

1.1 moves to amend Permanent Rules of the House of Representatives
1.2 2017-2018 as follows:

1.3 Rule 6.10 is amended to read:

1.4 "6.10 THE COMMITTEE ON ETHICS. (a) The Speaker must appoint a Committee on
1.5 Ethics consisting of four members: two members from the majority political party caucus,
1.6 and two from the minority caucus. One alternate from each caucus must also be appointed.
1.7 The committee must adopt written procedures, which must include due process requirements,
1.8 for handling complaints and issuing guidelines. Committee procedures must specify due
1.9 process for complaints brought under paragraphs (b), (c), and (d); these procedures must
1.10 be adopted by the Ethics Committee and posted on the House Web site.

1.11 (b) A complaint under paragraph (b) may be brought about conduct by a member that
1.12 violates a rule or administrative policy of the House, that violates accepted norms of House
1.13 behavior, that betrays the public trust, or that tends to bring the House into dishonor or
1.14 disrepute.

1.15 (c) A complaint under paragraph (c) may be brought about conduct by a member that
1.16 violates sexual harassment or discrimination policies of the House.

1.17 (d) A complaint of a breach of confidentiality by a member or employee of the House
1.18 must be immediately referred by the Speaker to the Ethics Committee for disciplinary action.

1.19 (e) A complaint about a member's conduct brought under paragraph (b) must present
1.20 with specificity the factual evidence supporting the complaint. A complaint must be in
1.21 writing, under oath and signed by two or more members of the House, and submitted to the
1.22 Speaker. Before submitting the complaint to the Speaker, the complainants must cause a
1.23 copy of it and any supporting materials to be delivered to any member named in the
1.24 complaint. Within seven days after receiving a complaint, the Speaker must refer the

2.1 complaint to the Ethics Committee for processing by the committee according to its rules
2.2 of procedure.

2.3 The existence and substance of a complaint, including any supporting materials, and all
2.4 proceedings, meetings, hearings, and records of the Ethics Committee are public; except
2.5 that the committee, upon a majority vote of the whole committee, may meet in executive
2.6 session to consider or determine the question of probable cause, to consider a member's
2.7 medical or other health records, or to protect the privacy of a victim or a third party, except
2.8 in cases brought under paragraph (c), whereby paragraph (h) governs all timelines and
2.9 disclosure obligations.

2.10 ~~A complaint of a breach of confidentiality by a member or employee of the House must~~
2.11 ~~be immediately referred by the Speaker to the Ethics Committee for disciplinary action.~~

2.12 (f) A complaint about a member's conduct brought under paragraph (c) must present
2.13 with specificity the factual evidence supporting the complaint. A complaint may be made
2.14 by any member, member of the public, lobbyist, or executive branch official, must be made
2.15 under oath, must be handled in a confidential manner, and must be presented to both the
2.16 Majority Leader and Minority Leader of the House. A complaint must be in writing. The
2.17 Majority Leader and Minority Leader must cause a copy of the complaint and any supporting
2.18 materials to be delivered to any member named in the complaint, but must redact any
2.19 identification. The complaint, and any portion thereof, is private data under Minnesota
2.20 Statutes, chapter 13, until the Ethics Committee has found probable cause exists to proceed
2.21 to charge on the merits of the complaint. Within seven days after receiving a complaint, the
2.22 Majority Leader and Minority Leader must refer the complaint to the Ethics Committee for
2.23 processing by the committee according to its rules of procedure, or, for complaints under
2.24 paragraph (c), according to procedures under paragraph (h).

2.25 The existence and substance of a complaint, including any supporting materials, and all
2.26 proceedings, meetings, hearings, and records of the Ethics Committee are public; except
2.27 that the committee, upon a majority vote of the whole committee, may meet in executive
2.28 session to consider or determine the question of probable cause, to consider a member's
2.29 medical or other health records, or to protect the privacy of a victim or a third party. In cases
2.30 brought under paragraph (c), a nonpublic probable cause hearing is required.

2.31 (g) The committee must act in an investigatory capacity and may make recommendations
2.32 regarding complaints submitted to the Speaker before adjournment sine die. With regard
2.33 to a complaint under paragraph (b), with the approval of the Speaker, the committee may
2.34 retain a retired judge or other nonpartisan legal advisor to advise and assist the committee,

3.1 as the committee considers appropriate and necessary in the circumstances of the case, in
3.2 conducting the proceedings and obtaining a complete and accurate understanding of the
3.3 information relevant to the conduct in question. With regard to a complaint under paragraph
3.4 (c), the Ethics Committee must secure outside counsel and shall receive an investigatory
3.5 report from the outside counsel prior to any probable cause hearing.

3.6 (h) With regard to a complaint under paragraph (c), the Ethics Committee must hold a
3.7 nonpublic probable cause hearing within 30 days of receipt of a complaint. If probable cause
3.8 is found, the Ethics Committee must hold a public hearing within 60 days of receipt of a
3.9 complaint, and must allow testimony from all sides in the matter. The accused may waive
3.10 a public hearing upon admission to any complaint. The Ethics Committee must report on
3.11 actions recommended, if any, within 90 days of receipt of a complaint.

3.12 (i) Accused and accuser in a paragraph (c) complaint may request reimbursement by the
3.13 House for reasonable attorney costs, and those shall be paid upon approval by the House
3.14 Committee on Rules and Legislative Administration.

3.15 (j) Ethics Committee recommendations for disciplinary action must be supported by
3.16 clear and convincing evidence and must be reported to the House for final disposition."