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LEGISLATIVE ETHICS GUIDELINES

House Research Department
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PREAMBLE

In the American system of representative government, in which government functions by and with the consent of the governed, it is the duty of the Minnesota State House of Representatives and its members to support and defend the constitutions of this State and of the United States and to consider and enact legislation necessary to the public interest. To maintain a proper balance in the consideration and enactment of laws it is essential that each legislator exercise his influence and cast his vote according to the best interests of the public and his constituents.

The Minnesota State House of Representatives acknowledges that, in serving the public interest, it is a legislator's right to vote upon all questions before the house of which he is a member and to participate in the business of the house and its committees, and that in doing so he is presumed to act in good faith and in the public interest.

Furthermore, the Minnesota House finds and determines that high moral and ethical standards among public servants are essential to the conduct of free government; that guidelines for public officers and employees is necessary in order to eliminate any 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. Therefore, the Minnesota House of Representatives Ethics Committee suggests these guidelines to the statutory provisions.

RULE WITH RESPECT TO CONFLICTS OF INTEREST

No member of the legislature or legislative employee should have any interest, financial 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 substantial conflict with the proper discharge of his duties in the public interest.

Standards

- A. No member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No member of the legislature or legislative employee should disclose confidential information gained by reason of his official position, nor should he otherwise use such information for his personal gain or benefit.
- C. No member of the legislature or legislative employee 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 or authority.
- D. No member of the legislature or legislative employee should engage in any transaction as a representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

- E. A member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.
- F. A member of the legislature who has economic interest in any measure or bill proposed or pending before the legislature, or who is a paid representative of any person, firm, corporation or association having such interest, should disclose such interest to the legislative assembly or committee of which he is a member, and such disclosure shall be recorded in the journal or minutes affecting the meeting.
- G. No member of the legislature or legislative employee should use his position for compensation or otherwise, to secure or attempt to secure special governmental benefits, privileges or exemptions for himself or for other individuals, corporations or associations.

Business or Professional Activities by Members of the
Legislature or Legislative Employees

- A. No member of the legislature or legislative employee shall act as agent or attorney for the prosecution of any claim against the state of Minnesota before the legislature or any agency of the legislature, or to aid or assist in the prosecution or support

of such claim other than in the proper discharge of his official duties, or to receive any gratuity in connection with, or any share or interest in, any such claim. However, this provision shall in no way prevent a legislator from presenting any such claims which are personal to himself.

- B. No member of the legislature or legislative employee should accept any employment or retainer for appearances before any state board or agency if such appearance is based on a contingent fee. Such a provision would enable a legislator to appear before a state board or agency and be compensated on the basis of time and expense.
- C. No member of the legislature or legislative employee or firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall sell any goods or services having a value in excess of \$100.00 to any state board or agency unless pursuant to an award or contract let after public notice and competitive bidding. This subdivision shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.
- D. No legislator or legislative employee shall, directly or indirectly, solicit, accept or receive any gift having significant value, whether in the form of money, service, loan, travel, entertainment,

hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or in the official performance of his official duties or was intended as a reward for any official action on his part.

- E. No member of the legislature should indulge in any lobbying activities for which he is compensated, and public disclosure should be made of any such lobbying made by any firms with which a legislator is associated.

RECOMMENDATIONS TO THE HOUSE RULES COMMITTEE FROM THE
HOUSE ETHICS COMMITTEE.

I. Disclosure

- A. Every member of the legislature or legislative employee shall file with the chief clerk of the House, if a member or employee of that body, a written statement of 1) each financial interest, direct or indirect, of himself, his spouse, and his unemancipated and minor children in any activity which is subject to jurisdiction of a regulatory agency and the name of the entity in which the interest is had, and whether such interest is over or under \$5,000 in value.
- B. Every office and directorship held by him in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency, including the name of such corporation, firm or enterprise.
- C. Any other interest or relationship which he determines in his discretion might reasonably be expected to be particularly affected by legislative action or in the public interest should be disclosed.
- D. The Chief Clerk of the House shall prepare a report containing the statements required to be filed pursuant to paragraph A, B and C of this subdivision. Copies of such reports shall be open to public inspection in the office of the Clerk of the House. Each house may adopt rules to implement the provisions of this subdivision, insofar as they relate to members of the legislature and legislative employees.

- II. We suggest that separate contracts be made with consultants wherein said contract deals with confidentiality of information received in the course of their employment and that such information should not be used for their benefit nor conveyed to anyone else for personal gain.