

Laid Over

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

HOUSE RESOLUTION 7
BY COMMITTEE ON ETHICS
(SUCCESSOR TO HSB 202)

A Resolution to amend the House code of ethics.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
That the House Code of Ethics be amended to read as follows:

HOUSE CODE OF ETHICS

PREAMBLE. Every legislator and legislative employee has a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly, and to observe the house code of ethics. Each member and employee of the house has a responsibility to conduct herself or himself so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public. The following rules are adopted pursuant to chapter 68B of the Code, to assist the members and employees in the conduct of their activities:

1. DEFINITIONS. The definitions of terms provided in chapter 68B of the Code apply to the use of those terms in these rules.

2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF HOUSE.

a. Economic or investment opportunity. A member or employee of the house shall not solicit or accept economic or investment opportunity under circumstances where the member or employee knows, or should know, that ~~there-is-a-reasonable-possibility-that~~ the

1 opportunity is being afforded with the intent to
2 influence the member's or employee's conduct in the
3 performance of official duties. If a member or
4 employee of the house learns that an economic or
5 investment opportunity previously accepted was offered
6 with the intent of influencing the member's or
7 employee's conduct in the performance of the official
8 duties, the member or employee shall take steps to
9 divest that member or employee of that investment or
10 economic opportunity, and shall report the matter in
11 writing to the chairperson of the house ethics
12 committee.

13 b. Excessive charges for services, goods, or
14 property interests. A member or employee of the house
15 shall not charge to or accept from a person known to
16 have a legislative interest, a price, fee,
17 compensation, or other consideration for the sale or
18 lease of any property or the furnishing of services
19 which is in excess of that which the member or
20 employee would ordinarily charge another person.

21 c. Use of confidential information. A member or
22 employee of the house, in order to further the
23 member's or employee's own economic interests, or
24 those of any other person, shall not disclose or use
25 confidential information acquired in the course of the
26 member's or employee's official duties. For the
27 purpose of this rule, information disclosed in open
28 session at a public meeting under chapter 21 and
29 information that is a public record under chapter 22
30 is not confidential information.

1 d. Employment. A member or employee of the house
2 shall not accept employment, either directly or
3 indirectly, from a political action committee. A
4 member of the house shall not act as a paid lobbyist
5 for any organization. However, this paragraph shall
6 not prohibit a member or employee of the house from
7 working for a candidate's committee, a political
8 party's action committee, or a political action
9 committee which does not support or oppose a candidate
10 for public office in this state or a ballot issue in
11 this state and which is not interested in issues
12 before the general assembly.

13 For the purpose of this rule, a political action
14 committee means a committee, but not a candidate's
15 committee, which accepts contributions, makes
16 expenditures, or incurs indebtedness in the aggregate
17 of more than two hundred fifty dollars in any one
18 calendar year for the purpose of supporting or
19 opposing a candidate for public office or a ballot
20 issue or for the purpose of influencing legislative
21 action.

22 e. A member or employee of the house shall not
23 solicit employment on behalf of the member or
24 employee, or on behalf of another legislator or
25 employee, as a lobbyist while the general assembly is
26 in session.

27 f. Certain goods or services. A member or
28 employee of the house shall not solicit or obtain
29 goods or services from another person under
30 circumstances where the member or employee knows or

1 should know that the goods or services are being
2 offered or sold with the intent to influence the
3 member's or employee's conduct in the performance of
4 official duties. If a member or employee of the house
5 is afforded goods or services by another person at a
6 price that is not available to other members or
7 classes of members of the general public or is
8 afforded goods or services that are not available to
9 other members or classes of members of the general
10 public by another person where the member or employee
11 knows or should know that the other person intends to
12 influence the member's or employee's official conduct,
13 the member or employee shall not take or purchase the
14 goods or services.

15 3. APPEARANCE BEFORE STATE AGENCY. A member or
16 employee of the house may appear before a state agency
17 in any representation case but shall not act as a
18 lobbyist with respect to the passage, defeat,
19 approval, veto, or modification of any legislation,
20 rule, or executive order. Whenever a member or
21 employee of the house appears before a state agency,
22 the member or employee shall carefully avoid all
23 conduct which might in any way lead members of the
24 general public to conclude that the member or employee
25 is using the member's or employee's official position
26 to further the member's or employee's professional
27 success or personal financial interest.

28 4. CONFLICTS OF INTEREST. In order for the
29 general assembly to function effectively, members of
30 the house may be required to vote on bills and

1 participate in committee work which will affect their
2 employment and other areas in which they may have a
3 monetary interest. Action on bills and in committee
4 work which ~~specifically-deals-with~~ furthers a member's
5 specific employment, or specific investment, or other
6 specific interest, as opposed to a the interests of
7 the public in general or the interests of a
8 profession, trade, or business, in-general, should or
9 other class of persons, shall be avoided. In making a
10 decision relative to a member's activity on particular
11 bills or in committee work, the following factors
12 should be considered:

13 a. Whether a substantial threat to the member's
14 independence of judgment has been created by the
15 conflict situation.

16 b. The effect of the member's participation on
17 public confidence in the integrity of the general
18 assembly.

19 c. Whether the member's participation is likely to
20 have any significant effect on the disposition of the
21 matter.

22 d. The need for the member's particular
23 contribution, such as special knowledge of the subject
24 matter, to the effective functioning of the general
25 assembly.

26 If a member decides not to participate in committee
27 work or to abstain from voting because of a possible
28 conflict of interest, the member should disclose this
29 fact to the legislative body. The member may,
30 ~~however, decide to participate in a manner which is~~

1 ~~contrary to~~ shall not vote on any question in which
2 ~~the member's~~ member has an economic interest that is
3 distinguishable from the interests of the general
4 public or a substantial class of persons.

5 ~~A member with a conflict of interest may~~
6 ~~participate in floor debate if prior to the debate,~~
7 ~~the member discloses the conflict of interest.~~

8 5. STATUTORY REQUIREMENTS. Members and employees
9 of the house ~~are urged to familiarize themselves~~ shall
10 comply with the requirements contained in chapters 68B
11 (Conflicts of Interest of Public Officers and
12 Employees), 721 (Official Misconduct), and 722
13 (Bribery and Corruption), and section sections 2.18
14 (Contempt) and 711.4 (Extortion) of the Code.

15 6. CHARGE ACCOUNTS. Members and employees of the
16 house shall not charge any amount or item to a charge
17 account to be paid for by a lobbyist or any
18 ~~organization represented by~~ client of a lobbyist.

19 7. TRAVEL EXPENSES. A member or employee of the
20 house shall not charge to the state of Iowa amounts
21 for travel and expenses unless the member or employee
22 actually has incurred those mileage and expense costs.
23 Members or employees shall not file the vouchers for
24 weekly mileage reimbursement required by section 2.10,
25 subsection 1, unless the travel expense was actually
26 incurred.

27 A member or employee of the house shall not file a
28 claim for per diem compensation for a meeting of an
29 interim study committee or a visitation committee
30 unless the member or employee attended the meeting.

1 However, the speaker may waive this provision and
2 allow a claim to be filed if the member or employee
3 attempted to attend the meeting but was unable to do
4 so because of circumstances beyond the member's or
5 employee's control.

6 8. DISCLOSURE-REQUIRED GIFTS ACCEPTED OR RECEIVED.

7 A-member,-officer,-or-employee-of-the-house-shall-file
8 a-report-with-the-chief-clerk-of-the-house-of-the
9 acceptance-from-any-one-donor-of-any-gift-or-series-of
10 gifts-made-to-the-member,-officer,-or-employee-or-to
11 an-immediate-family-member-which-exceeds-fifteen
12 dollars-in-cumulative-value-during-any-one-calendar
13 day.--The-report-shall-list-the-nature,-date,-and
14 donor-of-the-gift.--However,-the-reporting-of-food-and
15 beverage-for-immediate-consumption-in-the-presence-of
16 the-donor-is-not-required.

17 The-reports-shall-be-filed-in-the-office-of-the
18 chief-clerk-of-the-house-by-the-fifteenth-day-of-the
19 month-following-the-month-in-which-a-gift-is-provided
20 which-is-required-to-be-reported.--Subject-to-the
21 approval-of-the-committee-on-ethics,-the-chief-clerk
22 of-the-house-shall-prepare-forms-for-the-filing-of
23 these-reports-and-make-them-available-to-any-person
24 who-is-required-to-file-a-report.--The-reports-filed
25 shall-be-maintained-by-the-chief-clerk-of-the-house
26 and-be-available-for-public-inspection-as-provided-in
27 chapter-22-of-the-Code.--The-committee-on-ethics-may
28 authorize-the-chief-clerk-of-the-house-to-prepare-and
29 make-available-to-the-public-an-annual-summary-of-the
30 reports-filed-under-this-rule. Members and employees

1 of the house shall comply with the restrictions
2 relating to the receipt or acceptance of gifts
3 contained in section 68B.22.

4 9. HONORARIA RESTRICTIONS. Members and employees
5 of the house shall comply with the restrictions
6 relating to the receipt of honoraria contained in
7 section 68B.23.

8 10. DISCLOSURE REQUIRED. Each member of the house
9 and each employee of the house shall file any personal
10 financial disclosure statements required under section
11 68B.35, at the times and in the manner provided in
12 that section.

13 11. SEXUAL HARASSMENT. Members and employees of
14 the house shall not engage in conduct which
15 constitutes sexual harassment as defined in section
16 19B.12.

17 9 12. COMPLAINTS.

18 a. Filing of complaint. A-complaint-under-these
19 rules-or-under-section-68B:10, subsection 4, of the
20 Code-against-any-member-or-employee-of-the-house-or-a
21 lobbyist-operating-in-the-house-shall-be-in-writing,
22 made-under-oath, and filed with the chairperson of the
23 ethics committee of the house.--A-complaint-shall
24 specify-the-person-or-persons-against-whom-the
25 complaint-is-made, the date and location of any event,
26 incident-or-transaction-involved, the connection of
27 the-event, incident-or-transaction-with-the-official
28 position-of-any-accused-member-or-employee-or-with-the
29 lobbying-activities-of-any-accused-lobbyist, the facts
30 or-evidence-on-which-the-complainant-relies, and the

1 section-in-the-code-of-ethics,-rules-governing
2 lobbyists,-or-Code-section-or-chapter-which-is-alleged
3 to-have-been-violated.--The-complainant-shall-attach
4 to-the-complaint-a-copy-of-any-relevant-document.

5 Complaints may be filed by any person believing
6 that a member or employee of the house, or a lobbyist,
7 or a client of a lobbyist is guilty of a violation of
8 the house code of ethics, the house rules governing
9 lobbyists, or chapter 68B of the Code.

10 b. Complaints by committee. The ethics committee
11 may initiate a complaint on its own motion. Committee
12 complaints may be initiated by the committee as a
13 result of a committee investigation or as a result of
14 receipt of any complaint or other information that
15 does not meet the requirements of these rules
16 regarding the form of a complaint but that contains
17 allegations that would form the basis for a valid
18 complaint.

19 c. Form and contents of complaint. A complaint
20 shall be in writing.

21 Complaint forms shall be available from the chief
22 clerk of the house, ~~and the chairperson of the ethics~~
23 ~~committee,~~ but a complaint shall not be rejected for
24 failure to use the approved form if it complies with
25 the requirements of these rules.

26 ~~The ethics committee may, upon its own motion,~~
27 ~~initiate a complaint, investigation, or disciplinary~~
28 ~~action.~~

29 ~~A complaint shall be considered to be timely filed~~
30 ~~if it is filed within forty-five days from the time~~

1 ~~the complainant knew or should have known about the~~
2 ~~alleged unethical or illegal conduct.~~

3 ~~b. Probable cause investigation and hearing. Upon~~
4 ~~the receipt of a complaint in proper form, the~~
5 ~~committee shall accept it for filing as a public~~
6 ~~record. The complaint shall contain a certification~~
7 ~~made by the complainant, under penalty of perjury,~~
8 ~~that the facts stated in the complaint are true to the~~
9 ~~best of the complainant's knowledge.~~

10 To be valid, a complaint shall allege all of the
11 following:

12 (1) Facts, including the approximate date and
13 location of any event, incident, or transaction that,
14 if true, establish a violation of a provision of
15 chapter 68B, the code of ethics, or rules governing
16 lobbyists for which penalties or other remedies are
17 provided.

18 (2) That the conduct providing the basis for the
19 complaint occurred within three years of the filing of
20 the complaint.

21 (3) That the party charged with a violation is a
22 member or employee of the house, a lobbyist, or a
23 client of a lobbyist.

24 d. Confidentiality of complaint. The filing of
25 the complaint and the contents of the complaint shall
26 be confidential until the time that the committee
27 meets to determine whether the complaint is valid,
28 unless either the complainant or the party charged in
29 the complaint makes the existence of, or the
30 information contained in, the complaint public.

1 However, if either the complainant or party alleged to
2 have committed the violation requests that the meeting
3 to determine whether the complaint is valid be a
4 closed meeting and the filing of the complaint or the
5 contents of the complaint have not been disclosed, the
6 meeting shall be closed.

7 e. Notice of complaint. Upon receipt of the
8 complaint, the chief clerk of the house shall promptly
9 notify the chairperson and ranking member of the
10 ethics committee that a complaint has been filed and
11 provide both the chairperson and the ranking member
12 with copies of the complaint and any supporting
13 information. ~~The chairperson of the ethics committee~~
14 ~~shall deliver~~ Within two working days, the chief clerk
15 shall send notice, either by personal delivery or by
16 certified mail, return receipt requested, to the
17 person or persons accused alleged to have committed
18 the violation, along with a copy of the complaint and
19 any supporting information. The notice to the accused
20 person shall ~~be requested to~~ contain a request that
21 the person submit a written response to the complaint
22 within ten days of the date that the notice was sent
23 by the clerk. At the request of the accused person
24 ~~and upon a showing of good cause,~~ the committee may
25 extend the time for the response, not to exceed ten
26 additional calendar days. ~~After the expiration of the~~
27 ~~ten days, or the extension, the committee shall then~~

28 f. Hearing regarding validity of complaint. The
29 committee chairperson and the ranking member shall
30 review the complaint and supporting information to

1 determine whether the complaint meets the requirements
2 as to form. If the complaint is deficient as to form,
3 the complaint shall be returned to the complainant
4 with instructions indicating the deficiency unless the
5 committee decides to proceed on its own motion. If
6 the complaint is in writing and contains the
7 appropriate certification, as soon as practicable, the
8 chairperson shall call a meeting of the committee to
9 review the complaint to determine whether the
10 complaint meets the requirements for validity and
11 whether the committee should request that the chief
12 justice of the supreme court appoint an independent
13 special counsel to conduct such an investigation as it
14 deems appropriate, including but not limited to,
15 requesting additional information from the complainant
16 and the accused person and reviewing the complaint and
17 relevant information to determine whether probable
18 cause exists to believe that a violation of the code
19 of ethics, rules governing lobbyists, or chapter 68B,
20 has occurred.

21 ~~The ethics committee may employ independent legal~~
22 ~~counsel to assist it in carrying out its duties with~~
23 ~~the approval of the house when the general assembly is~~
24 ~~in session and with the approval of the speaker or the~~
25 ~~majority leader of the house when the general assembly~~
26 ~~is not in session.~~

27 ~~During the committee's investigation, the accused~~
28 ~~person may request in writing to the chairperson that~~
29 ~~the ethics committee convene to receive testimony from~~
30 ~~the accused person, if so requested by the accused~~

1 person, the ethics committee shall convene not less
2 than three nor more than ten days after the
3 notification by the accused person that the accused
4 person wishes to testify. -- However, the accused person
5 may waive the deadlines for the convening of the
6 committee. When its investigation is complete, the
7 committee shall schedule a probable cause hearing.

8 At the probable cause hearing the accused person
9 may appear, present evidence, and cross-examine
10 witnesses. -- All testimony at the hearing shall be
11 under oath.

12 e. -- Formal hearing. -- If probable cause is found at
13 the probable cause hearing, the complaint shall be set
14 for hearing on notice to the accused person. -- The
15 notice shall be in writing and delivered either by
16 personal service as in civil cases or by certified
17 mail, return receipt requested.

18 If the committee finds that a complaint does not
19 meet the content requirements for a valid complaint,
20 the committee shall dismiss the complaint and notify
21 both the complainant and the party alleged to have
22 committed the violation of the dismissal and the
23 reasons for dismissal. A dismissal for failure to
24 meet the formal requirements for the filing of a
25 complaint shall be without prejudice and the
26 complainant may refile the complaint at any time
27 within three years of the date that the alleged
28 violation took place. If the dismissal is based upon
29 a failure to allege facts and circumstances necessary
30 for a valid complaint, the dismissal shall be with

1 prejudice and the party shall not be permitted to file
2 a complaint based upon the same facts and
3 circumstances.

4 g. Request for appointment of independent special
5 counsel. If, after review of the complaint and any
6 response made by the party alleged to have committed
7 the violation, the committee determines that the
8 complaint meets the requirements for form and content,
9 the committee shall request that the chief justice of
10 the supreme court appoint independent special counsel
11 to investigate the matter and determine whether
12 probable cause exists to believe that a violation of
13 chapter 68B, the code of ethics, or the rules
14 governing lobbyists has occurred.

15 h. Receipt of report of independent special
16 counsel. The report from independent special counsel
17 regarding probable cause to proceed on a complaint
18 shall be filed with the chief clerk of the house.
19 Upon receipt of the report of the independent special
20 counsel, the chief clerk shall notify the chairperson
21 of the filing of the report and shall send copies of
22 the report to the members of the ethics committee. As
23 soon as practicable after the filing of the report,
24 the chairperson shall schedule a public meeting for
25 review of the report. The purpose of the public
26 meeting shall be to determine whether the complaint
27 should be dismissed, whether a formal hearing should
28 be held on the complaint, or whether other committee
29 action is appropriate. The complainant and the person
30 alleged to have committed the violation shall be given

1 notice of the public meeting, shall have the right to
2 be present at the public meeting, and may, at the
3 discretion of the committee, present testimony in
4 support of or against the recommendations contained in
5 the report.

6 If the committee determines that the matter should
7 be dismissed, the committee shall cause an order to be
8 entered dismissing the matter and notice of the
9 dismissal shall be given to the complainant and the
10 party alleged to have committed the violation. If the
11 committee determines that the complaint should be
12 scheduled for public hearing, the committee shall
13 issue a charging statement which contains the charges
14 and supporting facts that are to be set for hearing
15 and notice shall be sent to the complainant and the
16 accused person.

17 The notice shall include a statement of the nature
18 of the charge or charges, a statement of the time and
19 place of hearing, a short and plain statement of the
20 facts asserted, and a statement of the rights of the
21 accused person at the hearing.

22 i. Formal hearing. Formal hearings shall be
23 conducted in the manner provided in section 68B.31,
24 subsection 8. At a formal hearing the accused shall
25 have the right to be present and to be heard in person
26 and by counsel, to cross-examine witnesses, and to
27 present evidence. Members of the committee shall also
28 have the right to question witnesses.

29 Evidence at the hearing shall be received in
30 accordance with rules and procedures in-ordinary-civil

1 applicable to contested cases under chapter 17A. The
2 Iowa-rules-of-evidence-apply.

3 The committee chairperson, or the vice chairperson
4 or ranking member in the absence of the chairperson,
5 shall preside at the hearing and shall rule on the
6 admissibility of any evidence received. The ruling of
7 the chairperson may be overturned by a majority vote
8 of the committee. Independent special counsel
9 designated-by-the-committee shall present the evidence
10 in support of the complaint charge or charges. The
11 burden shall be on the complainant independent special
12 counsel to prove the charge or charges by a
13 preponderance of clear and convincing evidence. Upon
14 completion of the hearing, the committee shall adopt
15 written findings of fact and conclusions concerning
16 the merits of the complaint charges and make its
17 report and recommendation to the house.

18 j. Recommendations by the committee. The
19 committee shall recommend to the house that the
20 complaint be dismissed, or that one or more of the
21 following be imposed:

22 (1) That the member or employee of the house or
23 lobbyist be censured or reprimanded, and the
24 recommended appropriate form of censure or reprimand
25 be used.

26 (2) That the member of the house be suspended or
27 expelled from membership in the house and required to
28 forfeit the member's salary for that period, the
29 employee of the house be suspended or dismissed from
30 employment, or that the lobbyist's or lobbyist's

1 client's lobbying privileges be suspended.

2 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
3 complaint has been filed or an investigation has been
4 initiated, a party to the complaint or investigation
5 shall not communicate, or cause another to
6 communicate, as to the merits of the complaint or
7 investigation with a member of the committee, except
8 under the following circumstances:

9 a. During the course of any meetings or other
10 official proceedings of the committee regarding the
11 complaint or investigation.

12 b. In writing, if a copy of the writing is
13 delivered to the adverse party or the designated
14 representative for the adverse party.

15 c. Orally, if adequate prior notice of the
16 communication is given to the adverse party or the
17 designated representative for the adverse party.

18 d. As otherwise authorized by statute, the code of
19 ethics, rules governing lobbyists, or vote of the
20 committee.

21 § 14. PERMANENT RECORD. The chief clerk of the
22 house shall maintain a permanent record of all
23 complaints filed and any corresponding committee
24 action. The permanent record shall be prepared by the
25 ethics committee and shall contain the date the
26 complaint was filed, name and address of the
27 complainant, name and address of the accused person, a
28 brief statement of the charges made, any evidence
29 received by the committee, any transcripts or
30 recordings of committee action, and ultimate

1 disposition of the complaint. The chief clerk shall
2 keep each complaint confidential until public
3 disclosure is made by the ethics committee.

4 ~~11~~ 15. MEETING AUTHORIZATION. The house ethics
5 committee is authorized to meet ~~one-time~~ at the
6 discretion of the committee chairperson ~~during-the~~
7 ~~time-the-general-assembly-is-not-in-session~~ in order
8 to conduct hearings and other business that properly
9 may come before it. ~~Additional-meetings-of-the~~
10 ~~committee-during-the-time-the-general-assembly-is-not~~
11 ~~in-session-shall-require-the-authorization-of-the~~
12 ~~speaker-or-the-majority-leader-of-the-house.--However,~~
13 ~~authorization-may-be-given-at-any-time-for-as-many~~
14 ~~meetings-as-the-speaker-or-the-majority-leader-deems~~
15 ~~necessary.~~ If the committee submits a report seeking
16 house action against a member or employee of the house
17 or lobbyist after the second regular session of a
18 general assembly has adjourned sine die, the report
19 shall be submitted to and considered by the subsequent
20 general assembly.

21 ~~12~~ 16. ADVISORY OPINIONS. Advisory opinions may
22 be rendered as set out in section ~~68B-10~~ 68B.31 of the
23 Code upon request of a member of the general assembly.

24
25
26
27
28
29
30

HOUSE RESOLUTION 7

H-3321

1 Amend the amendment, H-3286, to House Resolution 7,
2 as follows:
3 1. Page 1, by inserting after line 1, the
4 following:
5 "____. Page 2, line 28, by inserting after the
6 figure "21" the following: "of the Code".
7 _____. Page 2, line 29, by inserting after the
8 figure "22" the following: "of the Code"."
9 2. Page 1, by striking lines 13 and 14, and
10 inserting the following:
11 "____. Page 10, by striking line 15, and inserting
12 the following: "chapter 68B of the Code, the house
13 code of ethics, or house rules governing"."
14 3. Page 1, by striking lines 17 through 20, and
15 inserting the following:
16 "____. Page 12, line 18, by inserting after the
17 words "violation of the" the following: "house".
18 _____. Page 12, by striking line 19, and inserting
19 the following: "of ethics, house rules governing
20 lobbyists, or chapter 68B of the Code,"."
21 _____. Page 14, by striking line 13, and inserting
22 the following: "chapter 68B of the Code, the house
23 code of ethics, or the house rules"."
24 4. Page 1, by inserting after line 37, the
25 following:
26 "____. Page 17, line 18, by inserting after the
27 words "statute, the" the following: "house".
28 _____. Page 17, line 19, by inserting after the
29 word "ethics," the following: "house"."
30 5. By numbering and renumbering as necessary.

By CARPENTER of Polk

H-3321 FILED MARCH 16, 1993

ADOPTED
3-29-93
(P. 887)

HOUSE RESOLUTION 7

H-3286

1 Amend House Resolution 7, as follows:

2 1. Page 6, line 25, by inserting after the word
3 and figure "subsection 1" the following: "of the
4 Code".

5 2. Page 8, line 3, by inserting after the figure
6 "68B.22" the following: "of the Code".

7 3. Page 8, line 7, by inserting after the figure
8 "68B.23" the following: "of the Code".

9 4. Page 8, line 11, by inserting after the figure
10 "68B.35" the following: "of the Code".

11 5. Page 8, line 16, by inserting after the figure
12 "19B.12" the following: "of the Code".

13 6. Page 10, line 15, by inserting after the
14 figure "68B" the following: "of the Code".

15 7. Page 11, line 22, by inserting after the word
16 "ten" the following: "working".

17 8. Page 12, line 19, by inserting after the
18 figure "68B" the following: "of the Code".

19 9. Page 14, line 13, by inserting after the
20 figure "68B" the following: "of the Code".

21 10. Page 15, line 12, by striking the word
22 "public" and inserting the following: "formal".

23 11. Page 15, line 14, by inserting after the
24 words "set for" the following: "formal".

25 12. Page 15, line 22, by inserting after the
26 words "shall be" the following: "public and".

27 13. Page 15, line 24, by inserting after the word
28 and figure "subsection 3" the following: "of the
29 Code".

30 14. Page 15, line 29, by inserting after the
31 words "Evidence at the" the following: "formal".

32 15. Page 16, line 1, by inserting after the
33 figure "17A" the following: "of the Code".

34 16. Page 16, line 5, by inserting after the words
35 "preside at the" the following: "formal".

36 17. Page 16, line 14, by inserting after the
37 words "completion of the" the following: "formal".

By CARPENTER of POLK

H-3286 FILED MARCH 15, 1993

*Adopted
3/29/93
(P. 887)*

HOUSE RESOLUTION 7

H-3501

1 Amend House Resolution 7, as follows:
2 1. By striking page 7, line 6, through page 8,
3 line 3, and inserting the following:
4 "8. DISCLOSURE REQUIRED. A member, officer, or
5 employee of the house shall file a report with the
6 chief clerk of the house of the acceptance from any
7 one donor of any gift or series of gifts made to the
8 member, officer, or employee or to an immediate family
9 member which exceeds fifteen dollars in cumulative
10 value during any one calendar day. The report shall
11 list the nature, date, and donor of the gift.
12 However, the reporting of food and beverage for
13 immediate consumption in the presence of the donor is
14 not required.
15 The reports shall be filed in the office of the
16 chief clerk of the house by the fifteenth day of the
17 month following the month in which a gift is provided
18 which is required to be reported. Subject to the
19 approval of the committee on ethics, the chief clerk
20 of the house shall prepare forms for the filing of
21 these reports and make them available to any person
22 who is required to file a report. The reports filed
23 shall be maintained by the chief clerk of the house
24 and be available for public inspection as provided in
25 chapter 22 of the Code. The committee on ethics may
26 authorize the chief clerk of the house to prepare and
27 make available to the public an annual summary of the
28 reports filed under this rule."
29 2. By renumbering and changing internal
30 references as necessary.

By CONNORS of Polk

H-3501 FILED MARCH 25, 1993

Lost
3/29/93
(p888)

Carpenter, Chair
Beatty
Kunley
Neuhauer
Peterson
Royer

HSB 202

ETHICS

1 HOUSE RESOLUTION 7
2 BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION
3 BY CHAIRPERSON CARPENTER)

4 A Resolution to amend the House code of ethics.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
6 That the House Code of Ethics be amended to read as
7 follows:

8 HOUSE CODE OF ETHICS

9 PREAMBLE. Every legislator and legislative
10 employee has a duty to uphold the integrity and honor
11 of the general assembly, to encourage respect for the
12 law and for the general assembly, and to observe the
13 house code of ethics. Each member and employee of the
14 house has a responsibility to conduct herself or
15 himself so as to reflect credit on the general
16 assembly, and to inspire the confidence, respect, and
17 trust of the public. The following rules are adopted
18 pursuant to chapter 68B of the Code, to assist the
19 members and employees in the conduct of their
20 activities:

21 1. DEFINITIONS. The definitions of terms provided
22 in chapter 68B of the Code apply to the use of those
23 terms in these rules.

24 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
25 HOUSE.

26 a. Economic or investment opportunity. A member
27 or employee of the house shall not accept economic or
28 investment opportunity under circumstances where the
29 member or employee knows, or should know, that there
30 is a reasonable possibility that the opportunity is

1 being afforded with the intent to influence the
2 member's or employee's conduct in the performance of
3 official duties. If a member or employee of the house
4 learns that an economic or investment opportunity
5 previously accepted was offered with the intent of
6 influencing the member's or employee's conduct in the
7 performance of the official duties, the member or
8 employee shall take steps to divest that member or
9 employee of that investment or economic opportunity,
10 and shall report the matter in writing to the
11 chairperson of the house ethics committee.

12 b. Excessive charges for services, goods, or
13 property interests. A member or employee of the house
14 shall not charge to or accept from a person known to
15 have a legislative interest, a price, fee,
16 compensation, or other consideration for the sale or
17 lease of any property or the furnishing of services
18 which is in excess of that which the member or
19 employee would ordinarily charge another person.

20 c. Use of confidential information. A member or
21 employee of the house, in order to further the
22 member's or employee's own economic interests, or
23 those of any other person, shall not disclose or use
24 confidential information acquired in the course of the
25 member's or employee's official duties. For the
26 purpose of this rule, information disclosed in open
27 session at a public meeting under chapter 21 and
28 information that is a public record under chapter 22
29 is not confidential information.

30 d. Employment. A member or employee of the house

1 shall not accept employment, either directly or
2 indirectly, from a political action committee. A
3 member of the house shall not act as a paid lobbyist
4 for any organization. However, this paragraph shall
5 not prohibit a member or employee of the house from
6 working for a candidate's committee, a political
7 party's action committee, or a political action
8 committee which does not support or oppose a candidate
9 for public office in this state or a ballot issue in
10 this state and which is not interested in issues
11 before the general assembly.

12 For the purpose of this rule, a political action
13 committee means a committee, but not a candidate's
14 committee, which accepts contributions, makes
15 expenditures, or incurs indebtedness in the aggregate
16 of more than two hundred fifty dollars in any one
17 calendar year for the purpose of supporting or
18 opposing a candidate for public office or a ballot
19 issue or for the purpose of influencing legislative
20 action.

21 e. A member or employee of the house shall not
22 solicit employment on behalf of the member or
23 employee, or on behalf of another legislator or
24 employee, as a lobbyist while the general assembly is
25 in session.

26 3. APPEARANCE BEFORE STATE AGENCY. A member or
27 employee of the house may appear before a state agency
28 in any representation case but shall not act as a
29 lobbyist with respect to the passage, defeat,
30 approval, veto, or modification of any legislation,

1 rule, or executive order. Whenever a member or
2 employee of the house appears before a state agency,
3 the member or employee shall carefully avoid all
4 conduct which might in any way lead members of the
5 general public to conclude that the member or employee
6 is using the member's or employee's official position
7 to further the member's or employee's professional
8 success or personal financial interest.

9 4. CONFLICTS OF INTEREST. In order for the
10 general assembly to function effectively, members of
11 the house may be required to vote on bills and
12 participate in committee work which will affect their
13 employment and other areas in which they may have a
14 monetary interest. Action on bills and in committee
15 work which ~~specifically-deals-with~~ furthers a member's
16 specific employment, or specific investment, or other
17 specific interest, as opposed to a the interests of
18 the public in general or the interests of a
19 profession, trade, or business, in-general, -should or
20 other class of persons, shall be avoided. In making a
21 decision relative to a member's activity on particular
22 bills or in committee work, the following factors
23 should be considered:

24 a. Whether a substantial threat to the member's
25 independence of judgment has been created by the
26 conflict situation.

27 b. The effect of the member's participation on
28 public confidence in the integrity of the general
29 assembly.

30 c. Whether the member's participation is likely to

1 have any significant effect on the disposition of the
2 matter.

3 d. The need for the member's particular
4 contribution, such as special knowledge of the subject
5 matter, to the effective functioning of the general
6 assembly.

7 If a member decides not to participate in committee
8 work or to abstain from voting because of a possible
9 conflict of interest, the member should disclose this
10 fact to the legislative body. The member may,
11 however, ~~decide to participate in a manner which is~~
12 contrary to shall not vote on any question in which
13 the member's member has an economic interest that is
14 distinguishable from the interests of the general
15 public or a substantial class of persons.

16 A member with a conflict of interest may
17 participate in floor debate if prior to the debate,
18 the member discloses the conflict of interest.

19 5. STATUTORY REQUIREMENTS. Members and employees
20 of the house are urged to familiarize themselves with
21 chapters 68B, 721, and 722, and ~~section~~ sections 2.18
22 and 711.4 of the Code.

23 6. CHARGE ACCOUNTS. Members and employees of the
24 house shall not charge any amount or item to a charge
25 account to be paid for by a lobbyist or any
26 ~~organization represented by~~ client of a lobbyist.

27 7. TRAVEL EXPENSES. A member or employee of the
28 house shall not charge to the state of Iowa amounts
29 for travel and expenses unless the member or employee
30 actually has incurred those mileage and expense costs.

1 Members or employees shall not file the vouchers for
2 weekly mileage reimbursement required by section 2.10,
3 subsection 1, unless the travel expense was actually
4 incurred.

5 A member or employee of the house shall not file a
6 claim for per diem compensation for a meeting of an
7 interim study committee or a visitation committee
8 unless the member or employee attended the meeting.
9 However, the speaker may waive this provision and
10 allow a claim to be filed if the member or employee
11 attempted to attend the meeting but was unable to do
12 so because of circumstances beyond the member's or
13 employee's control.

14 . 8. DISCLOSURE-REQUIRED GIFTS ACCEPTED OR RECEIVED.

15 A-member,-officer,-or-employee-of-the-house-shall-file
16 a-report-with-the-chief-clerk-of-the-house-of-the
17 acceptance-from-any-one-donor-of-any-gift-or-series-of
18 gifts-made-to-the-member,-officer,-or-employee-or-to
19 an-immediate-family-member-which-exceeds-fifteen
20 dollars-in-cumulative-value-during-any-one-calendar
21 day.--The-report-shall-list-the-nature,-date,-and
22 donor-of-the-gift.--However,-the-reporting-of-food-and
23 beverage-for-immediate-consumption-in-the-presence-of
24 the-donor-is-not-required.

25 The-reports-shall-be-filed-in-the-office-of-the
26 chief-clerk-of-the-house-by-the-fifteenth-day-of-the
27 month-following-the-month-in-which-a-gift-is-provided
28 which-is-required-to-be-reported.--Subject-to-the
29 approval-of-the-committee-on-ethics,-the-chief-clerk
30 of-the-house-shall-prepare-forms-for-the-filing-of

1 these reports and make them available to any person
2 who is required to file a report. -- The reports filed
3 shall be maintained by the chief clerk of the house
4 and be available for public inspection as provided in
5 chapter 22 of the Code. -- The committee on ethics may
6 authorize the chief clerk of the house to prepare and
7 make available to the public an annual summary of the
8 reports filed under this rule. Members and employees
9 of the house shall comply with the restrictions
10 relating to the receipt or acceptance of gifts
11 contained in section 68B.22.

12 9. HONORARIA RESTRICTIONS. Members and employees
13 of the house shall comply with the restrictions
14 relating to the receipt of honoraria contained in
15 section 68B.23.

16 10. DISCLOSURE REQUIRED. Each member of the house
17 and each employee of the house shall file any personal
18 financial disclosure statements required under section
19 68B.35, at the times and in the manner provided in
20 that section.

21 9 11. COMPLAINTS.

22 a. Filing of complaint. A complaint under these
23 rules or under section 68B.10, subsection 4, of the
24 Code against any member or employee of the house or a
25 lobbyist operating in the house shall be in writing,
26 made under oath, and filed with the chairperson of the
27 ethics committee of the house. -- A complaint shall
28 specify the person or persons against whom the
29 complaint is made, the date and location of any event,
30 incident or transaction involved, the connection of

1 the-event,-incident-or-transaction-with-the-official
2 position-of-any-accused-member-or-employee-or-with-the
3 lobbying-activities-of-any-accused-lobbyist,-the-facts
4 or-evidence-on-which-the-complainant-relies,-and-the
5 section-in-the-code-of-ethics,-rules-governing
6 lobbyists,-or-Code-section-or-chapter-which-is-alleged
7 to-have-been-violated.--The-complainant-shall-attach
8 to-the-complaint-a-copy-of-any-relevant-document.

9 Complaints may be filed by any person believing
10 that a member or employee of the house, or a lobbyist,
11 or a client of a lobbyist is guilty of a violation of
12 the house code of ethics, the house rules governing
13 lobbyists, or chapter 68B of the Code. The ethics
14 committee may also initiate a complaint on its own
15 motion after investigation or upon receipt of
16 information that the committee finds to meet the
17 criteria established for a valid complaint.

18 Complaints shall be filed with the chief clerk of the
19 house.

20 b. Form and contents of complaint. A complaint
21 shall be in writing and notarized.

22 Complaint forms shall be available from the chief
23 clerk of the house,-and-the-chairperson-of-the-ethics
24 committee, but a complaint shall not be rejected for
25 failure to use the approved form if it complies with
26 the requirements of these rules.

27 The-ethics-committee-may,-upon-its-own-motion,
28 initiate-a-complaint,-investigation,-or-disciplinary
29 action.

30 A-complaint-shall-be-considered-to-be-timely-filed

1 ~~if it is filed within forty-five days from the time~~
2 ~~the complainant knew or should have known about the~~
3 ~~alleged unethical or illegal conduct.~~

4 b. ~~Probable cause investigation and hearing.~~ Upon
5 ~~the receipt of a complaint in proper form, the~~
6 ~~committee shall accept it for filing as a public~~
7 ~~record.~~ The complaint shall contain a certification
8 made by the complainant, under penalty of perjury,
9 that the facts stated in the complaint are true to the
10 best of the complainant's knowledge.

11 To be valid, a complaint shall allege all of the
12 following:

13 (1) Facts, including the approximate date and
14 location of any event, incident, or transaction that,
15 if true, establish a violation of a provision of
16 chapter 68B, the code of ethics, or rules governing
17 lobbyists for which penalties or other remedies are
18 provided.

19 (2) That the conduct providing the basis for the
20 complaint occurred within three years of the filing of
21 the complaint.

22 (3) That the party charged with a violation is a
23 member or employee of the house, a lobbyist, or a
24 client of a lobbyist.

25 c. Confidentiality of complaint. The filing of
26 the complaint and the contents of the complaint shall
27 be confidential up until the time that the committee
28 meets to determine whether the complaint is valid,
29 unless either the complainant or the party charged in
30 the complaint makes the existence of, or the

1 information contained in, the complaint public.
2 However, if either the complainant or party alleged to
3 have committed the violation requests that the meeting
4 to determine whether the complaint is valid be a
5 closed meeting and the filing of the complaint or the
6 contents of the complaint have not been disclosed, the
7 meeting shall be closed.

8 d. Notice of complaint. Upon receipt of the
9 complaint, the chief clerk of the house shall promptly
10 notify the chairperson and ranking member of the
11 ethics committee that a complaint has been filed and
12 provide both the chairperson and the ranking member
13 with copies of the complaint and any supporting
14 information. ~~The chairperson of the ethics committee~~
15 ~~shall deliver~~ Within two working days, the chief clerk
16 shall send notice, either by personal delivery or by
17 certified mail, return receipt requested, to the
18 person or persons accused alleged to have committed
19 the violation, along with a copy of the complaint and
20 any supporting information. The notice to the accused
21 person shall ~~be requested to~~ contain a request that
22 the person submit a written response to the complaint
23 within ten days of the date that the notice was sent
24 by the clerk. At the request of the accused person
25 ~~and upon a showing of good cause,~~ the committee may
26 extend the time for the response, not to exceed ten
27 additional calendar days. ~~After the expiration of the~~
28 ~~ten days, or the extension, the committee shall then~~
29 e. Hearing regarding validity of complaint. The
30 committee chairperson and the ranking member shall

1 review the complaint and supporting information to
2 determine whether the complaint meets the requirements
3 as to form. If the complaint is deficient as to form,
4 the complaint shall be returned to the complainant
5 with instructions indicating the deficiency. If the
6 complaint is in writing, notarized, and contains the
7 appropriate certification, as soon as practicable, the
8 chairperson shall call a meeting of the committee to
9 review the complaint to determine whether the
10 complaint meets the requirements for validity and
11 whether the committee should request that the chief
12 justice of the supreme court appoint an independent
13 special counsel to conduct such an investigation as it
14 deems appropriate, including but not limited to
15 requesting additional information from the complainant
16 and the accused person and reviewing the complaint and
17 relevant information to determine whether probable
18 cause exists to believe that a violation of the code
19 of ethics, rules governing lobbyists, chapter 68B, has
20 occurred.

21 The ethics committee may employ independent legal
22 counsel to assist it in carrying out its duties with
23 the approval of the house when the general assembly is
24 in session and with the approval of the speaker or the
25 majority leader of the house when the general assembly
26 is not in session.

27 During the committee's investigation, the accused
28 person may request in writing to the chairperson that
29 the ethics committee convene to receive testimony from
30 the accused person, if so requested by the accused

1 person, the ethics committee shall convene not less
2 than three nor more than ten days after the
3 notification by the accused person that the accused
4 person wishes to testify. -- However, the accused person
5 may waive the deadlines for the convening of the
6 committee. When its investigation is complete, the
7 committee shall schedule a probable cause hearing.

8 At the probable cause hearing the accused person
9 may appear, present evidence, and cross-examine
10 witnesses. -- All testimony at the hearing shall be
11 under oath.

12 c. -- Formal hearing. -- If probable cause is found at
13 the probable cause hearing, the complaint shall be set
14 for hearing on notice to the accused person. -- The
15 notice shall be in writing and delivered either by
16 personal service as in civil cases or by certified
17 mail, return receipt requested.

18 If the committee finds that a complaint does not
19 meet the content requirements for a valid complaint,
20 the committee shall dismiss the complaint and notify
21 both the complainant and the party alleged to have
22 committed the violation of the dismissal and the
23 reasons for dismissal. A dismissal for failure to
24 meet the formal requirements for the filing of a
25 complaint shall be without prejudice and the
26 complainant may refile the complaint at any time
27 within three years of the date that the alleged
28 violation took place. If the dismissal is based upon
29 a failure to allege facts and circumstances necessary
30 for a valid complaint, the dismissal shall be with

1 prejudice and the party shall not be permitted to file
2 a complaint based upon the same facts and
3 circumstances.

4 f. Request for appointment of independent special
5 counsel. If, after review of the complaint and any
6 response made by the party alleged to have committed
7 the violation, the committee determines that the
8 complaint meets the requirements for form and content,
9 the committee shall request that the chief justice of
10 the supreme court appoint independent special counsel
11 to investigate the matter and determine whether
12 probable cause exists to believe that a violation of
13 chapter 68B, the code of ethics, or the rules
14 governing lobbyists has occurred.

15 g. Receipt of report of independent special
16 counsel. The report from independent special counsel
17 regarding probable cause to proceed on a complaint
18 shall be filed with the chief clerk of the house.
19 Upon receipt of the report of the independent special
20 counsel, the chief clerk shall notify the chairperson
21 of the filing of the report and shall send copies of
22 the report to the members of the ethics committee. As
23 soon as practicable after the filing of the report,
24 the chairperson shall schedule a public meeting for
25 review of the report. The purpose of the public
26 meeting shall be to determine whether the complaint
27 should be dismissed, whether a formal hearing should
28 be held on the complaint, or whether other committee
29 action is appropriate. The complainant and the person
30 alleged to have committed the violation shall be given

1 notice of the public meeting, shall have the right to
2 be present at the public meeting, and may, at the
3 discretion of the committee, present testimony in
4 support of or against the recommendations contained in
5 the report.

6 If the committee determines that the matter should
7 be dismissed, the committee shall cause an order to be
8 entered dismissing the matter and notice of the
9 dismissal shall be given to the complainant and the
10 party alleged to have committed the violation. If the
11 committee determines that the complaint should be
12 scheduled for public hearing, the committee shall
13 issue a charging statement which contains the charges
14 and supporting facts that are to be set for hearing
15 and notice shall be sent to the complainant and the
16 accused person.

17 The notice shall include a statement of the nature
18 of the charge or charges, a statement of the time and
19 place of hearing, a short and plain statement of the
20 facts asserted, and a statement of the rights of the
21 accused person at the hearing.

22 h. Formal hearing. At a formal hearing the
23 accused shall have the right to be present and to be
24 heard in person and by counsel, to cross-examine
25 witnesses, and to present evidence. Members of the
26 committee shall also have the right to question
27 witnesses.

28 Evidence at the hearing shall be received in
29 accordance with rules and procedures in-ordinary-civil
30 applicable to contested cases under chapter 17A. The

1 ~~Iowa-rules-of-evidence-apply.~~

2 The committee chairperson, or the vice chairperson
3 or ranking member in the absence of the chairperson,
4 shall preside at the hearing and shall rule on the
5 admissibility of any evidence received. The ruling of
6 the chairperson may be overturned by a majority vote
7 of the committee. Independent special counsel
8 ~~designated-by-the-committee~~ shall present the evidence
9 in support of the complaint charge or charges. The
10 burden shall be on the complainant independent special
11 counsel to prove the charge or charges by a
12 preponderance of clear and convincing evidence. Upon
13 completion of the hearing, the committee shall adopt
14 written findings of fact and conclusions concerning
15 the merits of the complaint charges and make its
16 report and recommendation to the house.

17 i. Recommendations by the committee. The
18 committee shall recommend to the house that the
19 complaint be dismissed, or that one or more of the
20 following be imposed:

21 (1) That the member or employee of the house or
22 lobbyist be censured or reprimanded, and the
23 recommended appropriate form of censure or reprimand
24 be used.

25 (2) That the member of the house be suspended or
26 expelled from membership in the house and required to
27 forfeit the member's salary for that period, the
28 employee of the house be suspended or dismissed from
29 employment, or that the lobbyist's or lobbyist's
30 client's lobbying privileges be suspended.

1 12. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
2 complaint has been filed or an investigation has been
3 initiated, a party to the complaint or investigation
4 shall not communicate, or cause another to
5 communicate, as to the merits of the complaint or
6 investigation with a member of the committee, except
7 under the following circumstances:

8 a. During the course of any meetings or other
9 official proceedings of the committee regarding the
10 complaint or investigation.

11 b. In writing, if a copy of the writing is
12 delivered to the adverse party or the lawyer for the
13 adverse party.

14 c. Orally, if adequate prior notice of the
15 communication is given to the adverse party or the
16 lawyer for the adverse party.

17 d. As otherwise authorized by statute, the code of
18 ethics, rules governing lobbyists, or vote of the
19 committee.

20 13. PERMANENT RECORD. The chief clerk of the
21 house shall maintain a permanent record of all
22 complaints filed and any corresponding committee
23 action. The permanent record shall be prepared by the
24 ethics committee and shall contain the date the
25 complaint was filed, name and address of the
26 complainant, name and address of the accused person, a
27 brief statement of the charges made, any evidence
28 received by the committee, any transcripts or
29 recordings of committee action, and ultimate
30 disposition of the complaint. The chief clerk shall

1 keep each complaint confidential until public
2 disclosure is made by the ethics committee.

3 ~~14~~ 14. MEETING AUTHORIZATION. The house ethics
4 committee is authorized to meet one-time at the
5 discretion of the committee chairperson during-the
6 time-the-general-assembly-is-not-in-session in order
7 to conduct hearings and other business that properly
8 may come before it. Additional-meetings-of-the
9 committee-during-the-time-the-general-assembly-is-not
10 in-session-shall-require-the-authorization-of-the
11 speaker-or-the-majority-leader-of-the-house.--However,
12 authorization-may-be-given-at-any-time-for-as-many
13 meetings-as-the-speaker-or-the-majority-leader-deems
14 necessary. If the committee submits a report seeking
15 house action against a member or employee of the house
16 or lobbyist after the second regular session of a
17 general assembly has adjourned sine die, the report
18 shall be submitted to and considered by the subsequent
19 general assembly.

20 ~~15~~ 15. ADVISORY OPINIONS. Advisory opinions may
21 be rendered as set out in section 68B-10 68B.31 of the
22 Code upon request of a member of the general assembly.

23
24
25
26
27
28
29
30