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Minnesota House of Representatives

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TO: Members of House Ethics Committee

FROM: Thomas Todd, Director, 651-296-5048

RE: House ethics complaint procedures

Brief history of the development of the 1997 changes in House ethics complaint procedures.

Both the House Rule (6.10) and the Committee Rule were substantially amended in 1997, as a result of unhappy experiences with ethics complaints in the 1995-96 session. After the 1996 session, then Speaker Anderson appointed a distinguished panel of judges and others to review and make recommendations for changes in House procedures on ethics complaints. (The chair of this group was Peter Popovich at first, and after his death, Harry Sieben.) These recommendations were submitted to the Speaker before the 1997 session. In the early months of the 1997 session, a bipartisan Working Group of House members examined and re-worked the recommendations. Both the House Rule (adopted on March 24, 1997) and the Committee Rule (adopted on May 13, 1997) were products of this Working Group.

Summary of the 1997 changes. The House Rule and Committee Rule jointly made the following major changes in House ethics complaint procedures:

- reduced the size of the committee to four members and two alternates
- explicitly stated the grounds for a complaint, imitating language in the Senate rule
- required complainants to make more effort in presenting the complaint
- largely abandoned the practice of keeping complaint proceedings confidential, permitting executive sessions only by majority vote of the whole committee and then only for specified reasons
- articulated the evidentiary basis for a probable cause finding by the Committee (more probably true than not, and if true tend to support disciplinary action)

- articulated the evidentiary basis for a decision by the Committee to recommend discipline (clear and convincing evidence)
- listed and defined in a general way the disciplinary actions that the Committee could recommend: expulsion, censure, reprimand, financial restitution, remedial or other action by the member, and other discipline
- required that Ethics Committee disciplinary recommendations go straight to the Floor, rather than through the Rules Committee
- provided or refined procedures for hiring outside counsel, for handling frivolous complaints, for withdrawing complaints, and for dealing with minor violations
- added House Rule 9.30, relating to the compensation of a member who is incarcerated

TT/ct