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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3728

03/14/2018 Authored by Murphy, E.,
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act
1.2 relating to the legislature; creating the Citizen Council on Legislative Ethics;
1.3 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;

2.1 (5) completion of reports regarding any submitted complaint, to be forwarded to the
2.2 ethics committees of the house of representatives, senate, or both;

2.3 (6) review of any code of conduct or rule of behavior pertaining to or applying to
2.4 members of the legislature and recommendations for changes to those requirements; and

2.5 (7) proposal of strategies or requirements to prevent harassment.

2.6 Subd. 3. **Training.** The council shall review training materials and requirements for
2.7 staff, lobbyists, and legislators and recommend changes to these requirements as deemed
2.8 necessary.

2.9 Subd. 4. **Procedural requirements.** The Citizen Council on Legislative Ethics shall
2.10 adopt procedures for handling complaints, including:

2.11 (1) public hearings to establish if probable cause exists to investigate or report on any
2.12 complaint;

2.13 (2) grants of limited or qualified confidentiality to complainants or witnesses;

2.14 (3) requirements for the use of closed meetings to consider confidential matters, including
2.15 confidential complaints, complaints involving medical records, or deliberations thereof;
2.16 and

2.17 (4) procedures to ensure due process to all parties to a complaint.

2.18 Subd. 5. **Membership.** Members of the Citizen Council on Legislative Ethics must not
2.19 be current or prior members of the legislature. Appointed members must have expertise in
2.20 personnel law, human resources, harassment policies, or legislative ethics. Appointments
2.21 must be made by January 15 of each odd-numbered year and are for a four-year term. The
2.22 council shall elect a chair and vice-chair at the first meeting. The first meeting must be prior
2.23 to February 15 of each odd-numbered year. Members continue to serve until their successors
2.24 are appointed. Vacancies that occur during the four-year term shall be filled by the appointing
2.25 authority. The council consists of eight members of the Minnesota public as follows:

2.26 (1) two persons appointed by the speaker of the house;

2.27 (2) two persons appointed by the minority leader of the house of representatives;

2.28 (3) two persons appointed by the majority leader of the senate; and

2.29 (4) two persons appointed by the minority leader of the senate.

2.30 Subd. 6. **Staff.** The Citizen Council on Legislative Ethics shall be administered by the
2.31 director of the Legislative Coordinating Commission. The council chair and vice-chair may,

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.