

55. SUBCOMMITTEE ON ETHICAL CONDUCT

55.1 The Committee on Rules and Administration must appoint a Subcommittee on Ethical Conduct of the Committee on Rules and Administration consisting of four members, two from the majority caucus and two from the minority caucus.

55.2 The subcommittee must serve in an advisory capacity to a member or employee upon written request and must issue recommendations to the member or employee. A member may request the subcommittee to provide its advice on a potential conflict of interest to the member in private. If so requested, the subcommittee must conduct its proceedings on the advisory opinion in private. The request, proceedings on the request, and any advice given by the subcommittee in response to the request must remain private. The member may not use an advisory opinion from the subcommittee as a defense to a complaint under this rule unless the opinion has been adopted by the subcommittee at a public meeting.

55.3 A member may submit a complaint, in writing and under oath, to the chair of the subcommittee. The complaint must be received before adjournment sine die in the last year of a senate term or during a special session held after that time regarding improper conduct by a member or employee of the Senate. The chair of the subcommittee must promptly provide the subject of the complaint and members of the subcommittee a copy of the complaint. Complaints and any information included with or attached to the complaint are public after being provided to the subject of the complaint and members of the subcommittee.

55.4 The subcommittee must investigate a complaint that satisfies the requirements of Rule 55.3. The subcommittee has the powers of a standing committee to issue subpoenas under Minnesota Statutes, section 3.153.

55.5 Within 30 calendar days after receiving a complaint, the subcommittee must meet and either make a finding of no probable cause, vote to defer action until a certain time, or proceed with its investigation.

55.6 In order to determine whether there is probable cause to believe that improper conduct has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the open meeting requirements of Rules 12.1 to 12.3 do not apply. The executive session may be ordered by a vote of three of its members whenever the subcommittee determines that matters relating to probable cause are likely to be discussed. The executive session must be limited to matters relating to probable cause. The subcommittee must not call witnesses or take testimony during an executive session. Upon a vote of three members, an executive session must be recorded. A recording must only be made available to the public after the complaint has been finally acted upon. Upon a finding of probable cause, further proceedings on the complaint are open to the public.

55.7 For complaints alleging any conduct prohibited by the nondiscrimination and anti-harassment policy applicable to the Senate, the subcommittee must conduct its proceedings in

27.1 private to determine whether there is probable cause to believe that improper conduct occurred.
27.2 The open meeting requirements of Rule 12.1 or 12.3 do not apply to a meeting held under this rule.
27.3 The parties to the complaint may waive the requirements of this rule by mutual written agreement
27.4 provided to the Chair of the Subcommittee on Ethical Conduct before any hearing is commenced.
27.5 The recording required under Senate Rule 50 of any meeting held under this rule must be kept
27.6 private by the Secretary, and no further description or distribution of the recording, including, but
27.7 not limited to, any description or distribution required under Senate Rules 50.2 to 50.9, must be
27.8 permitted without a vote of three of the members of the subcommittee.

27.9 55.8 The subcommittee may appoint special counsel to provide expert advice on how to
27.10 conduct its proceedings. The subcommittee may appoint a suitable person to conduct the investigation
27.11 and report findings of fact and recommendations for action to the subcommittee.

27.12 55.9 If, after investigation, the subcommittee finds the complaint substantiated by the evidence,
27.13 it must recommend to the Committee on Rules and Administration appropriate disciplinary action.

27.14 55.10 The subcommittee must hear an appeal by a member of the Senate from a Senate
27.15 investigation of a complaint made pursuant to the Senate's nondiscrimination and anti-harassment
27.16 policy, within the time limit for appeal provided in that policy. All hearings of appeals under this
27.17 rule must be conducted privately under the terms and conditions provided under Rule 55.7. The
27.18 parties may agree to waive the privacy requirements of Rule 55.7 as provided in that rule. The
27.19 subcommittee may consider information gathered in the course of the Senate investigation that is
27.20 under appeal, but is not bound by any determinations or recommendations from the investigation.
27.21 The subcommittee may take action to gather additional information.

27.22 55.11 The complainant or the subject of the complaint may be represented by counsel at a
27.23 hearing of the subcommittee. The Senate will not provide legal counsel or reimbursement for legal
27.24 counsel for any party to a complaint.

27.25 55.12 A complainant may withdraw the complaint by submitting a notice of withdrawal, in
27.26 writing, to the chair of the subcommittee. If the complaint was brought by multiple complainants,
27.27 a withdrawal by one complainant has the effect of removing that complainant's name from the
27.28 complaint but does not withdraw the complaint in its entirety. If a complaint is withdrawn by all
27.29 complainants who submitted the complaint, the complaint is dismissed. The chair of the
27.30 subcommittee must notify the subject of the complaint and the members of the subcommittee of
27.31 any notice of withdrawal or if a complaint is dismissed pursuant to this rule. A notice of withdrawal
27.32 is public after being provided to the subject of the complaint and the members of the subcommittee.

27.33 55.13 To minimize disruption of its public proceedings, the subcommittee may require that
27.34 television coverage be pooled or be provided by Senate media services.

27.35 55.14 If criminal proceedings relating to the same conduct have begun, the subcommittee
27.36 may defer its proceedings until the criminal proceedings have been completed.

55.15 The Senate intends that proceedings of the Subcommittee on Ethical Conduct not be admissible in any criminal proceeding.

56. STANDARDS OF ETHICAL CONDUCT

56.1 Members must adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.

56.2 A member must not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading, concerning a public policy issue or concerning the member's or another member's voting record or position on a public policy issue.

56.3 Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.

56.4 Members of the Senate must disclose potential conflicts of interest in the discharge of senatorial duties as provided in Minnesota Statutes, section 10A.07.

57. LOBBYING ACTIVITIES PROHIBITED

A member is prohibited from accepting employment with or otherwise receiving compensation for services performed from a business whose primary source of revenue is derived from facilitating government relations or government affairs services if the member's job duties include offering direct or indirect consulting or advice that helps the business provide those services to clients.

58. LOBBYISTS

58.1 A lobbyist must not appear before a Senate committee pursuant to the lobbyist's employment unless the lobbyist is in compliance with the law requiring lobbyist registration, Minnesota Statutes, sections 10A.03 to 10A.06. A lobbyist, when appearing before a committee, must disclose to the committee on whose behalf the lobbyist speaks and the purpose of the lobbyist's appearance.

58.2 A lobbyist must not knowingly, either directly or through a third party, furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees or subcommittees when the lobbyist knows or should know it will influence the judgment or action of the Senate or any of its committees or subcommittees.

58.3 The Subcommittee on Ethical Conduct must investigate a complaint by a member of the Senate in writing under oath received before adjournment sine die in the last year of a Senate term or during a special session held after that time that a lobbyist has violated Rule 58.1 or 58.2. The investigatory procedures of Rule 55 apply, except as provided in this rule. The complaint and proceedings on the complaint are private until the subcommittee has found probable cause to believe