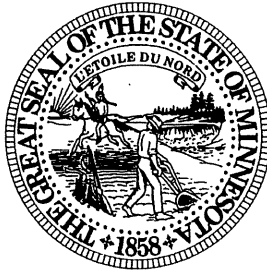


House of Representatives

Committee on Ethics
Rep. Sondra Erickson, Chair



Blair Tremere
Committee Administrator
580 State Office Building
St. Paul, Minnesota 55155
651-296-8880

MEMORANDUM

TO: Committee Members
SUBJECT: Request to issue subpoenas
DATE: March 31, 2003

The attorney for the respondent, Mr. Jim Anderson, has requested authorization to issue subpoenas for witnesses in the matter of the complaint against Rep. Arlon Lindner.

See the attached for provisions of Minn. Statutes, 3.153

The Committee's Rules of Procedure, adopted on March 17, 2003 provide, at Rule 4:

4. DUE PROCESS. Any member named in a complaint must be fully informed of due process rights. The member must be given a copy of the complaint and must be given timely notice of and the right to be present at all meetings and hearings. The member has the right to respond to all charges, to be represented by counsel, to call and cross-examine witnesses, to introduce exhibits, to be furnished with exhibits, documents, and evidence in possession of the Committee, and to rebut evidence offered by the complainants. The members making a complaint must be notified of all meetings and hearings on the complaint and must be given notice of their opportunity to offer evidence of matters alleged in the complaint.

3.153 Legislative subpoenas.

Subdivision 1. **Commissions; committees.** A joint legislative commission established by law and composed exclusively of legislators or a standing or interim legislative committee, by a two-thirds vote of its members, may request the issuance of subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and the giving of relevant testimony. Subpoenas shall be issued by the chief clerk of the house or the secretary of the senate upon receipt of the request. A person subpoenaed to attend a meeting of the legislature or a hearing of a legislative committee or commission shall receive the same fees and expenses provided by law for witnesses in district court.

Subd. 2. **Service.** Service of a subpoena authorized by this section shall be made in the manner provided for the service of subpoenas in civil actions at least seven days before the date fixed in the subpoena for appearance or production of records unless a shorter period is authorized by a majority vote of all the members of the committee or commission.

Subd. 3. **Counsel.** Any person served with a subpoena may choose to be accompanied by counsel if a personal appearance is required and shall be served with a notice to that effect. The person shall also be served with a copy of the resolution or statute establishing the committee or commission and a general statement of the subject matter of the commission or committee's investigation or inquiry.

Subd. 4. **Attachment.** To carry out the authority granted by this section, a committee or commission authorized by subdivision 1 to request the issuance of subpoenas may, by a two-thirds vote of its members, request the issuance of an attachment to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to do so. The chief clerk of the house or the secretary of the senate upon receipt of the request shall apply to the district court in Ramsey county for issuance of the attachment.

Subd. 5. **Failure to respond.** Any person who without lawful excuse fails to respond to a subpoena issued under this section or who, having been subpoenaed, willfully refuses to be sworn or affirm or to answer any material or proper question before a committee or commission is guilty of a misdemeanor.