

1.1 A Senate resolution
1.2 relating to Temporary Rules of the Senate; providing privacy requirements for certain
1.3 hearings conducted by the Subcommittee on Ethical Conduct; amending Temporary
1.4 Senate Rule 55.

1.5 BE IT RESOLVED by the Senate of the State of Minnesota:

1.6 Temporary Rule 55 is amended to read:

1.7 **55. SUBCOMMITTEE ON ETHICAL CONDUCT**

1.8 55.1 The Committee on Rules and Administration shall appoint a Subcommittee on Ethical
1.9 Conduct of the Committee on Rules and Administration consisting of four members, two from the
1.10 majority group and two from the minority group.

1.11 55.2 The subcommittee shall serve in an advisory capacity to a member or employee upon
1.12 written request and shall issue recommendations to the member or employee. A member may
1.13 request the subcommittee to provide its advice on a potential conflict of interest to the member in
1.14 private. If so requested, the subcommittee shall conduct its proceedings on the advisory opinion in
1.15 private. The request, proceedings on the request, and any advice given by the subcommittee in
1.16 response to the request must remain private. The member may not use an advisory opinion from
1.17 the subcommittee as a defense to a complaint under this rule unless the opinion has been adopted
1.18 by the subcommittee at a public meeting.

1.19 55.3 The subcommittee shall investigate a complaint made in writing by a member of the
1.20 Senate under oath. The complaint must be received before adjournment sine die in the last year of
1.21 a senate term or during a special session held after that time regarding improper conduct by a
1.22 member or employee of the Senate. The subcommittee has the powers of a standing committee to
1.23 issue subpoenas under Minnesota Statutes, section 3.153.

2.1 55.4 Within 30 calendar days after receiving a complaint, the subcommittee must meet and
2.2 either make a finding of no probable cause, vote to defer action until a certain time, or proceed with
2.3 its investigation.

2.4 55.5 In order to determine whether there is probable cause to believe that improper conduct
2.5 has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary
2.6 inquiry in executive session to which the open meeting requirements of Rules 12.1 to 12.3 do not
2.7 apply. The executive session may be ordered by a vote of three of its members whenever the
2.8 subcommittee determines that matters relating to probable cause are likely to be discussed. The
2.9 executive session must be limited to matters relating to probable cause. Upon a finding of probable
2.10 cause, further proceedings on the complaint are open to the public.

2.11 55.6 For complaints alleging any conduct prohibited by the nondiscrimination and
2.12 anti-harassment policy applicable to the Senate, the subcommittee must conduct its proceedings in
2.13 private to determine whether there is probable cause to believe that improper conduct occurred.
2.14 The open meeting requirements of Rule 12.1 or 12.3 do not apply to a meeting held under this rule.
2.15 The parties to the complaint may waive the requirements of this rule by mutual written agreement
2.16 provided to the chair of the Subcommittee on Ethical Conduct before any hearing is commenced.
2.17 The recording required under Senate Rule 50 of any meeting held under this rule must be kept
2.18 private by the Secretary, and no further description or distribution of the recording, including, but
2.19 not limited to, any description or distribution required under Senate Rules 50.2 to 50.9, shall be
2.20 permitted without a vote of three of the members of the subcommittee.

2.21 ~~55.6~~ 55.7 The subcommittee may appoint special counsel to provide expert advice on how
2.22 to conduct its proceedings. The subcommittee may appoint a suitable person to conduct the
2.23 investigation and report findings of fact and recommendations for action to the subcommittee.

2.24 ~~55.7~~ 55.8 If, after investigation, the subcommittee finds the complaint substantiated by the
2.25 evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary
2.26 action.

2.27 ~~55.8~~ 55.9 The subcommittee shall hear an appeal by a member of the Senate from a Senate
2.28 investigation of a complaint made pursuant to the Senate's nondiscrimination and anti-harassment
2.29 policy, within the time limit for appeal provided in that policy. All hearings of appeals under this
2.30 rule must be conducted privately under the terms and conditions provided under Rule 55.6. The
2.31 parties may agree to waive the privacy requirements of Rule 55.6 as provided in that rule. The
2.32 subcommittee may consider information gathered in the course of the Senate investigation that is
2.33 under appeal, but is not bound by any determinations or recommendations from the investigation.
2.34 The subcommittee may take action to gather additional information.

2.35 55.10 To minimize disruption of its public proceedings, the subcommittee may require that
2.36 television coverage be pooled or be provided by Senate media services.

3.1 ~~55.9~~ 55.11 If criminal proceedings relating to the same conduct have begun, the subcommittee
3.2 may defer its proceedings until the criminal proceedings have been completed.

3.3 ~~55.10~~ 55.12 The Senate intends that proceedings of the Subcommittee on Ethical Conduct
3.4 not be admissible in any criminal proceeding.