics code, rules governing lobbyists, or a specified ethics statute (Iowa Senate and House)

Violation of legislative ethics act or rules of the body, or violation of the criminal law while acting in one's official capacity in the lawmaking process (North Carolina)

Procedures

Use of outside counsel or special prosecutor: Permitted in various states (Iowa Senate, New Hampshire, North Carolina)

Required after the committee determines that a complaint meets form and content requirements (Iowa House)

New Jersey's joint committee prohibits hiring outside legal counsel.

Burden of proof: This is not specified in many states.

A decision to hold a probable cause hearing, and a probable cause finding itself, each require a two thirds vote in the California Senate. The final determination of an ethics violation requires a majority vote by clear and convincing evidence.

"Clear and convincing" evidence is required for establishing improper conduct or ethics violation in New Hampshire and the Iowa House and Senate.

Sending ethics committee recommendations directly to the floor: Many states do not indicate how this issue is handled.

The California Senate committee sends minor violations to Rules, with a recommendation that Rules impose sanctions denying or limiting the exercise of a right or privilege. It sends serious violations to the floor with a recommendation for reprimand, censure, or expulsion.

The Iowa Senate and House specify that the committee recommendation goes to the floor.

New Hampshire house rules imply that the committee report goes to the speaker and then to the floor, but the rules are not clear.

Confidentiality

Confidentiality is maintained by the committee from the filing of a complaint to the receipt of the subject's response, "if the complaint is not otherwise made public" (Iowa Senate).

A complaint is kept confidential until the committee meets to decide probable cause (Iowa House).

The California Senate follows the Minnesota House rule: confidentiality until probable cause determination, unless the subject requests otherwise.

Hearings are open unless a majority of the committee votes otherwise (New Jersey).

The committee may close any meeting by majority vote taken in open session. If a matter is dismissed or private admonishment is given, records remain closed (North Carolina).

Proceedings and records are to be confidential unless the subject of the complaint requests a public hearing. In addition, if there is a public charge that a proceeding is occurring, the committee at the request or with the consent of the subject member, may issue a brief explanatory statement to confirm or deny that a matter is pending, to clarify procedural aspects, to state that the subject has a right to a confidential hearing, etc. (New Hampshire).

Deliberations on final determination are to be in closed session; apparently the hearing on the evidence is public (Kentucky).

Hearings are closed unless the committee decides to open them (New York).

Other items noted

Who may bring complaints: Most committees limit this to individual legislators.

The Iowa Senate and House and New Jersey allow the committee itself to initiate a complaint.

The California Senate, Colorado House and the Iowa Senate and House allow "any person" to bring a complaint.

Members may participate in meetings by teleconference: New Hampshire

Evidence: The committee is not bound by the rules of evidence but shall receive relevant evidence under oath, subject to avoiding repetition (Iowa Senate).

Sanctions:

For a violation the committee finds does not warrant action by the whole legislature, it may issue written advice, private admonishment, require corrective action, require seeking professional counseling or assistance, and/or impose conditions on specified conduct (New Hampshire).

If there is probable cause to support an alleged ethics law violation but there are mitigating circumstances, the committee may issue a confidential reprimand (Kentucky).

The New Jersey committee may impose a penalty of $100-$500 for violating the conflict of interest law or the ethics code. The body where the member serves may take additional action.

DKM/jb

TAPE: 1

START TIME: 2:10

SIDE: A

PAGE: 1 of 3

COMMITTEE: Special Task Force to Review House Ethics

DIVISION/SUBC:

CHAIR: The Hon. Harry Sieben

DATE: Wednesday, June 12, 1996

REVOLUTIONS: | LOG:

2:00 — Call to order - Chair Sieben

Overview + decisions from last meetings - Chair Sieben

2:12 — Judge Rogosheski (Open/closed meetings?) - Chair Sieben

The Hon. Joan Growe (If needed to note a complaint)

2:15 — " (Circumstances for a closed meeting) - Chair Sieben

Judge Simonett (Application of suggestions?) Ms. Deb McKnight

2:17 — Chair Sieben (Recommend closure @ anytime?) Judge Jones

Judge Jones (At what point made public - time frame?)

2:20 — Judge Rogosheski (Role of Speaker) Hon. Growe

Judge Simonett (Keeping filing confidential) Hon. Growe

2:23 — Judge Rogosheski (Why is Speaker even involved) Ms. McKnight

2:24 — Ms. Morrison (Senate's rule on closed hearings) Ms. McKnight

2:28 — Chair Sieben (Should committee have power to close) Hon. Growe

Judge Jones (Opportunity for complainant to tell accused)

Judge Simonett (Agrees 3-4 to close probable cause)

2:30 — Chair Sieben (To whom should committee report?)

Ms. Morrison (How often does Rules change Ethics finding) Ms. McKnight

Hon. Growe (Senate comparison — questions need to go to rules)

Judge Jones (Ethics recommendation should go to Body)

2:33 — Chair Sieben (Significant change from existing Rules)

2:35 — Dean Krause (Prior testimony - length of process - avoid rules)

Maureen Novak - History of Existing rules

Chair Sieben (Ms. Novak's opinion) Ms Novak

2:38 — Chair Sieben (Task Force Recommends Ethics opinion goes straight to the Floor)

Chair Sieben (When the unethical behavior occurs) Ms. Morrison

2:39 — Judge Jones (Concern being what is "unethical")

2:40 — Dean Krause (Stricter definition needed) Hon. Growe

CMTETAPE.LOG

TAPE: 1

START TIME: 2:10

SIDE: A

PAGE: 2 of 3

COMMITTEE: Task Force to Revamp House Ethics

DIVISION/SUBC:

CHAIR: The Hon. Harry Sieban

DATE: Wednesday, June 12, 1996

REVOLUTIONS:	LOG:
2:41	Judge Sheran (moves to adopt Senate lang of what is "unethical")
2:43	Judge Pogoshesti (concurs - lang. changes)
	Chair Sieban (Giving committee authority to hire outside help) Ms. Morrison
2:45	Ms. Novak (History of hiring from outside, budgetary problems of doing so)
	Hon. Growe (Remove requirement of having a bid for help)
2:48	Ms. McKnight (Existing Committee Rules on outside help) Ms. Novak
	Ms. McKnight (Existence of statute that prohibits foregoing bid)
2:51	Judge Pogoshesti (Need for experienced lawyers) Ms. Morrison Mr. Tom Todd
2:53	Judge Jones (Does existing lang. on outside help go far enough?) Dean Krause, Judge Sheran
	Judge Pogoshesti (Inclusion/Exclusion Due Process) Judge Sheran
2:55	Judge Simonett (Change of language HR2, paragraph 5)
	Judge Jones (Change of lang. H.R.2 - outside help) Ms. McKnight Hon. Growe
2:58	Judge Simonett (Lang. of HR2, paragraph 8) Chair Sieban
Tape B 3:00	Hon. Growe (Committee authority post Sine-Die) Chair Sieban
	Ms. Morrison (Senator Moe's current situation) Chair Sieban
3:03	Judge Sheran (what to do w/ Recommendation of Ethics post-session?) Chair Sieban
3:06	Ms. Morrison (need for recommendation on this) Judge Sheran
3:09	Judge Jones (HR2, page 2, line 33 - semantics)
3:10	Hon Growe (when members don't adhere to rules) Ms. McKnight
	Dean Krause (leave term "appropriate disciplinary action")
3:13	Judge Jones (HR1 Paragraph 9 lang.) Judge Sheran, Judge Simonett
3:15	Judge Pogoshesti - moves for standard of clear + convincing in HR;
	Judge Jones (HR1 includes confidentiality lang)

CMTETAPE.LOG

TAPE: 1

START TIME: 2:10

SIDE: B

PAGE: 3 of 3

COMMITTEE: Task Force to Revamp House Ethics

DIVISION/SUBC:

CHAIR: Hon. Harry Sieben

DATE: Wednesday, June 12, 1996

REVOLUTIONS:

LOG:

2:17 Chair Sieben - new draft by Rob McKnight
circulate + collect comments
need for another meeting?
Hon Growe (recommends meeting)
Next meeting - Wednesday June 26 @ 2:00pm

3:22 meeting adjourned

CMTETAPE.LOG

Research Department

Thomas Todd, Director

600 State Office Building
St. Paul, Minnesota 55155-1201
(612) 296-6753 [FAX 296-9887]

Minnesota House of Representatives

May 30, 1996

TO: Special Task Force to Revamp House Ethics

FROM: Deborah K. McKnight, Legislative Analyst DKM

RE: Proposed House Rule Changes

At your last meeting you agreed to three rule changes, which you asked me to draft and circulate before the June 12 meeting. The agreed changes were to

(1) specify that the grounds for a complaint is conduct that holds the body up to public ridicule

(2) specify that the committee will have four members

(3) make public at all times the existence and substance of a complaint and all hearings, except that preliminary hearings may be closed by majority vote in order to protect an individual other than the member complained about.

The enclosed drafts make the necessary changes in both House Rule 6.10 and the Ethics Committee's own rules.

I also enclose another copy of the list of "Issues raised at task force meetings" so that you can refresh your memories and decide whether you have addressed all the questions you would like to, given your hopes of completing work at the June 12 meeting.

Feel free to call me at 296-5056 if I can help you before the meeting.

DKM/jb

Enclosures

Research Department

Thomas Todd, Director

600 State Office Building
St. Paul, Minnesota 55155-1201
(612) 296-6753 [FAX 296-9887]

Minnesota House of Representatives

April 29, 1996

TO: Special Task Force to Revamp House Ethics

FROM: Deborah K. McKnight, Legislative Analyst

RE: Issues raised at earlier task force meetings

To refresh your memories for questions and discussion at the May 8 meeting, you asked me to list the issues related to possible rules changes or additions that surfaced in the first two task force meetings. Following is that list.

The committee

Should it be reduced in size? For example, to four or six members.

Should it include any non-legislator members?

Should it have jurisdiction over lobbyist and staff conduct as well as over members, as the Senate committee does?

Should it have jurisdiction over complaints received after adjournment sine die, with power in either Ethics or Rules to impose some kind of sanction?

Should the committee be limited to acting on complaints received a specified time before adjournment sine die to insure action can be taken by the whole body?

Ethical violations

Should there be a definition of what conduct constitutes an "ethics violation"?

Procedures

Should the committee rely on an outside investigator or "special prosecutor" approach?

Should the rules specify the burden of proof for establishing probable cause? For a final determination of an ethics violation?

Should the rules specify that probable cause is to be found on affidavits and the statements of the complainants and subject member (to save the time and redundancy of live witnesses appearing at both the probable cause and final hearing)?

How should the confidentiality issue be resolved? Options discussed so far are:

- Retain the current approach of confidentiality until probable cause is found, unless the subject requests a public hearing on probable cause

- Make all proceedings from the beginning public

- Have a presumption of open proceedings but allow closure (1) upon vote of a specified number of members or (2) in specified cases (such as witnesses requesting privacy)

Should Ethics Committee determinations go directly to the floor rather than first being referred to Rules?

DKM/jb

Amendments to House Committee on Ethics Rules of Procedure

1. PURPOSE. The committee shall meet only: (a) to review and dispose of complaints against members (other than those arising out of election contests) which involve conduct that holds the House up to ridicule and which are submitted prior to adjournment sine die; (b) to adopt written procedures for handling complaints; (c) to review and make recommendations regarding ethical guidelines; and, (d) to consider matters referred to it by the Committee on Rules and Legislative Administration or the House.

Pursuant to House Rule 6.10, the following shall serve as the written procedures and due process requirements for handling complaints referred to the Committee on Ethics.

2. COMPLAINTS. As specified in House Rule 6.10, complaints against a member of the House shall be made by two or more members of the House, shall be in writing and under oath, shall name the member or members charged and the actions complained of, ~~and~~ shall be submitted to the Speaker, and shall be public. ~~As further specified by House Rule 6.10, the Speaker and members making the complaint shall hold the complaint in confidence until a preliminary hearing is scheduled.~~

On matters of complaints against members, the House

Research Department shall serve as staff to the Committee only, and not to either the complainants or any member named in a complaint.

The Committee may, with approval of the Speaker, retain a retired judge or other nonpartisan legal advisor to collect information and advise the committee on the complaint.

2A. PROCEEDINGS TO BE HELD IN PUBLIC. Pursuant to House Rule 6.10, the complaint and supporting materials shall be made public ~~once the preliminary hearing has been scheduled, or upon an earlier request from the member named in the complaint,~~ except as otherwise provided in House Rule 6.10 or the Committee on Ethics Rules of Procedure.

All committee meetings shall be held in public, except that the committee may ~~meet~~ hold a preliminary meeting in executive session upon a vote of ~~two-thirds~~ a majority of its members ~~to make a determination on probable cause, to consider a member's medical or other health records, or~~ to protect the privacy of a victim or a third party.

3. PRELIMINARY HEARING. The committee shall, upon receipt of a complaint, hold a preliminary hearing within 21 days to determine the existence of evidence to support the complaint. The member or members named in the complaint shall be given a copy of the complaint, shall be given timely notice of all hearings, and shall be fully informed of due process rights. The committee may, upon a vote of the majority of the whole committee, defer its proceedings until the completion of ongoing criminal proceedings related to the conduct named in the complaint.

At any hearing on a complaint, the members making the complaint shall be notified of the hearing and be given notice of their opportunity to offer evidence of matters alleged in the complaint. The member who is the subject of the complaint shall then have the opportunity to present rebuttal evidence. All member parties shall be advised of the confidentiality of any executive session of the committee and that the confidentiality requirement applies to evidence presented in executive session,

unless a majority of the whole committee votes to make items from an executive session public.

4. FINDING OF PROBABLE CAUSE. If a majority of the whole Committee finds sufficient factual evidence to believe that the allegations contained in the complaint are more probably true than not and that, if true, they tend to support disciplinary action, the committee shall inform the Speaker and the member or members named that it has found probable cause and shall proceed to public hearings to make a final determination whether the evidence is sufficient to support disciplinary action. If a majority of the whole Committee fails to find probable cause, the complaint shall be dismissed. If the complaint is dismissed because the Committee finds the complaint to have been frivolous, the committee shall immediately issue a public letter of reproval to the complainants and may recommend other disciplinary action against the complainants.

5. DUE PROCESS. Any member or members named in a complaint shall have the right to be present at all hearings, to respond to all charges, to be represented by counsel, to call and cross-examine witnesses, to introduce exhibits, and to be furnished with copies of all complaints, exhibits, documents, and evidence in possession of the Committee.

6. COMMITTEE RECORDS. Committee records of executive sessions shall be confidential unless determined by a majority vote of the whole committee that they become part of the public record.

All public records of the Committee shall be disposed of in accordance with Rule 6.06. Confidential records of executive sessions shall be kept by the Committee until the commencement of the next biennial session, at which time the confidential records shall be destroyed by the Chair of the Committee, or the Chair's designee, and notification of such destruction sent to the Chief Clerk.

7. FINAL HEARING. The public hearing to make a final determination whether the evidence is sufficient to support disciplinary action shall be held under the same conditions and

with the same due process as the preliminary hearing. The purpose of the hearing shall be to receive and evaluate the evidence offered in support of or opposition to disciplinary action.

8. CONCLUSIONS. At the conclusion of the public hearing, if a majority of the whole Committee finds evidence sufficient to support disciplinary action, the Committee shall, with or without comment, make a recommendation to the Committee on Rules and Legislative Administration. If a majority of the whole Committee fails to find evidence sufficient to support disciplinary action, the complaint shall be dismissed.

9. RECOMMENDATIONS. A recommendation to the Committee on Rules and Legislative Administration may be to expel as provided by Article IV, sections 6 and 7 of the State Constitution, to censure, to reprimand, or to require action, if any, or reconciliation by the subject member.

House Rule 6.10 Amendments

6.10 THE COMMITTEE ON ETHICS. The Speaker shall appoint a Committee on Ethics consisting of four members. ~~An equal number~~ of Two members from the majority group ~~and the~~, two from minority group and one alternate from each group shall be appointed to the Ethics Committee. The committee shall adopt written procedures, which shall include due process requirements, for handling complaints and issuing guidelines.

A complaint may be brought for conduct by a member that holds the House up to public ridicule. Complaints regarding a member's conduct must be submitted in writing to the Speaker verified and signed by two or more members of the House and shall be referred to the committee within 15 days for processing by the committee according to its rules of procedure. Prior to referring the matter to the committee, the Speaker shall inform the member against whom a question of conduct has been raised of the complaint and the complainant's identity. ~~The Speaker, the members making the complaint, the members of the committee, and employees of the House shall hold the complaint in confidence until the committee or the member subject of the complaint cause a public hearing to be scheduled~~ The existence and substance of a complaint shall be public. However, any hearing to determine

probable cause may be held in executive session if a majority of the committee determines that such a hearing is necessary to protect an individual other than the member against whom the complaint was made. A complaint of a breach of the confidentiality requirement by a member or employee of the House shall be immediately referred by the Speaker to the Ethics Committee for disciplinary action. The committee shall act in an investigatory capacity and may make recommendations regarding questions of ethical conduct received prior to adjournment sine die.

Ethics Committee recommendations for disciplinary action shall be referred to the Committee on Rules and Legislative Administration, which may adopt, amend, or reject the recommendations of the Ethics Committee. Recommendations adopted by the Committee on Rules and Legislative Administration to expel, censure, or reprimand shall be reported to the House for final disposition.

Research Department

Thomas Todd, Director

600 State Office Building
St. Paul, Minnesota 55155-1201
(612) 296-6753 [FAX 296-9887]

Minnesota House of Representatives

May 30, 1996

TO: Special Task Force to Revamp House Ethics

FROM: Deborah K. McKnight, Legislative Analyst DKM

RE: Proposed House Rule Changes

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DKM/jb

Enclosures

unless a majority of the whole committee votes to make items from an executive session public.

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in their respective chambers. The lieutenant governor shall call the senate to order and the secretary of state, the house of representatives. In the absence of either officer, the oldest member present shall act in the officer's place. The person so acting shall appoint, from among the members present, a clerk pro tem, who shall call the legislative districts in the order in which they appear in section 2.031. As each is called, the persons claiming to be members from each shall present their certificates to be filed. All whose certificates are so presented shall then stand and be sworn.

History: [illegible] 444 [illegible] art 1 s 1

3.055 OPEN MEETINGS.

Subdivision 1. **Meetings to be open.** Meetings of the legislature shall be open to the public, including sessions of the senate, sessions of the house of representatives, joint sessions of the senate and the house of representatives, and meetings of a standing committee, committee division, subcommittee, conference committee, or legislative commission, but not including a caucus of the members of any of those bodies from the same house and political party nor a delegation of legislators representing a geographic area or political subdivision. For purposes of this section, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body. Each house shall provide by rule for posting notices of meetings, recording proceedings, and making the recordings and votes available to the public.

Subd. 2. **Enforcement.** The house of representatives and the senate shall adopt rules to implement this section. Remedies provided by rules of the house and senate are exclusive. No court or administrative agency has jurisdiction to enforce, enjoin, penalize, award damages, or otherwise act upon a violation or alleged violation of this section, to invalidate any provision of law because of a violation of this section, or to otherwise interpret this section.

History: *1990 c 608 art 6 s 1; 1993 c 370 s 1*

3.056 DESIGNATION OF SUCCESSOR COMMITTEE.

If a law assigns a power or duty to a named legislative committee or its chair, and the committee has been renamed or no longer exists, the speaker of the house of representatives or the senate committee on rules and administration shall designate the successor committee or chair for the law as provided in this section. If the committee has been renamed but retains jurisdiction of the subject of the power or duty, the speaker or senate committee shall designate the renamed committee as successor. If the committee has been renamed and jurisdiction of the subject of the power or duty has been transferred to another committee, the speaker or senate committee shall designate the committee with current jurisdiction as the successor. If the named committee no longer exists, the speaker or senate committee shall designate as successor the committee with the jurisdiction that most closely corresponds with the former jurisdiction of the named committee.

History: *1993 c 4 s 1*

3.06 OFFICERS AND EMPLOYEES.

Subdivision 1. **Election.** Thereupon, if a quorum is present, the houses shall elect the following officers, any of whom may be removed by resolution of the appointing body.

The senate shall elect a secretary, a first and a second assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, an assistant sergeant-at-arms, and a chaplain.

The house shall elect a speaker, who shall be a member of the house, a chief clerk, a first and a second assistant clerk, an index clerk, a chief sergeant-at-arms, a first and a second assistant sergeant-at-arms, a postmaster, an assistant postmaster, and a chaplain.

Subd. 2. **Successors.** If an officer of the house of representatives or senate resigns

or dies, the duties of t
rules of the officer's ho

History: *(29.30) G*
s 1; 1Sp1985 c 2 s 1; 19

3.07 ADDITIONAL E

Each hous[illegible]after
employees provided for
legislative expense. All o
the compensation provid
or recommended by its c
provided by law, no offic
vices.

History: *(31) RL s 15*

3.073 ORGANIZATION

The officers elected, th
lature and by each house du
during a special session, ex

History: *1978 c 566 s*

3.08 ELECTION; DUTIE

In addition to the dutie
form the services required o
tion of a committee of the a

History: *(32) RL s 16; 1*

3.081 [Repealed, 1977 c

3.082 MEMBERS' [illegible]PLO

A member of the [illegible]gislat
than a temporary position, in
commencement of service in
later than 30 days after the last
in or restored to the position,
ment benefits under an emplo
reduced because of time spent

History: *1974 c 306 s 1; 19*

3.083 RETENTION OF SEN

Subdivision 1. **Entitlement**
who is continued in or restored

(1) shall be continued or re

(2) may participate in insu
its established rules and practice

(3) shall not be discharged
after the continuation or restora
employer within the field of the

Subd. 2. **No employer discrim**
discharge or otherwise discrimina
member of the legislature in ret
employee or member in the capa
this subdivision, "employee [illegible]an
which exists, in whole or [illegible]t,
concerning grievances or term or

History: *1974 c 306 s 2; 1978*

Research Department

Thomas Todd, Director

600 State Office Building
St. Paul, Minnesota 55155-1201
(612) 296-6753 [FAX 296-9887]

Minnesota House of Representatives

June 18, 1996

TO: Task Force to Revamp House Ethics

FROM: Deborah K. McKnight, Legislative Analyst

RE: House Rule Revisions

Draft Revisions from Last Meeting

At your June 12 meeting you reached a consensus for the following changes, which have been drafted into the enclosed copies of the House Rule (HR1) and the Ethics Committee's own procedural rules (HR2):

adopt the Senate rule language for describing the grounds for an ethics complaint (HR1 page 1, line 11; HR2 page 1, line 6)

eliminate any limitations on the basis for holding an executive session on probable cause; allow an executive session simply upon a majority vote of the committee (HR1 page 2, line 3; HR2 page 2, line 12)

relocate language authorizing hiring outside counsel from the Ethics Committee's procedural rules to the House Rule, to give it greater permanence (HR1 page 2, line 11; HR 2 page 2, line 3)

require clear and convincing evidence to support discipline (HR1 page 2, line 15; HR2 page 4, line 6)

have Ethics Committee recommendations for discipline go directly to the House floor rather than first to Rules Committee, as they do now (HR1 page 2, line 15; HR2 page 4, line 6).

The task force also made stylistic revisions in parts 2A and 5 of the Ethics Committee's procedures. A technical amendment was made to part 7 of the committee procedures to clarify that an executive session is not permitted after probable cause has been found. (HR2 pages 2 and 3-4)

Further Issue Raised by the Task Force

You asked to be reminded that you want to include in your final report to the Speaker one change that requires a statutory amendment rather than a rule revision. That is, the hiring of outside counsel for the Ethics Committee should be exempt from the bidding statute that governs other House contracts. You base this suggestion on the belief that the ethics process must move too swiftly and that due process and public confidence require the selection of an advisor of stature and relevant experience who is best identified on an individual basis rather than by letting bids.

A Final Thought

Since our last meeting I recalled an issue about executive committee sessions that I want to point out to you. Minn. Stat. sec. 3.055 requires legislative committees to hold open meetings whenever a quorum is present and official action is taken. The statute was enacted after House Rule 6.10 (and perhaps after the Senate ethics rule, though I am not sure of that rule's date of adoption). However, the statute does not contain an exception for the executive session option mentioned in both the House and Senate ethics rules. In short, the legislative rules conflict with the statute in a literal way. The most desirable outcome would be to amend the statute to recognize the Ethics Committees' executive session provisions. However, as you can see in the enclosed statute, the legislature is charged with implementing its open meeting law and provides the sole remedies for violations. Perhaps the status quo could be defended on the theory that the legislature chose to implement the open meeting law by creating an exception in the instance of certain probable cause hearings. This argument is admittedly weak.

The practice of allowing or requiring closed hearings at the probable cause stage of dealing with an individual complaint is common in the statutes and would seem to be a reasonable policy amendment to section 3.055. See for example Minn. Stat. sec. 471.705 (government body must close meeting for preliminary consideration whether to impose discipline on an employee); sec. 10A.02, subd. 11 (Ethical Practices Board must close hearing prior to finding probable cause). However, it is likely to be an unpopular proposal with the media.

If you find errors in the drafts or have any questions or need any help before the June 26 meeting, please call me at 296-5056. I will be out of the office June 21 and 24, but if you leave a message I will contact you the 25th.

DM/jmw
Enclosures

Research Department

Thomas Todd, Director

600 State Office Building
St Paul, Minnesota 55155-1201
(612) 296-6753 [FAX 296-9887]

Minnesota House of Representatives

June 20, 1996

TO: Deb

FROM: Tom

RE: Ethics Rules

Thanks for the copies of the revised rules. I (again) can't be at the next meeting of the Task Force. But I have a few suggestions on this revision for your consideration; use your own judgment on whether they are worth bringing forward at this late date.

On the House Rule:

- **What is public?** Page 2, lines 2-3. This only says that the existence and substance of the complaint are public. It doesn't say, expressly, that the proceedings are public (with the one exception). I think this should be explicit, as follows: "The existence and substance of the complaint and the proceedings of the Ethics Committee shall be public, except that any hearing...." Also, this rule is silent on supporting materials, which the committee rule makes public. (See second bullet in my comments on the committee rule, below.)

(3) OK

- **Due process: relationship between the notification of the subject member and the public release of the complaint.** On page 1, lines 19-22, the rule retains the idea that the Speaker should be responsible for notifying the subject member, before the complaint is turned over to the Ethics Committee. This seems to me to be a remnant of the old idea that the complaint would still be secret, which is no longer the case. Also, the rule does not say, expressly, who can or should make the existence of the complaint public or how or when this can or should occur. Without more, I take it that anyone can make the information public, including the complainants when they submit the complaint to the Speaker (even if they haven't informed the subject member). Further, I take it that if the complainants do not make it public but word gets out that there is a complaint, the media could approach the Speaker's office for copies, and the Speaker's office would have to produce them. If the complaint is going to be subject to public release from the outset,

I think the rule should specify a procedure for notification of the member and also for public release.

One approach to dealing with this due process concern would be as follows: delete the sentence on lines 19-22 and, on line 17, after "House" delete "and shall be referred" and insert ". Before submitting the complaint to the Speaker, the complainants shall cause a copy of the complaint to be delivered to any member named in the complaint. The Speaker shall refer the complaint"

Even with this, the rule is still silent — and maybe it should remain so — on how the complaint becomes public and who should make it public.

- **Vote required for executive sessions.** Page 2, lines 4-5. I think this should say "a majority vote of the whole committee." Without this change, under House Rule 9.01, a majority of the committee members present at a meeting could call an executive session. This would seem to run counter to the revised Ethics Committee rules, where the intent seems to be to require a majority of the whole committee for decisions on executive sessions, release of confidential information, etc.

On the Ethics Committee Rule:

- **Effect of sine die.** Page 1, line 7. I missed some of the Task Force discussion on whether the committee can act after sine die. What I heard suggested that the members decided to "punt" on this issue. The members should be aware that the language here (and also in the House Rule, page 2, line 10) would require that all complaints be received before sine die. That is, the Task Force is punting only on whether the committee could act after sine die on a complaint received before sine die. They are not punting on the issue of whether the committee could act on complaints received after sine die, because these recommended rules say 'no' to that.

- **Exceptions to public information principle.** Page 2, line 7-11. I find this confusing. First, the House Rule says that the complaint is public; it says nothing about making the supporting materials public. Second, the House Rule says that the complaint is public, no exceptions. The exception clause here, however, suggests that the committee has independent power to make exceptions to the rule that the complaint and supporting materials are public. (Reflecting this, perhaps, the grammar of the exception clause is also a little loose: i.e., "...provided in...or the...") I would read this to allow the committee to decide that the complaint, or the supporting materials, will be kept private. This creates a conflict with the House Rule, which requires that the complaint, at least, be public.

- **Probable cause meeting.** Page 2, line 13-17. First, I think this "preliminary meeting" is too vague. It should be tied expressly to Rule #3, which deals with a "preliminary hearing" held — though only implicitly, under these rules — for a particular, limited purpose (to determine probable cause). Second, assuming I've got the intent right, I think the language on the vote should use the language required by House Rule 9.10: "a

majority of the whole committee."

To deal with the above two points, I would suggest combining the two paragraphs on lines 6-17, into something along these lines: "The complaint and supporting materials shall be public, and the proceedings and meetings of the committee shall be public, except that the committee, upon a majority vote of the whole committee, may conduct a preliminary meeting in executive session for the purpose of determining probable cause, as provided in Rule 3."

Further, I think the Rule 3 hearing should be expressly limited to probable cause. First, the headnote of Rule 3 should say "PRELIMINARY ~~MEETING~~ PROBABLE CAUSE" or something to that effect. Second, I question whether the language on line 20 ("to determine the existence of evidence to support the complaint") is consistent with the language on page 3, lines 4-7, stating the purpose of the probable cause hearing. The language on line 20 seems broader to me; it is certainly much different from the language on page 3, lines 4-7. Why shouldn't this line 20 language be exactly the same as the probably cause language on page 3, lines 4-7? Or, alternatively, why shouldn't this line 20 language simply refer to the finding ("to make a finding on probable cause") which would then clearly link this preliminary hearing to the finding under Rule #4?

Destruction of confidential records. Page 3, line 29-30. Has anyone raised this issue: who should be responsible for destroying confidential committee records? Under this rule, the records are destroyed by the committee chair "at the commencement of the next biennial session." Why should this responsibility rest with a successor chair rather than the chair who conducted the confidential proceedings? Consider whether this shouldn't say: until the end of the biennial session, or until the election of the next legislature. The only problem with this might be in situations where proceedings on a complaint carries over from one legislature to the next, in which case records might be lost. This could be dealt with by a narrow exception clause ("except for confidential records on complaints received that have been neither dismissed nor reported on by the committee").

Order of rules. I would suggest moving Rules 5 and 6 to the end or, better, to a point after rule 2. As it is, they are interjected confusingly between the preliminary and final hearing.

SELECT COMMITTEE ON HOUSE ETHICS
JUNE 26, 1996, 2:OO P.M., ROOM 300N STATE OFFICE BUILDING
HARRY SIEBEN, CHAIR

Chair Sieben called the meeting to order at 2:00 p.m., on June 26, 1996, in Room 300N of the State Office Building. Members present were:

Dean Raymond Krause
Harry S. Sieben
Judge Robert J. Sheran
Judge John Simonett
Judge Phyllis Jones
Secretary of State Joan Growe

Members not present were:

Judge Walter Rogosheske
Connie Morrison
Henry Savelkoul

This was the final meeting to discuss proposed changes to House Rules regarding Ethics. See drafts of proposed rules attached. See HR2 and HR1.

1. After discussing the proposed rules, changes were made and new language added. The Chair asked that Deb McKnight, House Research, make the changes recommended by the committee, and send the corrected draft to all members. Mr. Sieben asked that members send him any changes, comments or suggestions to him by July 19. If no more changes were recommended, the proposed rules would be sent to the Speaker of the Minnesota House of Representatives along with a cover letter..

2. Secretary of State Joan Growe moved that the proposed House Rule 6.10 amendments, as amended and the Amendments to House committee on Ethics Rules of Procedures, as amended, be recommended to pass. Judge Simonett seconded the motion. THE MOTION PREVAILED.

Maureen Novak thanked the members on behalf of Speaker Irv Anderson for their excellent work on the Special Task Force.

The meeting adjourned at 3:20 p.m.

TAPE: 1

START TIME: 2:08

SIDE: A

PAGE: 2

COMMITTEE: Special Task Force on Ethics

DIVISION/SUBC:

CHAIR: The Hon. Harry Siebin

DATE: ~~Wed,~~ June 26, 1996

REVOLUTIONS:	LOG:
	Judge Simmonett asks for ~~consistency~~ consistency between HR1/HR2
2:57	Dean Krause semantics hearing US meeting; Sec Grove, Judge Jones comment
	Ms McKnight (Change hearing throughout document?)
Side B 3:00	Todd notes Cont. - Who to destroy (records?)
	Adoption of Todd's suggestion for ~~destroying~~ ~~boxes~~ ~~Confidential~~ info
3:02	Move sections 5+6 to after 2a in HR2
3:05	Sec. Grove (Possibility of public/private hearing)
	When to destroy records? Ms Moral Ms McKnight
3:10	Dean Krause - What about Rogashesti's request?
	Judge Simmonett - HR2, pg 2, line 20.
	What about probable cause (in place of evidence) - Si moved
	Reb McKnight explains how would affect "open meeting" statute
3:15	Chair Siebin + others move to vote on the draft today If further problems, suggestions - may reconvene task force
3:20	Comments from Edgar Olson, Maureen Mack
3:21	Motion to adopt draft carries
	Meeting adjourned

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TAPE: 1

START TIME: 2:08

SIDE: A

PAGE: 1

COMMITTEE: ~~Special Task Force to Restore House Ethics~~

DIVISION/SUBC:

CHAIR: ~~The Hon Harry Sieben~~

DATE: Wednesday, June 26, 1996

REVOLUTIONS:	LOG:
2:08	Call to Order
	Comments from Judge Rogosheske by Chair Sieben
	Overview of Draft & Memo from Todd
2:12	Comments on Rep Carruthers' letter - Judge Jones
2:16	Judge Jones moves language from Complaint filed w/ Speaker & Chair simultaneously
2:22	Comments by Ms Maureen Novak on Proper Procedure
2:24	Judge Jones asks that speaker be notified after chair
	Judge Simonett & Sieben discuss Status quo
	Sec. Grove & Sieben discuss 15 days - too long to little
2:28	Motion to insert language line 17 "by the speaker" HR1 line [redacted] "ethics" - So moved
2:29	Deb Knight [redacted] explains Tom Todd's memo
	Amendment to HR 1, pg 2 line 3 - what is public
2:31	Cont. explanation of Todd notes, point 3
2:33	Who should inform member complaint is against?
2:35	movement to insert Mr Todd's language from pg 2 of his memo into HR 1, pg. 1 lines 17-19 - So moved
2:40	Todd's comments continued - HR 1, pg. 2, re: HR5 (insertion of "whole" on line 5)
2:41	Todd's Comments on HR2
2:46	MS. NOVAK - Comments on Redundancy of HR 2, pg 2 lines 6-16
2:48	Judge Simonett (What is Breach of Confidentiality?)
	Sec. Grove - repetitiveness of HR 1, [redacted] HR 2
2:52	Adopted language from p. 3 Todd memo to HR2 2A

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SPECIAL TASK FORCE TO REVIEW HOUSE ETHICS
HARRY S. SIEBEN, CHAIR
WEDNESDAY, JUNE 26, 1996
2:00 P.M., 300N STATE OFFICE BUILDING
AGENDA

1. CALL TO ORDER

2. DISCUSSISON OF PROPOSED HOUSE RULE CHANGES DEALING WITH ETHICS COMMITTEE

Research Department

Thomas Todd, Director

600 State Office Building
St. Paul, Minnesota 55155-1201
(612) 296-6753 [FAX 296-9887]

Minnesota House of Representatives

July 3, 1996

TO: Task Force to Revamp House Ethics

FROM: Deborah K. McKnight, Legislative Analyst

RE: Final Drafts of Rule Revisions

Enclosed are the House Rule and Ethics Committee rule as you revised them at your June 26 meeting. The total of all changes you made at all your meetings are summarized here.

House Rule 6.10 (Document HR1)

The committee size would be reduced to four members.

The rule would state the grounds for a complaint in the same language as the Minnesota Senate ethics rule.

The complainants would be required to provide a copy of the complaint to the accused member before submitting the complaint to the Speaker.

The existence and substance of a complaint and all proceedings would be public at all times, except that a majority of the whole committee could vote to hold an executive session at the probable cause stage.

The authorization to hire a legal adviser that is currently in the committee rule is moved to the House rule.

A recommendation for discipline must be supported by clear and convincing evidence.

A discipline recommendation would go directly to the floor rather than first to the Rules Committee.

House Ethics Committee Rule (Document HR2)

The Ethics Committee's rules were revised to be consistent with the above changes in the House rule. In addition, several stylistic and reorganization changes were made to improve the clarity and logic of the committee rules. For example, the rules specifying the public nature of proceedings, the overall due process rights of parties, and the treatment of committee records were moved so that they do not interrupt the chronological flow of the rules on the probable cause meeting and the final hearing. This particular change requires striking the current language and showing it as new material when it is moved, but no substantive changes were made aside from whatever was needed to be consistent with the changes listed in the House Rule 6.10 summary above.

DM/jmw
Enclosures

July 8, 1996

Memorandum

To: Members of the Special Task Force to Revamp House Rules

From: Harry Sieben, Jr., Chair

Re: Draft of changes to House Rules and House Ethics Committee Rules

Attached is a copy of the draft which incorporates the changes to the House Rules and the House Ethics Committee Rules agreed to at our June 26 meeting. Also enclosed is a copy of the memorandum from Deb McKnight summarizing those changes.

If you have concerns or comments please call me at 339-9000 before July 19. If I do not hear from anyone this will be the final draft of our work and it will be submitted to the Speaker of the House. If someone has a concern, another meeting of the task force will be scheduled.

Thanks for your help.

House Rule 6.10 Amendments

6.10 THE COMMITTEE ON ETHICS. The Speaker shall appoint a Committee on Ethics consisting of four members. ~~An equal number~~ of Two members from the majority group ~~and~~, two from the minority group and one alternate from each group shall be appointed to the Ethics Committee. The committee shall adopt written procedures, which shall include due process requirements, for handling complaints and issuing guidelines.

A complaint may be brought for conduct by a member that violates a rule or administrative policy of the House, that violates accepted norms of House behavior, that betrays the public trust, or that tends to bring the House into dishonor or disrepute. Complaints regarding a member's conduct must be ~~submitted in writing to the Speaker verified~~ in writing, under oath and signed by two or more members of the House ~~and shall be~~ referred, and submitted to the Speaker. Before submitting the complaint to the Speaker, the complainants shall cause a copy of it to be delivered to any member named in the complaint. The speaker shall refer the complaint to the Ethics Committee within 15 days for processing by the committee according to its rules of procedure. ~~Prior to referring the matter to the committee, the Speaker shall inform the member against whom a question of~~

~~conduct has been raised of the complaint and the complainant's identity. The Speaker, the members making the complaint, the members of the committee, and employees of the House shall hold the complaint in confidence until the committee or the member subject of the complaint cause a public hearing to be scheduled~~

The existence and substance of a complaint and the proceedings of the Ethics Committee shall be public. However, any meeting to determine probable cause may be held in executive session upon a majority vote of the whole committee. A complaint of a breach of the confidentiality requirement by a member or employee of the House shall be immediately referred by the Speaker to the Ethics Committee for disciplinary action. The committee shall act in an investigatory capacity and may make recommendations regarding questions of ethical conduct received prior to adjournment sine die. The committee may, with approval of the Speaker, retain a retired judge or other nonpartisan legal advisor to collect information and advise and assist the committee.

Ethics Committee recommendations for disciplinary action must be supported by clear and convincing evidence and shall be ~~referred to the Committee on Rules and Legislative Administration, which may adopt, amend, or reject the recommendations of the Ethics Committee. Recommendations adopted by the Committee on Rules and Legislative Administration to expel, censure, or reprimand shall~~ be reported to the House for final disposition.

HOUSE COMMITTEE TAPE LOG

TAPE: #1

START TIME: 2:07 (?)

SIDE: A/B

PAGE: 2

COMMITTEE: 3rd FLOOR TAPE

DIVISION/SUBC:

CHAIR: IRV ANDERSON

DATE: FRI. 3·22·96

REVOLUTIONS:	LOG:
1869	SESSION TO [redacted] ORDER
1892	MESSAGE FR SENATE
1935	KAHN
1955	MOTION FOR CONFERENCE COMMITTEE
	PASS
2014 pm	CARUTHERS - CALL OF HOUSE
2028	ROLL TAKEN
2169	SRG. INSTRUCTED BEING IN ABSENT
	MEMBERS - ROLL CLOSED
2210	MINORITY REPORT - EXPULTION
2227	SVIGGUM
2:26 pm 2541	WEAVER
SIDE B · 2:36 PM	— WEAVER CONT'D
2917	CARRUTHERS - POINT OF ORDER
2885	WEAVER
1940	HAUSMAN
1703	OSTHOFF
1537	KAHN
1439	GIRARD
1193	ONNEN
1079	OSTHOFF
1054	ONNEN
0767	HAUSMAN
(3:22) 0701	ABRAMS ROLL CALL REQUESTED —
	SPEECH
(3:30)	Tape change to number two
0791	Osthoff
0937	Carruthers

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HOUSE COMMITTEE TAPE LOG

TAPE: 2
START TIME: (3:41)
SIDE: A
PAGE: 3

COMMITTEE: 3rd FLOOR TAPE
DIVISION/SUBC:
CHAIR: Rep Anderson
DATE: FRI. 3.22.96

REVOLUTIONS:	LOG:
0960	Onnen
1022	Betterman
1602	Broeker
1681	Tompkins
(3:55) 1910	Van Engen
2085	Larsen
2156	Olson, M
2370	Krinkie
2519	Workman
2673	Ozment
2715	Olson, E.
2815	Davids
2861	Carruthers
(4:20) 3225	Tape Flip Tape 2, Side B
3038	Sviggum
2850	Tuma
2693	Roll Call
2570	Clerk Closes Roll
(4:35) 2561	minority report not adopted
2540	Haas - discussion on the Majority Report
2450	Kelley moves to amend
2309	Smith → Kelley
2291	Kelley
2267	Knight
2181	Abrams
(4:44) 2051	Brown
2020	Abrams
1997	Onnen

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HOUSE COMMITTEE TAPE LOG

TAPE: 2

START TIME: _____

SIDE: B

PAGE: 4

COMMITTEE: 104TH DAY 79TH SESSION

DIVISION/SUBC: _____

CHAIR: IVY ANDERSON

DATE: FRI. 3·22·96

REVOLUTIONS:	LOG:
1968	Kelley
1943	Van Winkle
1915	Kelley
1886	Kelley amendment adopted
1877	Carothers requests roll call
1806	Betterman
1770	Carothers
1736	Betterman
(41:50) 1711	Carothers
1655	Betterman
1642	Carothers
1610	Betterman
1508	Long
1288	Osskopp
1200	Olson, M.
862	McElroy - pt. of parliamentary inquiry
838	roll taken
430	roll closed
422	Majority report is adopted
600	Clerk calls members not voting
460	Carothers moves those not voting be excused
440	motion adopted
(5:07) 393	Bertram requesting privilege of the House
100	Chief Clerk being requested to place apology in Journal
80	Weaver pt. of personal privilege
(5:12) ~~87~~	tape change to B-3

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HOUSE COMMITTEE TAPE LOG

COMMITTEE: 104TH DAY 79TH SESSION

DIVISION/SUBC:

CHAIR: IRV ANDERSON

A

5

DATE: FRI. 3-22-96

SOLUTIONS:	LOG:
(:12) 89	message from Senate
170	Kinkel (SF 2849)
330	Kinkel moves to lift the call of the House - motion adopted
340	Kinkel
445	Kelso
535	Kinkel
630	Ness
762	Kinkel
879	Ness
951	Kinkel
1001	Seagren
(5:24) 1068	Kelso
1196	Kinkel
1269	Kraus
1569	Rhodes
1606	Kinkel
1647	Erhardt → Kinkel
1719	Kinkel
1770	Johnson, R.
1908 ~~+ 990~~	~~Do~~ Kinkel
1980	Lourey
2117	Carruthers moves "When House adjourn..."
2140	Ness
2178	Pellow
(5:41) 2285	Wenzel → Kinkel
2690	Kelso
2836	Wenzel

CMTETAPE.LOG

HOUSE COMMITTEE TAPE LOG

TAPE: #3

START TIME:

SIDE: A

PAGE: 6

COMMITTEE: House of Representatives

DIVISION/SUBC:

CHAIR:

DATE: FRI. 3-22-96

REVOLUTIONS:	LOG:
2915	Hasskamp
2990	Krinkie moves refusal of concurrance - Krinkie
3096	Dehler
3151	Oskopp
3190	Cooper
(:00) 3227	Tape Flips - Tape 3, Side B
3214	Swenson, D.
3200	Kelso
3126	Knuth
2948	Roll Call
2906	Clerk closes roll - not adopted
2898	Conference Committee report adopted
2891	3rd Reading
2885	Roll call
2857	Clerk closes roll - adopted
2840	Announcement by Speaker
2823	Ostrom moves adjournment
(6:11) 2808	Adjourn

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