



Legislative Ethics

November 2018

This publication summarizes the Minnesota laws and rules governing ethical behavior by members and staff of the Minnesota House.

Overview

Members and staff of the Minnesota House must comply with a variety of standards intended to ensure ethical behavior in their public service work. Many of these standards are provided in state law, while others are contained in the procedural rules of the House. Each of these laws and rules is summarized in the table starting on page 2.

The table does not include: (1) laws or rules on campaign ethics; (2) legislative policies not embodied in laws or official rules, except where noted; (3) laws of general application that do not specifically have reference to members or staff in their official capacity as public officials or employees (the crimes of theft or forgery, for example); or (4) sexual harassment or discrimination policies.

A legal citation is given for each standard. References are to Minnesota Statutes as amended through 2018 and the Rules of the House 2017-2018.

Application of standards. The column labeled “Application to House Members and Staff” indicates whether the listed standard clearly applies to House members and/or House staff by its context or its express language, or whether the standard might apply.

Where the column indicates that a standard “might apply,” it means that application of the standard depends on whether House members and House staff are considered to be part of a larger group named in the law or rule. Sometimes the law is not clear about whether the legislative branch is included in a larger named group.

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Conduct Standards for Minnesota House Members and Staff

Category of Activity	Standard of Conduct	Application to House Members and Staff
General violation of House norms, betrayal of public trust, or bringing the House into dishonor or disrepute	A complaint may be brought to the Ethics Committee for “conduct by a member that violates a rule or administrative policy of the House, that violates accepted norms of House behavior, that betrays the public trust, or that tends to bring the House into dishonor or disrepute.” <i>House Rule 6.10</i>	Clearly applies
Conflicts of Interest		
Gifts	House members and employees may not accept gifts from lobbyists or principals. Specified exceptions from the ban are listed in the statute, which is included at the end of this publication. Other exceptions have been identified in advisory opinions of the Campaign Finance and Public Disclosure Board. <i>Minn. Stat. § 10A.071</i>	Clearly applies
Gifts related to state contracts and purchases	State employees involved in purchasing or contracting decisions may not accept anything of more than nominal value from a supplier. <i>Minn. Stat. § 15.43</i>	Might apply
Travel and lodging	House members and employees may not accept travel or lodging from a foreign government, private for-profit business, labor union, registered lobbyist, or any association of such entities, except for payment permitted by law of expenses of participating in a meeting or conference. This prohibition does not apply to a member acting in the regular course of nonlegislative employment or business. <i>House Rule 9.21</i>	Clearly applies
Honoraria	A House member may not accept an honorarium (expenses excepted) for any service performed for an individual or organization that has a direct interest in the business of the House. The prohibition does not apply to reimbursement for expenses incurred by a member performing a service. Alleged violations of this rule must be referred to the Ethics Committee. A prohibited honorarium must be returned. <i>House Rule 9.20</i>	Clearly applies
	Lobbyists must report each honorarium, gift, loan, or benefit of over \$5 value given to legislators and certain legislative staff. These reports are public. <i>Minn. Stat. § 10A.04, subd. 4, para. (c)</i>	Clearly applies
Lobbying	House members may not lobby for compensation. <i>House Rule 9.10</i>	Clearly applies

Category of Activity	Standard of Conduct	Application to House Members and Staff
	Former state legislators must not register as lobbyists within one year from the date they leave office. House Rule 9.35	Clearly applies
Representing clients for a fee	Legislators and specified legislative staff must disclose representation of a client for a fee before an individual or agency that has rulemaking authority. Minn. Stat. § 10A.08	Clearly applies
Conflict of interest related to state contracts and purchases	State employees involved in a purchasing or contracting decision may not have a financial interest in or derive a benefit from a supplier or potential supplier. Misdemeanor. Minn. Stat. § 15.43	Might apply
	Public officers involved in contracting may not voluntarily have a personal interest in or benefit financially from the contract. Gross misdemeanor. Minn. Stat. § 471.87	Might apply
Conflicts of interest; general	Legislators and specified legislative staff must file an annual report on economic interests. Minn. Stat. § 10A.09	Clearly applies
	Legislators and specified legislative staff must disclose when making a decision or taking an action that would substantially affect a personal financial interest or the financial interests of an associated business. Minn. Stat. § 10A.07	Clearly applies
	A House member with an immediate interest in a question must not vote on it. House Rule 2.05	Clearly applies
Misuse of Official Authority		
Accepting extra compensation	Public officers or employees may not intentionally ask, receive, or agree to receive compensation (1) in excess of that allowed by law or (2) where no compensation is allowed. Misdemeanor. Minn. Stat. § 609.45	Clearly applies
Misusing state time, property, or funds	State officers or employees may not sell state property to another state or local officer or employee, except under specified conditions and procedures. Minn. Stat. § 15.054 See also “House equipment and time on campaigns,” below.	Might apply

Category of Activity	Standard of Conduct	Application to House Members and Staff
	<p>State employees may not use or allow the use of state time, supplies, or property for the employee's private interest, or any other use not in the interests of the state.</p> <p><i>Minn. Stat. § 43A.38, subd. 4</i></p>	
Corrupting the state civil service	<p>State employees or other persons may not engage in specified acts (e.g., paying for an appointment) that relate to defrauding the civil service appointments system.</p> <p><i>Minn. Stat. § 43A.39</i></p>	Might apply
Campaign contributions during legislative sessions	<p>A candidate, candidate's principal campaign committee, or a legislative caucus may not solicit or accept a contribution from a registered lobbyist, political committee or fund, a dissolving principal campaign committee, or certain other associations during the regular legislative session. A legislator remains a "candidate" for purposes of this restriction until the legislator's principal campaign committee is dissolved.</p> <p>A political party unit may not solicit or receive contributions from the above sources at an event hosted by a candidate for the legislature or constitutional office during the regular legislative session. Punishable by a civil penalty of up to \$1,000.</p> <p><i>Minn. Stat. § 10A.273</i></p> <p>A House member and certain groups associated with the member are prohibited from soliciting or accepting a contribution from a lobbyist, corporation, labor union, political committee, tribal organization, and other specified entities during a regular or special legislative session.</p> <p><i>House Rule 9.10</i></p>	Clearly applies
Political activity; use of official authority	<p>State employees may not, during hours of employment, solicit or receive political contributions or use official authority to compel political contribution or activity.</p> <p><i>Minn. Stat. § 43A.32, subd. 1</i></p>	Might apply
	<p>An employee or official of the state may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity.</p> <p><i>Minn. Stat. § 211B.09</i></p>	Clearly applies
Campaign activity	<p>An employee or member of the House may not use House equipment for campaign activities. An employee of the House may not participate in campaign activity during working hours or be obliged to participate in campaign activities as a condition of employment.</p> <p><i>House Rule 9.05; House Campaign Activity Policy C-4</i></p>	Clearly applies

Category of Activity	Standard of Conduct	Application to House Members and Staff
Criminal Activity		
Making or paying false claims	Any person who, with intent to defraud, knowingly presents a false claim to a public officer or body is guilty of an attempt to commit theft of public funds. (See below, "Theft of public funds.") <i>Minn. Stats. §§ 609.465</i>	Clearly applies
	Public officers or employees may not knowingly allow or pay a false or fraudulent claim against a government agency. Punishable by up to five years in prison and/or a fine of up to \$10,000. <i>Minn. Stat. § 609.455</i>	Clearly applies
Failing to remit state funds	Any person who receives money on behalf of or for the account of a public entity may not intentionally refuse or omit to pay the money to the public entity. Punishable by up to five years in prison and/or a fine of up to \$10,000. <i>Minn. Stat. § 609.445</i>	Clearly applies
Misappropriation of money	An official or employee in the executive, legislative, or judicial branches may not intentionally use money appropriated by law knowing that the use is for a purpose other than the purpose for which the money was appropriated. Unless a greater penalty is specified in other law, violation is a gross misdemeanor and may be grounds for expulsion, impeachment, or recall of an elected official. <i>Minn. Stat. § 16A.139</i>	Clearly applies
Theft of public funds	Any person convicted of theft may be sentenced to a term in prison and/or subject to a fine. The severity of the penalty varies based on the amount of the theft. <i>Minn. Stat. § 609.52, subd. 3</i>	Clearly applies
Bribery	Public officers or employees may not be bribed or accept a bribe. Punishable by up to ten years in prison and/or a fine of up to \$20,000. Legislators convicted of bribery forever forfeit the right to hold office. <i>Minn. Stat. § 609.42</i>	Clearly applies
Misconduct in office	A public officer or employee may not (1) intentionally fail to perform a known mandatory duty; (2) act knowingly in excess of or contrary to lawful authority; (3) under pretense of authority, intentionally or unlawfully injure another's person, property, or rights; or (4) knowingly make a materially false return, certification, official report, or document. Punishable by up to one year in jail and/or a fine of up to \$3,000. <i>Minn. Stat. § 609.43</i>	Clearly applies

Category of Activity	Standard of Conduct	Application to House Members and Staff
Holding public office illegally	No person may intentionally and unlawfully assume public office or refuse to surrender office to a successor or other authority. Punishable by up to one year in jail and/or a fine of up to \$3,000. <i>Minn. Stat. § 609.44</i>	Clearly applies
Malfeasance/nonfeasance/serious crimes	A recall petition may be filed against a state officer on the grounds of intentional commission of an unlawful or wrongful act in the performance of official duties; intentional, repeated failure to perform required official duties; or conviction of specified misdemeanors or gross misdemeanors. <i>Minn. Stat. §§ 211C.01 to 211C.09</i>	Clearly applies
	Conviction of any infamous crime, or of any offense involving a violation of the official oath may cause the member's office to automatically become vacant. <i>Minn. Stat. § 351.02, cl. (5)</i>	Clearly applies
Interference with the Legislative Process		
Contempt of the legislature	Each house of the legislature may punish the following activities as contempt: (1) arresting or causing to be arrested, a member or officer in violation of the member's privilege from arrest (2) disorderly conduct in its view and presence, or in the view and presence of any of its committees, tending to interrupt its proceedings (3) giving or offering a bribe to a member, or attempting by menace or corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding the member's vote Contempt of the legislature is punishable by imprisonment. <i>Minn. Stat. §§ 3.14 to 3.15</i>	Clearly applies
Corruptly influencing a legislator	Any person who by menace, deception, concealment of facts, or other corrupt means, attempts to influence a legislator may be sentenced to prison for up to five years and/or a fine of up to \$10,000. <i>Minn. Stat. § 609.425</i> See also "Contempt of the legislature," above.	Clearly applies
Disturbing legislature or intimidating member	The following activities are a gross misdemeanor: (1) willfully disturbing the legislature, or either house of it, while it is in session	Clearly applies

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	<p>(2) disorderly conduct in the presence and view of either house, tending to interrupt its proceedings or impairing the respect due to its authority</p> <p>(3) willfully, by intimidation or otherwise, preventing a member of the legislature from attending a session of the member's house, or of a committee of it, or from giving the member's vote upon a question which may come before the house, or from performing any other official act</p> <p><i>Minn. Stat. § 3.151</i></p>	
Fraudulent alteration of a bill or resolution	<p>A person who fraudulently alters the draft of a bill or resolution that has been presented to either house of the legislature to be passed or adopted, with intent to procure its passage or adoption by either house or certification by the presiding officer in language different from that intended by the house, is guilty of a gross misdemeanor.</p> <p>A person who fraudulently alters the engrossed copy or enrollment of a bill that has been passed by the legislature, with intent to procure its approval by the governor, certification by the secretary of state, or printing or publication by the printer of the statutes, in language different from that in which it was passed by the legislature, is guilty of a felony.</p> <p><i>Minn. Stat. §§ 3.185 and 3.191</i></p>	Clearly applies
Open meeting rule violation	<p>A person may submit a complaint to the Speaker of the House regarding a violation of the legislative open meeting rule. The speaker must investigate and may refer the matter to the Committee on Ethics.</p> <p><i>House Rule 6.23</i></p>	Clearly applies

For more information about legislative ethics, visit the legislature area of our website, www.house.mn/hrd or the website of the Campaign Finance and Public Disclosure Board, cfb.mn.gov.



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Appendix I: Gift Law for Public Officials and Legislative Staff

2018 Minnesota Statutes

10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

(c) "Official" means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

(d) "Plaque" means a decorative item with an inscription recognizing an individual for an accomplishment.

Subd. 2. **Prohibition.** A lobbyist or principal may not give a gift or request another to give a gift to an official. An official may not accept a gift from a lobbyist or principal.

Subd. 3. **Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 10A.01, subdivision 11;
(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque with a resale value of \$5 or less;

(5) a trinket or memento costing \$5 or less;

(6) informational material with a resale value of \$5 or less; or

(7) food or a beverage given at a reception, meal, or meeting if:

(i) the reception, meal, or meeting is held away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program; or

(ii) the recipient is a member or employee of the legislature and an invitation to attend the reception, meal, or meeting was provided to all members of the legislature at least five days prior to the date of the event.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(2) by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.