

CHAPTER 558—H. F. No. 130

[Coded]

An act relating to public service ethics and conflicts of interest in state government, establishing standards of conduct for officers and employees of state agencies, legislators and legislative employees.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [3.87] **Purpose.** The legislature finds and determines that high moral and ethical standards among public officers and employees in all branches of government are essential to the conduct of free government; that the rule which forbids an agent or trustee to place himself in a position wherein his private interest may conflict with his duty to his principal applies to public service, which is a public trust; and that a need exists to define and regulate the conduct of public officials and employees to eliminate conflicts of interest in public office so as to improve standards of public service and strengthen the faith and confidence of the people of Minnesota in their government; and this act shall be liberally construed to effectuate these ends.

Sec. 2. [3.88] **Legislative code of ethics, content.** The code of legislative ethics shall be:

(a) A legislator or legislative employee should not accept other employment which will impair his independence of judgment in the exercise of his official duties.

(b) A legislator or legislative employee should not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by himself or another for activity before any state board, commission, or public agency when such activity is in substantial conflict between his personal interest and his duties in the public interest so as to thereby create a possibility of undue influence or wrongful advantage.

(c) A legislator or legislative employee should refrain from acting and a legislator should refrain from voting in any matter where the interest of the public and the interest of the legislator or legislative employee are or may be in conflict.

Subd. 2. Legislative ethics committees in interpreting section 2, subdivision 1, shall take into consideration that

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most legislators and legislative employees must in most instances engage in employment outside of legislative work and in a number of instances maintain investments all of which in themselves are in no way in conflict with the code of ethics herein enunciated.

Sec. 3. [3.89] Legislative committees. Subdivision 1. There is hereby created a permanent committee of the senate to be known as the senate committee on ethics. This committee shall consist of four members to be selected as follows: Two members shall be appointed by the committee on committees of the senate which committee shall also name the chairman of the senate ethics committee, and two members shall be appointed by the minority leader of the senate. The first such appointees shall be named within ten days following adjournment of the 62nd session of the legislature and shall hold office until their successors are duly appointed and qualified.

Subd. 2. There is hereby created a permanent committee of the house of representatives to be known as the house committee on ethics. The committee shall consist of four members to be selected as follows: Two members shall be appointed by the speaker of the house who shall also name the chairman of the house committee on ethics and two members shall be appointed by the minority leader of the house.

Subd. 3. Thereafter members of the senate and house ethics committees shall be named as provided in subdivisions 1 and 2 hereof on or before the 10th day after the convening of each regular session of the legislature and such persons, so named, shall serve until their successors are duly named and qualified at the succeeding regular session of the legislature.

Sec. 3. [3.90] Duties of committee; complaints; hearing; determination. Subdivision 1. The following shall be the duties of the committees on ethics:

(a) To render advisory opinions upon the request of any legislator or legislative employee as to whether the facts and circumstances of a particular case constitute or will constitute a violation or probable violation of this act. The identity of persons involved shall be kept in confidence.

(b) To receive and consider complaints concerning alleged violations of this act; to investigate and hold hearings.

(c) To subpoena witnesses, administer oaths and take

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testimony relating to matters before the committee and require the production for examination of any books or papers relative to any matter under investigation or in question before the committee. Before the committee shall exercise any of the powers authorized herein with respect to any investigation or hearings it shall by formal resolution, supported by a vote of three or more members of the committee, define the nature and scope of its inquiry.

Subd. 2. Complaints must be in writing, signed by the person making the complaint under oath. The committee shall initially investigate complaints on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If, after inquiry, three or more members of the committee determine that there is probable cause for belief that a violation of this act might have occurred, a copy of the complaint and a further statement of the alleged violation shall be personally served upon the alleged violator. He shall have 20 days after service thereof to respond in writing to the complaint and statement.

Any committee member or individual, including the individual making the complaint, who divulges information concerning the complaint prior to the issuance of the complaint by the committee; or if the investigation discloses that the complaint should not be issued by the committee, at any time divulges any information concerning the original complaint, shall be guilty of a gross misdemeanor.

Subd. 3. If three or more members of the committee shall conclude that there is reason to believe that a violation of this act has been committed then the committee shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. All parties shall have an opportunity (1) to be heard, (2) to subpoena witnesses and require the production of any books or papers relative to the proceedings, (3) to be represented by counsel, and (4) to have the right of cross-examination. All witnesses shall testify under oath and the hearings shall, upon consent of the party complained against, be open to the public. The committee shall not be bound by the strict rules of evidence but the committee's findings must be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available to all interested parties at their own expense, and the fees therefor shall be deposited in the state's general fund.

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Subd. 4. A decision of the committee pertaining to the conduct of any legislator or legislative employee shall be in writing and signed by three or more of the members of such ethics committee.

Subd. 5. The committee shall thereafter dismiss the complaint or, if it determines that a violation has occurred, make its findings and recommend to the senate or house of representatives, as the case may be, appropriate disciplinary action against the party or parties violating the provisions of this act or deliver such findings to the attorney general for civil or criminal action as he may determine is warranted.

Sec. 4. [3.91] **State agencies, codes; submissions to legislative committee.** The head of each state agency shall prepare and publish for the guidance of its officers and employees a code of public service ethics appropriate to the specific needs of such agency.

Copies of such codes shall be delivered to the ethics committees of the house and senate and, in the event such committees find any code to be inadequate, the committee shall designate in writing such inadequacies to the head of the state agency.

Sec. 5. [3.92] **Effective date; effect.** This act is effective upon final enactment. Nothing contained in this act shall amend or repeal any of the provisions in Minnesota Statutes, Chapter 43, nor any other existing laws defining criminal acts.

Approved April 20, 1961.

CHAPTER 559—H. F. No. 133

[Coded]

An act relating to education and aid to handicapped children; amending Extra Session Laws 1959, Chapter 71, Article V, Section 32, Subdivision 3, and Article I, Section 17; by adding a new subdivision thereto.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Extra Session Laws 1959, Chapter 71, Article V, Section 32, Subdivision 3, is amended to read:

[124.32] Subd. 3. When a handicapped or a mental-

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