

Draft

1 House Committee on Ethics

2 Rules of Procedure

3 1. PURPOSE. The Committee shall meet only: (a) to review
4 and dispose of complaints against members (other than those
5 arising out of election contests), as authorized by House Rule
6 6.10, which are submitted to the Speaker prior to adjournment
7 sine die; (b) to adopt written procedures for handling
8 complaints; (c) to review and make recommendations regarding
9 ethical guidelines; (d) to consider complaints alleging
10 violations of open meeting requirements that the Speaker has
11 referred to the Committee under House Rule 6.23; and, (e) to
12 consider matters referred to it by the Committee on Rules and
13 Legislative Administration or the House.

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

17 2. COMPLAINTS. As specified in House Rule 6.10, a
18 complaint regarding the conduct of a member of the House shall
19 be made by two or more members of the House, shall be in writing
20 and under oath, shall name the member or members charged and the
21 actions complained of, shall present with specificity the
22 factual evidence supporting the complaint, and shall be
23 submitted to the Speaker.

24 On matters of complaints against members, the House

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

4 If a complaint is withdrawn by the complainants, the
5 Committee shall immediately terminate all proceedings respecting
6 the complaint, except as the Committee deems necessary to
7 determine whether the complaint is frivolous for purposes of
8 action under Rule 8.

9 3. PROCEEDINGS TO BE HELD IN PUBLIC; EXCEPTIONS.

10 The existence and substance of the complaint, including any
11 supporting materials, and all proceedings, meetings, hearings
12 and records of the Committee are public; except that the
13 committee, upon a majority vote of the whole Committee, may meet
14 in executive session to consider or determine the question of
15 probable cause, as provided in Rules 6 and 7, to consider a
16 member's medical or other health records, or to protect the
17 privacy of a victim or a third party.

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

30 5. COMMITTEE PROCEEDINGS; RECORDS. All public records of
31 the Committee must be disposed of in accordance with House Rule
32 6.24. When the Committee meets in executive session, the
33 proceedings, all evidence presented in the session, and all
34 records of the session are confidential except insofar as the
35 Committee determines, by a majority vote of the whole Committee,
36 that items should be made part of the public record. The

1 Committee shall advise all participants in an executive session
2 of the confidentiality requirement. Confidential records of
3 executive sessions must be kept by the Committee until the
4 December 31 next following adjournment sine die, at which time
5 the confidential records must be destroyed by the Chair of the
6 Committee, or the Chair's designee, and notification of the
7 destruction sent to the Chief Clerk.

8 6. MEETING ON PROBABLE CAUSE. The Committee shall, upon
9 receipt of a complaint, hold a meeting within 21 days to
10 determine whether there is probable cause to support the
11 complaint. The Committee may, upon a vote of the majority of
12 the whole Committee, defer its proceedings until the completion
13 of ongoing criminal proceedings related to the conduct named in
14 the complaint.

15 7. FINDING OF PROBABLE CAUSE. If a majority of the whole
16 Committee finds, based upon the complaint and supporting and
17 rebutting evidence presented by the complainants and the member
18 or members named, sufficient factual evidence to believe that
19 the allegations contained in the complaint are more probably
20 true than not and that, if true, they tend to support
21 disciplinary action, the Committee shall inform the Speaker and
22 the member or members named that it has found probable cause and
23 shall proceed to public hearings under Rule 10. If a majority
24 of the whole Committee fails to find probable cause, the
25 complaint shall be dismissed.

26 8. FRIVOLOUS COMPLAINTS. If a complaint is withdrawn or
27 dismissed, and a majority of the whole Committee finds the
28 complaint to have been frivolous, the Committee shall
29 immediately issue a public letter of reproof to the
30 complainants and may recommend other disciplinary action against
31 the complainants.

32 9. MINOR VIOLATIONS, INFORMAL RECONCILIATION. At any time
33 during the proceedings, if a majority of the whole Committee
34 finds that a violation of a law, rule, administrative policy, or
35 norm of behavior was inadvertent, technical, or of a de minimus
36 nature, or may not warrant disciplinary action by the House, the

1 Committee may attempt to bring about voluntary remedial or other
2 action by the subject of the complaint without disciplinary
3 action. The Committee also may recommend clarification of a
4 law, rule, policy, or norm of behavior and may caution the
5 members of the House with respect to it.

6 10. FINAL HEARING. The hearing to make a final Committee
7 determination on a complaint shall be held in public except
8 insofar as the Committee votes to meet in executive session
9 pursuant to House Rule 6.10 and Rule 3. The purpose of the
10 hearing shall be to receive and evaluate the evidence offered in
11 support of or opposition to disciplinary action and to make a
12 final Committee determination on the complaint.

13 11. COMMITTEE DETERMINATION. If a majority of the whole
14 Committee finds clear and convincing evidence in support of
15 disciplinary action, the Committee shall, with or without
16 comment, make a recommendation to the House for final
17 disposition. If a majority of the whole Committee fails to find
18 clear and convincing evidence in support of disciplinary action,
19 the complaint shall be dismissed.

20 12. RECOMMENDATIONS FOR DISCIPLINARY ACTION. The
21 Committee may recommend disciplinary action by the House as
22 follows:

23 (a) The Committee may recommend expulsion. Expulsion is
24 the ultimate penalty available to the House. It is the only
25 sanction expressly referred to in the state constitution, which
26 recognizes the gravity of this power by requiring a vote of
27 two-thirds to exercise it. Expulsion is a sanction that is
28 properly reserved for the most serious violations of law, rule,
29 standards, or duty, for conduct so abhorrent that it obliges the
30 House to repudiate an elected representative of the people.

31 (b) The Committee may recommend censure. Short of
32 expulsion, censure is the strongest formal statement of
33 disapproval of the conduct of a member by the member's peers.
34 It is used to condemn very serious misconduct that does not
35 justify expulsion from the House. Censure is carried out by a
36 majority vote of the House, through the adoption of a resolution

1 of censure that is entered in the permanent Journal of the House.

2 (c) The Committee may recommend reprimand. Reprimand is
3 the appropriate discipline for misconduct that warrants formal
4 disapproval by the House but is not so serious as to justify
5 censure. Reprimand is carried out by a majority vote of the
6 House, through the adoption of a resolution of reprimand that is
7 entered in the permanent Journal of the House.

8 (d) As part of a resolution of censure or reprimand, the
9 Committee may recommend that the member be required to make
10 financial restitution. This is appropriate in cases where the
11 Committee finds that the misconduct was committed to secure, or
12 resulted in, an undeserved personal financial benefit due to
13 misuse or misappropriation of public funds or assets.

14 (e) As part of a resolution of censure or reprimand, the
15 Committee may recommend that remedial or other action be
16 required of the member, including a requirement that the member
17 accept professional counseling or assistance.

18 (f) As part of a resolution of censure or reprimand, the
19 Committee may recommend that the House impose other discipline
20 that the Committee deems appropriate.

21 (g) Under the Minnesota Constitution, article IV, section
22 6, and article VII, section 1, a member who is convicted of a
23 felony is not entitled to continued membership in the House,
24 until restored to civil rights, and must, if necessary, be
25 expelled.

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This Committee action taken,

....., Chair