

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER

1939 NO. 1

14218
C.D.
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 6 - 1939
Joseph L. Asseman
Secretary of State

A CODE OF PUBLIC SERVICE ETHICS;
ESTABLISHING STANDARDS OF CONDUCT
FOR OFFICERS AND EMPLOYEES WITHIN
THE EXECUTIVE AND ADMINISTRATIVE
BRANCHES OF STATE GOVERNMENT.

By virtue of the authority vested in me by the Constitution and laws of the State of Minnesota, and in order to promote efficiency in the public service and enforce integrity in the conduct of such public affairs as are by law committed to the chief executive officer of this state, and deeming such course to be in the public interest,

IT IS HEREBY ORDERED:

Part I. Declaration of Policy - Integrity in the executive and administrative branches of government is the responsibility of the state executive officers, commissioners, and heads of the several state departments and agencies. Public service demands devotion to the public interest with undivided fidelity. The standards of conduct herein set forth to be observed by state officers and employees in the performance of their official duties are intended to eliminate conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of Minnesota in their government. It is further intended that this code shall serve not only as a guide for official conduct of the state's officers and employees, but also as a basis for discipline of those subject to the removal power of the several executive and administrative officers of state government.

Part II. Definitions - (a) State agency: As used herein, the term state agency means and includes every department, board, commission, officer, employee, and other agency of the state, including state hospitals, state penal institutions, and other state institutions, enterprises, and activities wherever located, but excepting the regents of the state university and persons and institutions under their control, and the state legislature and its employees, and excepting further all cities, villages, boroughs, towns, counties, school districts, and other municipal corporations or political subdivisions of the state.

(b) Personal and private interest means an interest, including but not limited to a pecuniary interest, which pertains to a person, firm, corporation or association whereby such person, firm, corporation or association would gain a special benefit, privilege, exemption, or advantage from the action of a state agency.

(c) Confidential information means such information as is declared confidential by statute.

Part III. Standards of Conduct

Section 1. Except as otherwise authorized or provided for by law, no

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officer or employee of a state agency should have any interest, pecuniary or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest.

Sec. 2. No officer or employee of a state agency should use his position to secure special privileges or exemptions for himself or others.

Sec. 3. No officer or employee of a state agency should directly or indirectly receive or agree to receive any compensation, gift, reward or gratuity from any source except the State of Minnesota, for any matter or proceeding connected with or related to the duties of such officer or employee unless otherwise provided for by law.

Sec. 4. No officer or employee of a state agency should accept other employment which may reasonably be expected will impair his independence of judgment in the exercise of his official duties.

Sec. 5. No officer or employee of a state agency should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect pecuniary interest.

Sec. 6. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him, or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

Sec. 7. No officer or employee of any department or agency of the State of Minnesota should not as an agent or attorney for the prosecution of any claim before any court, commission, or other tribunal against the State of Minnesota, nor should he aid or assist in the prosecution or support of any such claim otherwise than in the proper discharge of his official duties, nor receive any gratuity or any share or interest in any such claim.

Sec. 8. No officer or employee of a state agency should accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

Sec. 9. No officer or employee of a state agency should disclose confidential information gained by him by reason of his official position, nor should he otherwise use such information for his personal gain or benefit.

Sec. 10. Except as otherwise specifically authorized by law, no officer or employee of a state agency should transact any business in his official capacity with any business entity of which he is an officer, agent or employee, or in which he owns a substantial interest.

Sec. 11. Except as otherwise specifically authorized by law, no officer or employee of a state agency, nor any firm, corporation, or association, or other business entity in which such officer or employee of a state agency is an agent, officer, or employee, or in which he owns a controlling interest, or any interest acquired after the acceptance of state employment, should sell goods or services to any person, firm, corporation, or association which is licensed by, or regulated in any manner by that state agency in which such officer or employee serves.

Sec. 12. Each agency officer and such subordinates as the agency head may by regulation provide, who is an officer, agent, member of, attorney for, or who owns an interest in any firm, corporation, association or other business entity which is subject to state regulation should file a sworn statement with the office of the public examiner disclosing the nature and extent of his relationship or interest, said statement to be kept in confidence or to be disclosed

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only to any authority having the power of removal of any public official or servant.

Sec. 13. Each agency head and subordinate officers as such agency heads may by regulation provide, shall file annually with the appointing power a report containing a full and complete statement of the amount and source of each item of income (excepting that received from the State of Minnesota), each item of reimbursement for any expenditure, and each gift (other than gifts received from members of his family), received by him during the preceding calendar year which exceeds \$100 in amount or value; including also the monetary value of any subsistence, travel and other facilities received for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication.

Part IV. Duties of Agency and Department Heads - In order to carry out the purposes and principles set forth in the foregoing standards of conduct and declaration of policy, agency and department heads are directed to issue, for the further guidance of their officers and employees, rules of conduct conditioned to the special needs of the respective departments and agencies, and designed to implement the purpose of this order.

Part V. Advisory Committee on Ethics in Government - In order to promote and strengthen integrity and ethical conduct in public office, and fairly and equitably to administer this code, there is hereby created an advisory committee on ethical standards, to serve as a public body with remuneration. The committee shall consist of three members, one chosen from the Practice of Law Committee of the Minnesota State Bar Association; one from the faculty of the Law School of the University of Minnesota; and one from the Civil Service Board.

The committee shall: (a) Consider any complaints concerning a breach of this code; make determinations thereon and report its recommendations to the appropriate appointing power; (b) render to the appointing power an advisory opinion as to whether the facts and circumstances in a particular case involving an officer or employee of a state agency demonstrate a violation of this code; (c) advise and assist any state agency in establishing rules and regulations relating to possible conflicts between private interest and official duties; (d) make recommendations for revisions in the code of ethics or suggest legislation relating to the conduct of state officers and employees in the performance of their official duties.

The committee may publish such advisory opinions as it may issue with such deletion as it may deem appropriate to prevent the disclosure of the identity of officers and employees involved; such advisory opinions to serve as a further guide for judging official conduct.

Nothing herein is intended to conflict with the duties and powers committed by law to the Civil Service Board, or with the provisions of Minnesota Statutes, Chapter 43.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this sixth day of February in the year of our Lord one thousand nine hundred and fifty-~~eight~~ and of the state, the one hundred first.

ATTEST:

William F. Weaver
GOVERNOR

Joseph L. Donnan
SECRETARY OF STATE

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