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State of Minnesota

A bill for an act

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3728

03/14/2018

1.1

Authored by Murphy, E., The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

1.2 1.3	relating to the legislature; creating the Citizen Council on Legislative Ethics; proposing coding for new law in Minnesota Statutes, chapter 3.
1.4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.5	Section 1. [3.8855] CITIZEN COUNCIL ON LEGISLATIVE ETHICS.
1.6	Subdivision 1. Creation. The Citizen Council on Legislative Ethics is created to receive
1.7	and investigate allegations made against members of the legislature that relate to the official
1.8	duties of the legislators.
1.9	Subd. 2. Powers. The Citizen Council on Legislative Ethics shall create and maintain
1.10	a reporting system by which the Minnesota public may initiate complaints against members
1.11	of the legislature regarding alleged unethical behavior including, but not limited to, alleged
1.12	behaviors constituting sexual harassment, violations of statutes or rules, and behavior
1.13	contrary to standards adopted by the house of representatives or senate. The council may
1.14	not respond to complaints for which an existing statutory entity is explicitly responsible.
1.15	The powers and duties of the council include, but are not limited to, the following:
1.16	(1) establishment, dissemination, and maintenance of a complaint reporting system that
1.17	allows complaints from the Minnesota public, lobbyists, state agency officials, legislative
1.18	employees, or any other concerned person;
1.19	(2) adoption of procedures for receiving, processing, and investigating complaints;
1.20	(3) retention of outside counsel as deemed necessary to investigate any specific complaint;
1.21	(4) approval of payment of valid fees and costs submitted by outside counsel or submitted
1.22	by a complainant or a legislator;

(5) completion of reports regarding any	submitted complaint, to be forwarded to the
ethics committees of the house of represent	tatives, senate, or both;
(6) review of any code of conduct or rule	le of behavior pertaining to or applying to
members of the legislature and recommend	lations for changes to those requirements; and
(7) proposal of strategies or requiremen	ats to prevent harassment.
Subd. 3. Training. The council shall re-	view training materials and requirements for
staff, lobbyists, and legislators and recomm	nend changes to these requirements as deemed
necessary.	
Subd. 4. Procedural requirements. Th	ne Citizen Council on Legislative Ethics shall
adopt procedures for handling complaints,	including:
(1) public hearings to establish if proba	ble cause exists to investigate or report on any
complaint;	
(2) grants of limited or qualified confidence	entiality to complainants or witnesses;
(3) requirements for the use of closed me	etings to consider confidential matters, including
confidential complaints, complaints involv	ing medical records, or deliberations thereof;
and	
(4) procedures to ensure due process to	all parties to a complaint.
Subd. 5. Membership. Members of the	Citizen Council on Legislative Ethics must not
pe current or prior members of the legislatu	ure. Appointed members must have expertise in
personnel law, human resources, harassmer	nt policies, or legislative ethics. Appointments
must be made by January 15 of each odd-n	umbered year and are for a four-year term. The
council shall elect a chair and vice-chair at t	the first meeting. The first meeting must be prior
to February 15 of each odd-numbered year. I	Members continue to serve until their successors
are appointed. Vacancies that occur during th	ne four-year term shall be filled by the appointing
authority. The council consists of eight men	mbers of the Minnesota public as follows:
(1) two persons appointed by the speake	er of the house;
(2) two persons appointed by the minor	rity leader of the house of representatives;
(3) two persons appointed by the major	ity leader of the senate; and
(4) two persons appointed by the minor	ity leader of the senate.
Subd. 6. Staff. The Citizen Council on	Legislative Ethics shall be administered by the
director of the Legislative Coordinating Cor	mmission. The council chair and vice-chair may,

2

Section 1.

3.1	by agreement, employ professional and technical staff as necessary to perform the duties
3.2	prescribed in this section.
3.3	Subd. 7. Expenses; reimbursement. Members of the Citizen Council on Legislative
3.4	Ethics shall be reimbursed for all expenses actually and necessarily incurred in the
3.5	performance of their duties. Reimbursement for expenses incurred shall be made in
3.6	accordance with policies adopted by the Legislative Coordinating Commission.
3.7	Subd. 8. Reports. Reports of the Citizen Council on Legislative Ethics are made directly
3.8	to the ethics committees of the house of representatives, senate, or both, and are public and
3.9	advisory. Public versions of reports may redact confidential matters with the advice of
3.10	counsel. The council may advise the relevant house of representatives or senate ethics
3.11	committee as to its findings of probable cause, grants of confidentiality, proposed disciplinary
3.12	actions, proposed changes to standards of conduct, proposed prevention strategies, or any
3.13	other council advice.
3.14	EFFECTIVE DATE. This section is effective the day following final enactment. Initial
3.15	appointments shall be made by January 15, 2019, pursuant to subdivision 4. Initial
3.16	appointments by each appointing authority must be staggered, with one appointee serving
3.17	a two-year term, and one a four-year term. The director of the Legislative Coordinating
3.18	Commission shall direct a staff working group to construct proposed policies and procedures
3.19	for consideration by the Citizen Council on Legislative Ethics when appointed.

3

Section 1.