

Adopted H

JAN 30 2003
Place On Calendar

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 NO. 6

BY COMMITTEE ON ETHICS

(SUCCESSOR TO HSB 42)

A Resolution relating to the House code of ethics.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

That the House ~~code-of-ethics~~ Code of Ethics shall be 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. The members and employees of the house have a responsibility to conduct themselves 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 the opportunity is being afforded with the intent to influence the member's or employee's conduct in the

HRG

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

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

19 c. Use of confidential information. A member or
20 employee of the house, in order to further the
21 member's or employee's own economic interests, or
22 those of any other person, shall not disclose or use
23 confidential information acquired in the course of the
24 member's or employee's official duties. For the
25 purpose of this rule, information disclosed in open
26 session at a public meeting under chapter 21 of the
27 Code and information that is a public record under
28 chapter 22 of the Code is not confidential
29 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 expressly advocate the
9 nomination, election, or defeat of a candidate for
10 public office in this state or expressly advocate the
11 passage or defeat of a ballot issue in this state and
12 which is not interested in issues before the general
13 assembly.

14 For the purpose of this rule, a political action
15 committee means a committee, but not a candidate's
16 committee, which accepts contributions, makes
17 expenditures, or incurs indebtedness in the aggregate
18 of more than ~~five~~ seven hundred fifty dollars in any
19 one calendar year to expressly advocate the
20 nomination, election, or defeat of a candidate for
21 public office or to expressly advocate the passage or
22 defeat of a ballot issue or for the purpose of
23 influencing legislative action.

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

29 f. Certain goods or services. A member or
30 employee of the house shall not solicit or obtain

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

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

30 4. CONFLICTS OF INTEREST. In order for the

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

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

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

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

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

27 If a member decides not to participate in committee
28 work or to abstain from voting because of a possible
29 conflict of interest, the member should disclose this
30 fact to the legislative body. The member shall not

1 vote on any question in which the member has an
2 economic interest that is distinguishable from the
3 interests of the general public or a substantial class
4 of persons.

5 5. STATUTORY REQUIREMENTS. Members and employees
6 of the house shall comply with the requirements
7 contained in chapters 68B (Conflicts of Interest of
8 Public Officers and Employees), 721 (Official
9 Misconduct), and 722 (Bribery and Corruption), and
10 sections 2.18 (Contempt) and 711.4 (Extortion) of the
11 Code.

12 6. CHARGE ACCOUNTS. Members and employees of the
13 house shall not charge any amount or item to a charge
14 account to be paid for by a lobbyist or any client of
15 a lobbyist.

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

24 A member or employee of the house shall not file a
25 claim for per diem compensation for a meeting of an
26 interim study committee or a visitation committee
27 unless the member or employee attended the meeting.
28 However, the speaker may waive this provision and
29 allow a claim to be filed if the member or employee
30 attempted to attend the meeting but was unable to do

1 so because of circumstances beyond the member's or
2 employee's control.

3 8. GIFTS ACCEPTED OR RECEIVED. Members and
4 employees of the house shall comply with the
5 restrictions relating to the receipt or acceptance of
6 gifts contained in section 68B.22 of the Code.

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

11 10. DISCLOSURE REQUIRED. Each member of the house
12 and the chief clerk of the house shall file the
13 personal financial disclosure statements required
14 under section 68B.35 of the Code by February 15 of
15 each year for the prior calendar year.

16 11. SEXUAL HARASSMENT. Members and employees of
17 the house shall not engage in conduct which
18 constitutes sexual harassment as defined in section
19 19B.12 of the Code or pursuant to the sexual
20 harassment policy adopted by the house committee on
21 administration and rules.

22 12. COMPLAINTS.

23 a. Filing of complaint. Complaints may be filed
24 by any person believing that a member or employee of
25 the house, a lobbyist, or a client of a lobbyist is
26 guilty of a violation of the house code of ethics, the
27 house rules governing lobbyists, or chapter 68B of the
28 Code.

29 b. Complaints by committee. The ethics committee
30 may initiate a complaint on its own motion. Committee

1 complaints may be initiated by the committee as a
2 result of a committee investigation or as a result of
3 receipt of any complaint or other information that
4 does not meet the requirements of these rules
5 regarding the form of a complaint but that contains
6 allegations that would form the basis for a valid
7 complaint.

8 c. Form and contents of complaint. A complaint
9 shall be in writing.

10 Complaint forms shall be available from the chief
11 clerk of the house, but a complaint shall not be
12 rejected for failure to use the approved form if it
13 complies with the requirements of these rules. The
14 complaint shall contain a certification made by the
15 complainant, under penalty of perjury, that the facts
16 stated in the complaint are true to the best of the
17 complainant's knowledge.

18 To be valid, a complaint shall allege all of the
19 following:

20 (1) Facts, including the approximate date and
21 location of any event, incident, or transaction that,
22 if true, establish a violation of a provision of
23 chapter 68B of the Code, the house code of ethics, or
24 house rules governing lobbyists for which penalties or
25 other remedies are provided.

26 (2) That the conduct providing the basis for the
27 complaint occurred within three years of the filing of
28 the complaint.

29 (3) That the party charged with a violation is a
30 member or employee of the house, a lobbyist, or a

1 client of a lobbyist.

2 d. Confidentiality of complaint. The filing of
3 the complaint and the contents of the complaint shall
4 be confidential until the time that the committee
5 meets to determine whether the complaint is valid,
6 unless either the complainant or the party charged in
7 the complaint makes the existence of, or the
8 information contained in, the complaint public.

9 However, if either the complainant or party alleged to
10 have committed the violation requests that the meeting
11 to determine whether the complaint is valid be a
12 closed meeting and the filing of the complaint or the
13 contents of the complaint have not been disclosed, the
14 meeting shall be closed.

15 e. Notice of complaint. Upon receipt of the
16 complaint, the chief clerk of the house shall promptly
17 notify the chairperson and ranking member of the
18 ethics committee that a complaint has been filed and
19 provide both the chairperson and the ranking member
20 with copies of the complaint and any supporting
21 information. Within two working days, the chief clerk
22 shall send notice, either by personal delivery or by
23 certified mail, return receipt requested, to the
24 person or persons alleged to have committed the
25 violation, along with a copy of the complaint and any
26 supporting information. The notice to the accused
27 person shall contain a request that the person submit
28 a written response to the complaint within ten working
29 days of the date that the notice was sent by the chief
30 clerk. At the request of the accused person, the

1 committee may extend the time for the response, not to
2 exceed ten additional calendar days.

3 f. Hearing regarding validity of complaint. The
4 committee chairperson and the ranking member shall
5 review the complaint and supporting information to
6 determine whether the complaint meets the requirements
7 as to form. If the complaint is deficient as to form,
8 the complaint shall be returned to the complainant
9 with instructions indicating the deficiency unless the
10 committee decides to proceed on its own motion. If
11 the complaint is in writing and contains the
12 appropriate certification, as soon as practicable, the
13 chairperson shall call a meeting of the committee to
14 review the complaint to determine whether the
15 complaint meets the requirements for validity and
16 whether the committee should request that the chief
17 justice of the supreme court appoint an independent
18 special counsel to conduct an investigation to
19 determine whether probable cause exists to believe
20 that a violation of the house code of ethics, house
21 rules governing lobbyists, or chapter 68B of the Code,
22 has occurred.

23 If the committee finds that a complaint does not
24 meet the content requirements for a valid complaint,
25 the committee shall dismiss the complaint and notify
26 both the complainant and the party alleged to have
27 committed the violation of the dismissal and the
28 reasons for dismissal. A dismissal for failure to
29 meet the formal requirements for the filing of a
30 complaint shall be without prejudice and the

1 complainant may refile the complaint at any time
2 within three years of the date that the alleged
3 violation took place. If the dismissal is based upon
4 a failure to allege facts and circumstances necessary
5 for a valid complaint, the dismissal shall be with
6 prejudice and the party shall not be permitted to file
7 a complaint based upon the same facts and
8 circumstances.

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

20 h. Receipt of report of independent special
21 counsel. The report from independent special counsel
22 regarding probable cause to proceed on a complaint
23 shall be filed with the chief clerk of the house.
24 Upon receipt of the report of the independent special
25 counsel, the chief clerk shall notify the chairperson
26 of the filing of the report and shall send copies of
27 the report to the members of the ethics committee. As
28 soon as practicable after the filing of the report,
29 the chairperson shall schedule a public meeting for
30 review of the report. The purpose of the public

1 meeting shall be to determine whether the complaint
2 should be dismissed, whether a formal hearing should
3 be held on the complaint, or whether other committee
4 action is appropriate. The complainant and the person
5 alleged to have committed the violation shall be given
6 notice of the public meeting, shall have the right to
7 be present at the public meeting, and may, at the
8 discretion of the committee, present testimony in
9 support of or against the recommendations contained in
10 the report.

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

22 The notice shall include a statement of the nature
23 of the charge or charges, a statement of the time and
24 place of hearing, a short and plain statement of the
25 facts asserted, and a statement of the rights of the
26 accused person at the hearing.

27 i. Formal hearing. Formal hearings shall be
28 public and conducted in the manner provided in section
29 68B.31, subsection 8 of the Code. At a formal hearing
30 the accused shall have the right to be present and to

1 be heard in person and by counsel, to cross-examine
2 witnesses, and to present evidence. Members of the
3 committee shall also have the right to question
4 witnesses.

5 Evidence at the formal hearing shall be received in
6 accordance with rules and procedures applicable to
7 contested cases under chapter 17A of the Code.

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

22 j. Recommendations by the committee. The
23 committee shall recommend to the house that the
24 complaint be dismissed, or that one or more of the
25 following be imposed:

26 (1) That the member or employee of the house or
27 lobbyist or client of a lobbyist be censured or
28 reprimanded, and the recommended appropriate form of
29 censure or reprimand be used.

30 (2) That the member of the house be suspended or

1 expelled from membership in the house and required to
2 forfeit the member's salary for that period, the
3 employee of the house be suspended or dismissed from
4 employment, or that the lobbyist's or lobbyist's
5 client's lobbying privileges be suspended.

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

13 a. During the course of any meetings or other
14 official proceedings of the committee regarding the
15 complaint or investigation.

16 b. In writing, if a copy of the writing is
17 delivered to the adverse party or the designated
18 representative for the adverse party.

19 c. Orally, if adequate prior notice of the
20 communication is given to the adverse party or the
21 designated representative for the adverse party.

22 d. As otherwise authorized by statute, the house
23 code of ethics, house rules governing lobbyists, or
24 vote of the committee.

25 14. PERMANENT RECORD. The chief clerk of the
26 house shall maintain a permanent record of all
27 complaints filed and any corresponding committee
28 action. The permanent record shall be prepared by the
29 ethics committee and shall contain the date the
30 complaint was filed, name and address of the

1 complainant, name and address of the accused person, a
2 brief statement of the charges made, any evidence
3 received by the committee, any transcripts or
4 recordings of committee action, and ultimate
5 disposition of the complaint. The chief clerk shall
6 keep each complaint confidential until public
7 disclosure is made by the ethics committee.

8 15. MEETING AUTHORIZATION. The house ethics
9 committee is authorized to meet at the discretion of
10 the committee chairperson in order to conduct hearings
11 and other business that properly may come before it.
12 If the committee submits a report seeking house action
13 against a member or employee of the house or lobbyist
14 after the second regular session of a general assembly
15 has adjourned sine die, the report shall be submitted
16 to and considered by the subsequent general assembly.

17 16. ADVISORY OPINIONS.

18 a. Requests for formal opinions. A request for a
19 formal advisory opinion may be filed by any person who
20 is subject to the authority of the ethics committee.
21 The ethics committee may also issue a formal advisory
22 opinion on its own motion, without having previously
23 received a formal request for an opinion, on any issue
24 that is within the jurisdiction of the committee.
25 Requests shall be filed with either the chief clerk of
26 the house or the chairperson of the ethics committee.

27 b. Form and contents of requests. A request for a
28 formal advisory opinion shall be in writing and may
29 pertain to any subject matter that is related to
30 application of the house code of ethics, the house

1 rules governing lobbyists, or chapter 68B of the Code
2 to any person who is subject to the authority of the
3 ethics committee. Requests shall contain one or more
4 specific questions and shall relate either to future
5 conduct or be stated in the hypothetical. A request
6 for an advisory opinion shall not specifically name
7 any individual or contain any other specific
8 identifying information, unless the request relates to
9 the requester's own conduct. However, any request may
10 contain information which identifies the kind of
11 individual who may be affected by the subject matter
12 of the request. Examples of this latter kind of
13 identifying information may include references to
14 conduct of a category of individuals, such as but not
15 limited to conduct of legislators, legislative staff,
16 or lobbyists.

17 c. Confidentiality of formal requests and
18 opinions. Requests for formal opinions are not
19 confidential and any deliberations of the committee
20 regarding a request for a formal opinion shall be
21 public. Opinions issued in response to requests for
22 formal opinions are not confidential, shall be in
23 writing, and shall be placed on file in the office of
24 the chief clerk of the house. Persons requesting
25 formal opinions shall personally receive a copy of the
26 written formal opinion that is issued in response to
27 the request.

28 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
29 following form shall be used for disclosure of
30 economic interests under these rules and section

1 68B.35 of the Code:

2 STATEMENT OF ECONOMIC INTERESTS

3 Name: _____

4 (Last) (First) (Middle Initial)

5 Address: _____

6 (Street Address, Apt.#/P.O. Box)

7 _____

8 (City) (State) (Zip)

9 Phone: (Home) ____/____-____ (Business) ____/____-____

10 *****

11 This form is due each year on or before February
12 15. The reporting period is the most recently
13 completed calendar year.

14 In completing Division III of this form, if your
15 percentage of ownership of an asset is less than 100
16 percent, multiply your percentage of ownership by the
17 total revenue produced to determine if you have
18 reached the \$1,000 threshold.

19 Do not report income received by your spouse or
20 other family members.

21 In completing this form, if insufficient space is
22 provided for your answer, you may attach additional
23 information/answers on full-size sheets of paper.

24 Division I. Business, Occupation, Profession.

25 List each business, occupation, or profession in
26 which you are engaged, the nature of the business if
27 not evident, and your position or job title. No
28 income threshold or time requirement applies.

29 Examples:

30 If you are employed by an individual, state the

1 name of the individual employer, the nature of the
2 business, and your position.

3 If you are self-employed and are not incorporated
4 or are not doing business under a particular business
5 name, state that you are self-employed, the nature of
6 the business, and your position.

7 If you own your own corporation, are employed by a
8 corporation, or are doing business under a particular
9 business name, state the name and nature of the
10 business or corporation and your position.

11 1 _____
12 2 _____
13 3 _____
14 4 _____
15 5 _____
16 6 _____

17 Division II. Commissions from Sales of Goods or
18 Services to Political Subdivisions.

19 This part is to be completed only by Legislators.
20 If you received income in the form of a commission
21 from the sale of goods or services to a political
22 subdivision, state the name of the purchasing
23 political subdivision. The amount of commission
24 earned is not required to be listed.

25 1 _____
26 2 _____
27 3 _____
28 4 _____
29 5 _____
30 6 _____

1 Division III. Sources of Gross Income.

2 In each one of the following categories list each
3 source which produces more than \$1,000 in annual gross
4 income, if the revenue produced by the source was
5 subject to federal or state income taxes last year.

6 List the nature or type of each company, business,
7 financial institution, corporation, partnership, or
8 other entity which produces more than \$1,000 of annual
9 gross income. Neither the amount of income produced
10 nor value of the holding is required to be listed in
11 any of the items.

12 A. Securities: State the nature of the business of
13 any company in which you hold stock, bonds, or other
14 pecuniary interests that generate more than \$1,000 in
15 annual gross income. Income generated by multiple
16 holdings in a single company are deemed received from
17 a single source.

18 _____
19 _____
20 _____
21 _____
22 _____
23 _____

24 B. Instruments of Financial Institutions: State the
25 types of institutions in which you hold financial
26 instruments, such as certificates of deposit, savings
27 accounts, etc., that produce annual gross income in
28 excess of \$1,000, e.g., banks, savings and loans, or
29 credit unions.

30 _____

1 _____
2 _____
3 _____
4 _____
5 _____

6 C. Trusts: State the nature or type of any trust
7 from which you receive more than \$1,000 of gross
8 income annually.

9 _____
10 _____
11 _____
12 _____
13 _____
14 _____

15 D. Real Estate: State the general nature of real
16 estate interests that generate more than \$1,000 of
17 gross income annually, e.g., residential leasehold
18 interest or farm leasehold interest. The size or
19 location of the property interest is not required to
20 be listed.

21 _____
22 _____
23 _____
24 _____
25 _____
26 _____

27 E. Retirement Systems: State the name of each
28 pension plan or other corporation or company that pays
29 you more than \$1,000 annually in retirement benefits.

30 _____

5 _____
6 F. Other Income Categories Specified in State and
7 Federal Income Tax Regulations.

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 (Signature of Filer)

(Date)

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30



HSB ~~42~~
42

Successor by
SF/HF *HR 6*

Successor by
JH/JS
SF/HF

1 HOUSE RESOLUTION NO. _____
2 BY (PROPOSED COMMITTEE ON ETHICS
3 RESOLUTION BY CHAIRPERSON RAECKER)

4 A Resolution relating to the House code of ethics.
5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
6 That the House ~~code-of-ethics~~ Code of Ethics shall be
7 as 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. The members and employees of
14 the house have a responsibility to conduct themselves
15 so as to reflect credit on the general assembly, and
16 to inspire the confidence, respect, and trust of the
17 public. The following rules are adopted pursuant to
18 chapter 68B of the Code, to assist the members and
19 employees in the conduct of their activities:

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

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

25 a. Economic or investment opportunity. A member
26 or employee of the house shall not solicit or accept
27 economic or investment opportunity under circumstances
28 where the member or employee knows, or should know,
29 that the opportunity is being afforded with the intent
30 to influence the member's or employee's conduct in the

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

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

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

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

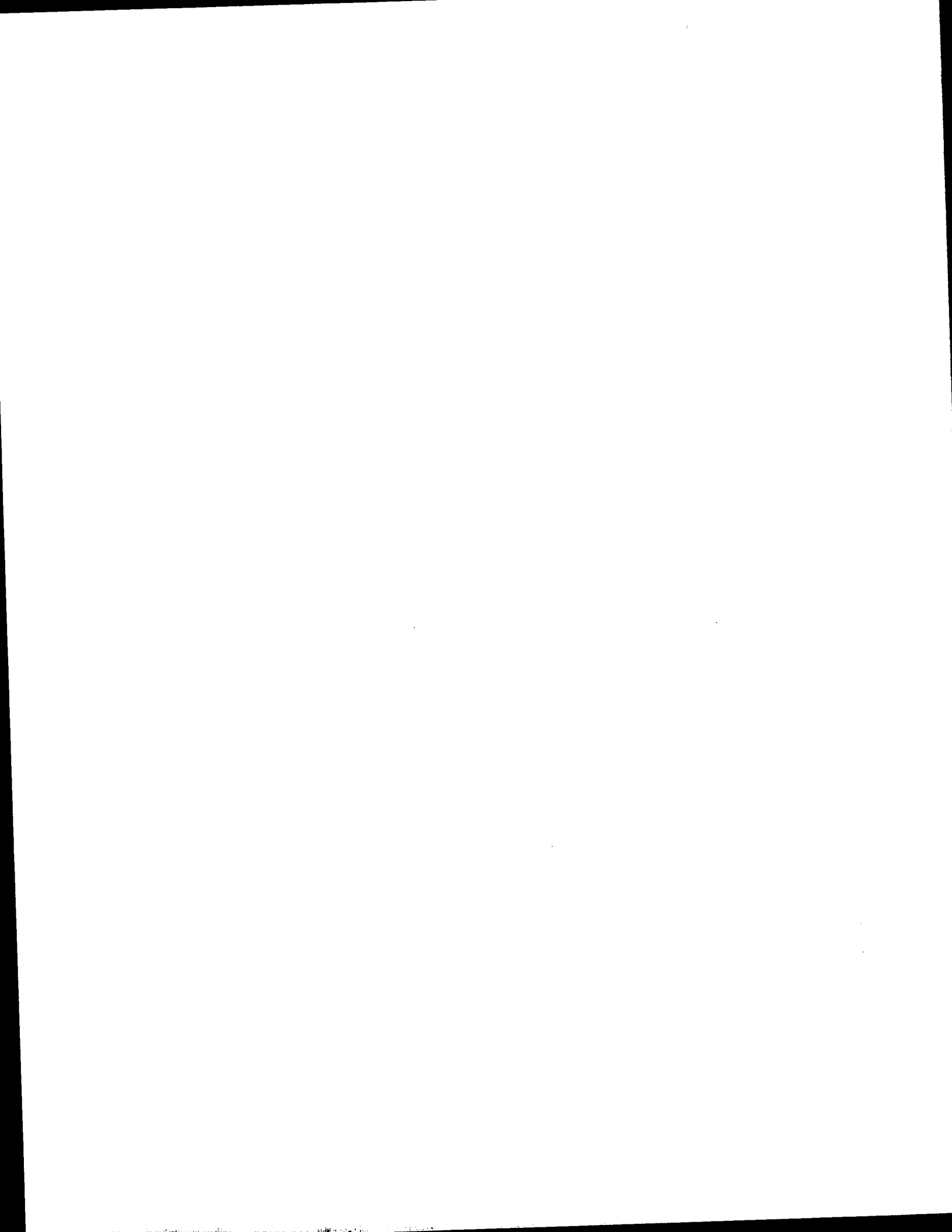


1 shall not accept employment, either directly or
2 indirectly, from a political action committee. A
3 member of the house shall not act as a paid lobbyist
4 for any organization. However, this paragraph shall
5 not prohibit a member or employee of the house from
6 working for a candidate's committee,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

14 For the purpose of this rule, a political action
15 committee means a committee, but not a candidate's
16 committee, which accepts contributions, makes
17 expenditures, or incurs indebtedness in the aggregate
18 of more than ~~five~~ seven hundred fifty dollars in any
19 one calendar year to expressly advocate the
20 nomination, election, or defeat of a candidate for
21 public office or to expressly advocate the passage or
22 defeat of a ballot issue or for the purpose of
23 influencing legislative action.

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

29 f. Certain goods or services. A member or
30 employee of the house shall not solicit or obtain



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

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

30 4. CONFLICTS OF INTEREST. In order for the

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

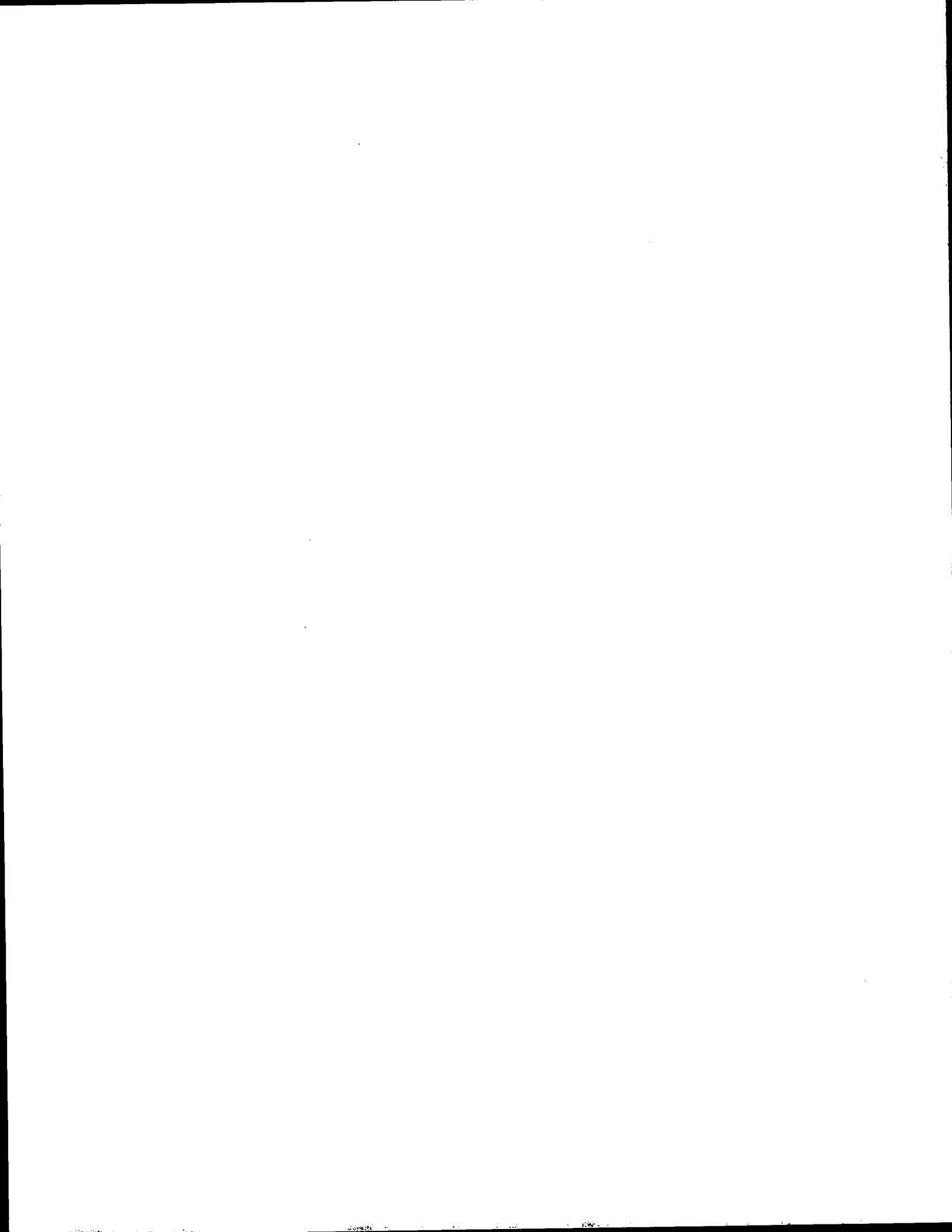
14 a. Whether a substantial threat to the member's
15 independence of judgment has been created by the
16 conflict situation.

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

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

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

27 If a member decides not to participate in committee
28 work or to abstain from voting because of a possible
29 conflict of interest, the member should disclose this
30 fact to the legislative body. The member shall not



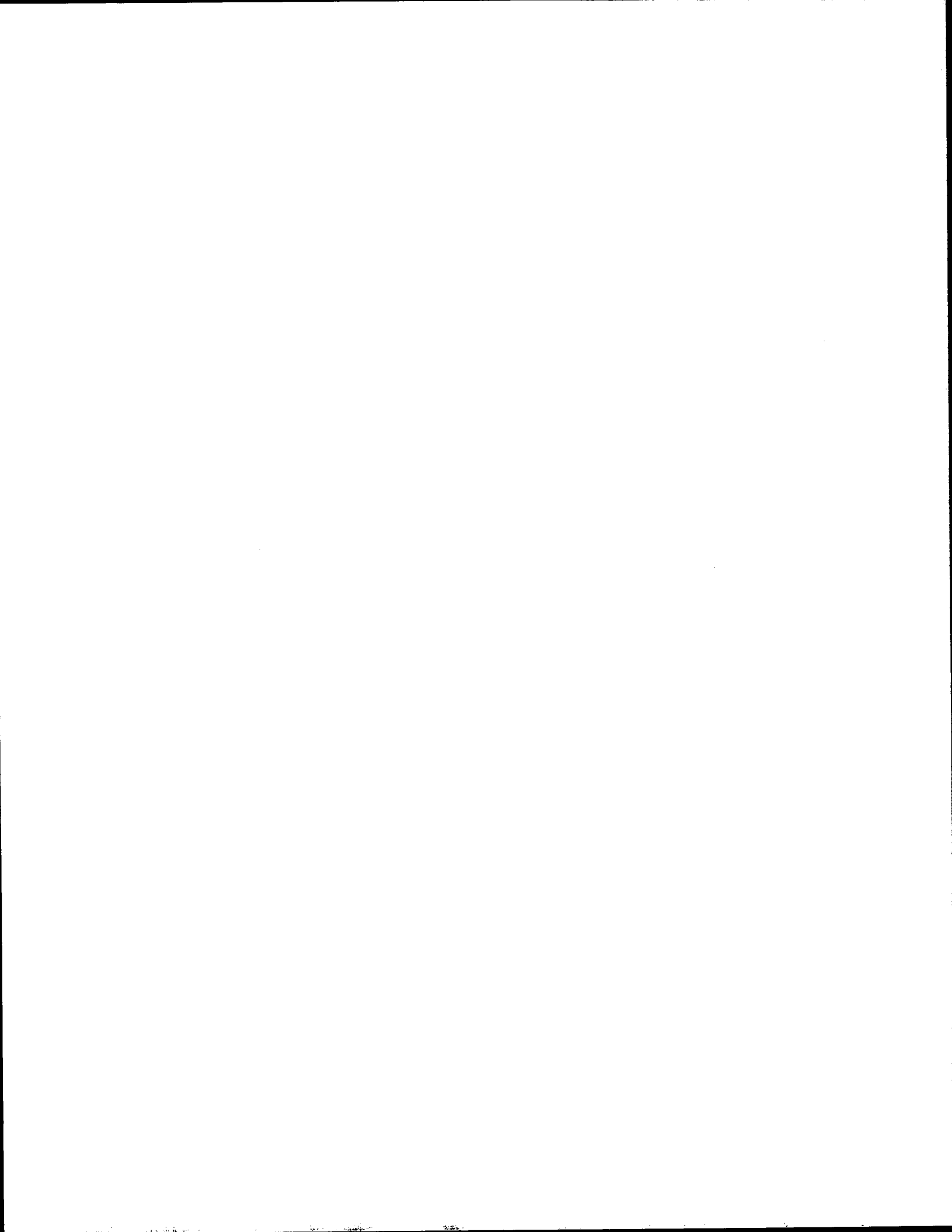
1 vote on any question in which the member has an
2 economic interest that is distinguishable from the
3 interests of the general public or a substantial class
4 of persons.

5 5. STATUTORY REQUIREMENTS. Members and employees
6 of the house shall comply with the requirements
7 contained in chapters 68B (Conflicts of Interest of
8 Public Officers and Employees), 721 (Official
9 Misconduct), and 722 (Bribery and Corruption), and
10 sections 2.18 (Contempt) and 711.4 (Extortion) of the
11 Code.

12 6. CHARGE ACCOUNTS. Members and employees of the
13 house shall not charge any amount or item to a charge
14 account to be paid for by a lobbyist or any client of
15 a lobbyist.

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

24 A member or employee of the house shall not file a
25 claim for per diem compensation for a meeting of an
26 interim study committee or a visitation committee
27 unless the member or employee attended the meeting.
28 However, the speaker may waive this provision and
29 allow a claim to be filed if the member or employee
30 attempted to attend the meeting but was unable to do



1 so because of circumstances beyond the member's or
2 employee's control.

3 8. GIFTS ACCEPTED OR RECEIVED. Members and
4 employees of the house shall comply with the
5 restrictions relating to the receipt or acceptance of
6 gifts contained in section 68B.22 of the Code.

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

11 10. DISCLOSURE REQUIRED. Each member of the house
12 and the chief clerk of the house shall file the
13 personal financial disclosure statements required
14 under section 68B.35 of the Code by February 15 of
15 each year for the prior calendar year.

16 11. SEXUAL HARASSMENT. Members and employees of
17 the house shall not engage in conduct which
18 constitutes sexual harassment as defined in section
19 19B.12 of the Code or pursuant to the sexual
20 harassment policy adopted by the house committee on
21 administration and rules.

22 12. COMPLAINTS.

23 a. Filing of complaint. Complaints may be filed
24 by any person believing that a member or employee of
25 the house, a lobbyist, or a client of a lobbyist is
26 guilty of a violation of the house code of ethics, the
27 house rules governing lobbyists, or chapter 68B of the
28 Code.

29 b. Complaints by committee. The ethics committee
30 may initiate a complaint on its own motion. Committee



1 complaints may be initiated by the committee as a
2 result of a committee investigation or as a result of
3 receipt of any complaint or other information that
4 does not meet the requirements of these rules
5 regarding the form of a complaint but that contains
6 allegations that would form the basis for a valid
7 complaint.

8 c. Form and contents of complaint. A complaint
9 shall be in writing.

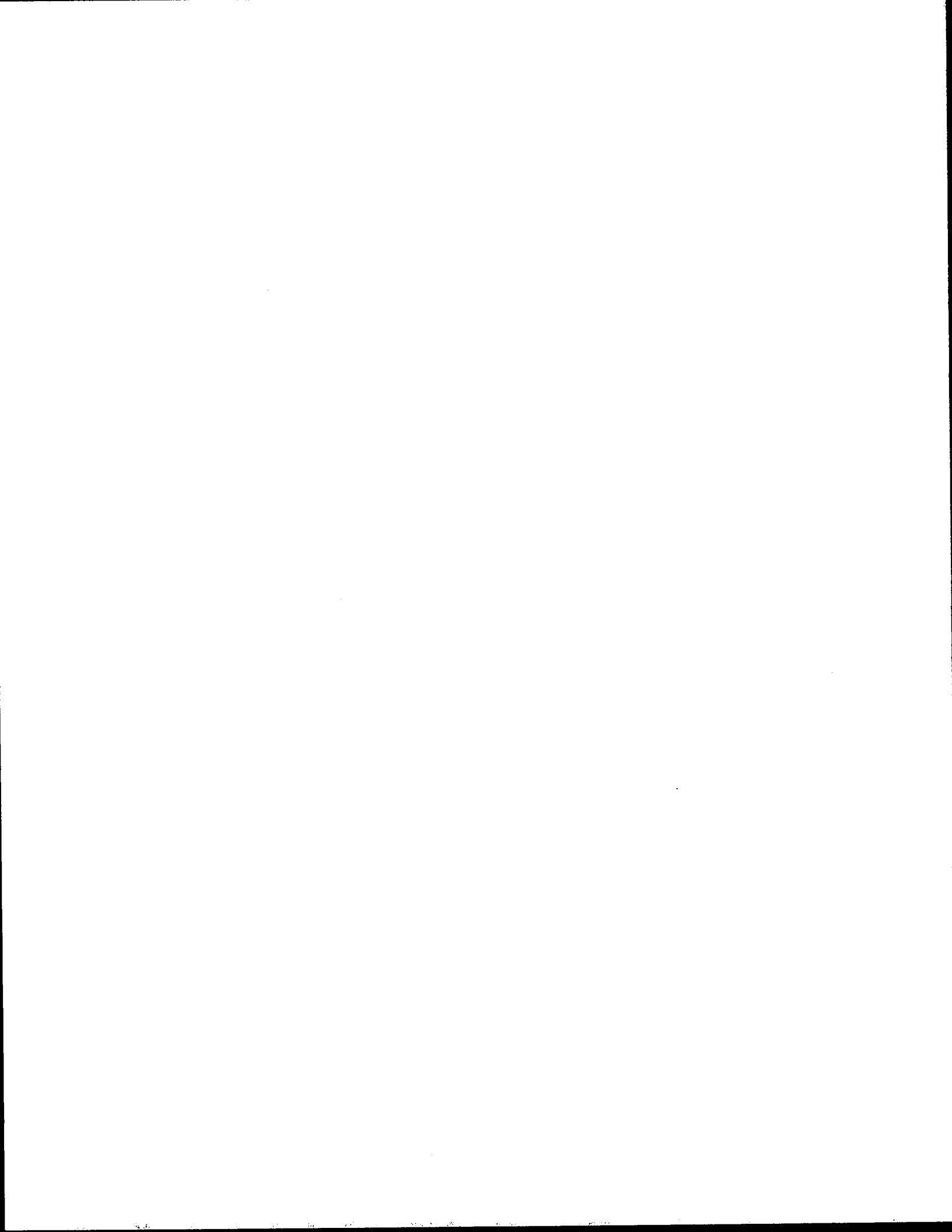
10 Complaint forms shall be available from the chief
11 clerk of the house, but a complaint shall not be
12 rejected for failure to use the approved form if it
13 complies with the requirements of these rules. The
14 complaint shall contain a certification made by the
15 complainant, under penalty of perjury, that the facts
16 stated in the complaint are true to the best of the
17 complainant's knowledge.

18 To be valid, a complaint shall allege all of the
19 following:

20 (1) Facts, including the approximate date and
21 location of any event, incident, or transaction that,
22 if true, establish a violation of a provision of
23 chapter 68B of the Code, the house code of ethics, or
24 house rules governing lobbyists for which penalties or
25 other remedies are provided.

26 (2) That the conduct providing the basis for the
27 complaint occurred within three years of the filing of
28 the complaint.

29 (3) That the party charged with a violation is a
30 member or employee of the house, a lobbyist, or a

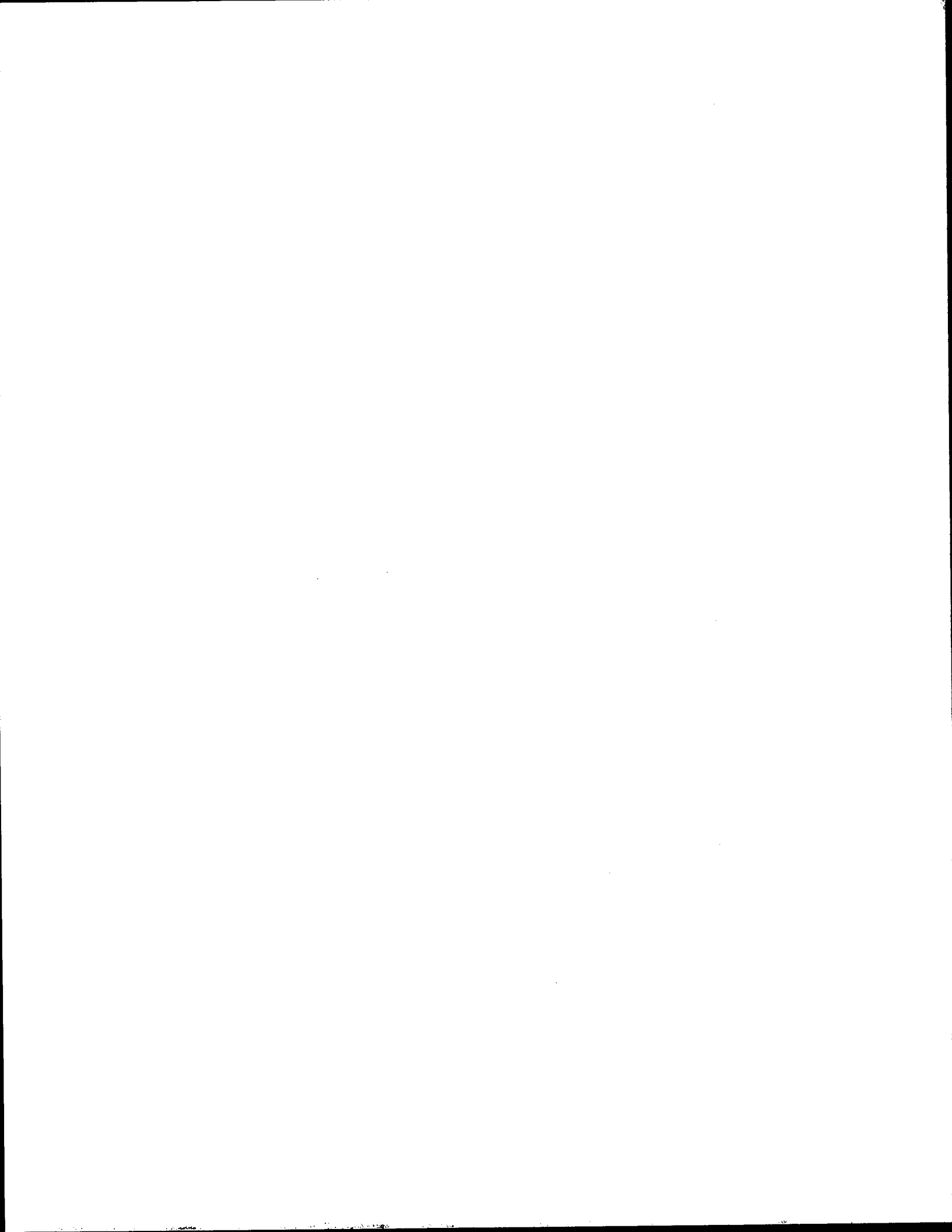


1 client of a lobbyist.

2 d. Confidentiality of complaint. The filing of
3 the complaint and the contents of the complaint shall
4 be confidential until the time that the committee
5 meets to determine whether the complaint is valid,
6 unless either the complainant or the party charged in
7 the complaint makes the existence of, or the
8 information contained in, the complaint public.

9 However, if either the complainant or party alleged to
10 have committed the violation requests that the meeting
11 to determine whether the complaint is valid be a
12 closed meeting and the filing of the complaint or the
13 contents of the complaint have not been disclosed, the
14 meeting shall be closed.

15 e. Notice of complaint. Upon receipt of the
16 complaint, the chief clerk of the house shall promptly
17 notify the chairperson and ranking member of the
18 ethics committee that a complaint has been filed and
19 provide both the chairperson and the ranking member
20 with copies of the complaint and any supporting
21 information. Within two working days, the chief clerk
22 shall send notice, either by personal delivery or by
23 certified mail, return receipt requested, to the
24 person or persons alleged to have committed the
25 violation, along with a copy of the complaint and any
26 supporting information. The notice to the accused
27 person shall contain a request that the person submit
28 a written response to the complaint within ten working
29 days of the date that the notice was sent by the chief
30 clerk. At the request of the accused person, the



1 committee may extend the time for the response, not to
2 exceed ten additional calendar days.

3 f. Hearing regarding validity of complaint. The
4 committee chairperson and the ranking member shall
5 review the complaint and supporting information to
6 determine whether the complaint meets the requirements
7 as to form. If the complaint is deficient as to form,
8 the complaint shall be returned to the complainant
9 with instructions indicating the deficiency unless the
10 committee decides to proceed on its own motion. If
11 the complaint is in writing and contains the
12 appropriate certification, as soon as practicable, the
13 chairperson shall call a meeting of the committee to
14 review the complaint to determine whether the
15 complaint meets the requirements for validity and
16 whether the committee should request that the chief
17 justice of the supreme court appoint an independent
18 special counsel to conduct an investigation to
19 determine whether probable cause exists to believe
20 that a violation of the house code of ethics, house
21 rules governing lobbyists, or chapter 68B of the Code,
22 has occurred.

23 If the committee finds that a complaint does not
24 meet the content requirements for a valid complaint,
25 the committee shall dismiss the complaint and notify
26 both the complainant and the party alleged to have
27 committed the violation of the dismissal and the
28 reasons for dismissal. A dismissal for failure to
29 meet the formal requirements for the filing of a
30 complaint shall be without prejudice and the

1 complainant may refile the complaint at any time
2 within three years of the date that the alleged
3 violation took place. If the dismissal is based upon
4 a failure to allege facts and circumstances necessary
5 for a valid complaint, the dismissal shall be with
6 prejudice and the party shall not be permitted to file
7 a complaint based upon the same facts and
8 circumstances.

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

20 h. Receipt of report of independent special
21 counsel. The report from independent special counsel
22 regarding probable cause to proceed on a complaint
23 shall be filed with the chief clerk of the house.
24 Upon receipt of the report of the independent special
25 counsel, the chief clerk shall notify the chairperson
26 of the filing of the report and shall send copies of
27 the report to the members of the ethics committee. As
28 soon as practicable after the filing of the report,
29 the chairperson shall schedule a public meeting for
30 review of the report. The purpose of the public

1 meeting shall be to determine whether the complaint
2 should be dismissed, whether a formal hearing should
3 be held on the complaint, or whether other committee
4 action is appropriate. The complainant and the person
5 alleged to have committed the violation shall be given
6 notice of the public meeting, shall have the right to
7 be present at the public meeting, and may, at the
8 discretion of the committee, present testimony in
9 support of or against the recommendations contained in
10 the report.

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

22 The notice shall include a statement of the nature
23 of the charge or charges, a statement of the time and
24 place of hearing, a short and plain statement of the
25 facts asserted, and a statement of the rights of the
26 accused person at the hearing.

27 i. Formal hearing. Formal hearings shall be
28 public and conducted in the manner provided in section
29 68B.31, subsection 8 of the Code. At a formal hearing
30 the accused shall have the right to be present and to

1 be heard in person and by counsel, to cross-examine
2 witnesses, and to present evidence. Members of the
3 committee shall also have the right to question
4 witnesses.

5 Evidence at the formal hearing shall be received in
6 accordance with rules and procedures applicable to
7 contested cases under chapter 17A of the Code.

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

22 j. Recommendations by the committee. The
23 committee shall recommend to the house that the
24 complaint be dismissed, or that one or more of the
25 following be imposed:

26 (1) That the member or employee of the house or
27 lobbyist or client of a lobbyist be censured or
28 reprimanded, and the recommended appropriate form of
29 censure or reprimand be used.

30 (2) That the member of the house be suspended or

1 expelled from membership in the house and required to
2 forfeit the member's salary for that period, the
3 employee of the house be suspended or dismissed from
4 employment, or that the lobbyist's or lobbyist's
5 client's lobbying privileges be suspended.

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

13 a. During the course of any meetings or other
14 official proceedings of the committee regarding the
15 complaint or investigation.

16 b. In writing, if a copy of the writing is
17 delivered to the adverse party or the designated
18 representative for the adverse party.

19 c. Orally, if adequate prior notice of the
20 communication is given to the adverse party or the
21 designated representative for the adverse party.

22 d. As otherwise authorized by statute, the house
23 code of ethics, house rules governing lobbyists, or
24 vote of the committee.

25 14. PERMANENT RECORD. The chief clerk of the
26 house shall maintain a permanent record of all
27 complaints filed and any corresponding committee
28 action. The permanent record shall be prepared by the
29 ethics committee and shall contain the date the
30 complaint was filed, name and address of the

1 complainant, name and address of the accused person, a
2 brief statement of the charges made, any evidence
3 received by the committee, any transcripts or
4 recordings of committee action, and ultimate
5 disposition of the complaint. The chief clerk shall
6 keep each complaint confidential until public
7 disclosure is made by the ethics committee.

8 15. MEETING AUTHORIZATION. The house ethics
9 committee is authorized to meet at the discretion of
10 the committee chairperson in order to conduct hearings
11 and other business that properly may come before it.
12 If the committee submits a report seeking house action
13 against a member or employee of the house or lobbyist
14 after the second regular session of a general assembly
15 has adjourned sine die, the report shall be submitted
16 to and considered by the subsequent general assembly.

17 16. ADVISORY OPINIONS.

18 a. Requests for formal opinions. A request for a
19 formal advisory opinion may be filed by any person who
20 is subject to the authority of the ethics committee.
21 The ethics committee may also issue a formal advisory
22 opinion on its own motion, without having previously
23 received a formal request for an opinion, on any issue
24 that is within the jurisdiction of the committee.
25 Requests shall be filed with either the chief clerk of
26 the house or the chairperson of the ethics committee.

27 b. Form and contents of requests. A request for a
28 formal advisory opinion shall be in writing and may
29 pertain to any subject matter that is related to
30 application of the house code of ethics, the house

1 rules governing lobbyists, or chapter 68B of the Code
2 to any person who is subject to the authority of the
3 ethics committee. Requests shall contain one or more
4 specific questions and shall relate either to future
5 conduct or be stated in the hypothetical. A request
6 for an advisory opinion shall not specifically name
7 any individual or contain any other specific
8 identifying information, unless the request relates to
9 the requester's own conduct. However, any request may
10 contain information which identifies the kind of
11 individual who may be affected by the subject matter
12 of the request. Examples of this latter kind of
13 identifying information may include references to
14 conduct of a category of individuals, such as but not
15 limited to conduct of legislators, legislative staff,
16 or lobbyists.

17 c. Confidentiality of formal requests and
18 opinions. Requests for formal opinions are not
19 confidential and any deliberations of the committee
20 regarding a request for a formal opinion shall be
21 public. Opinions issued in response to requests for
22 formal opinions are not confidential, shall be in
23 writing, and shall be placed on file in the office of
24 the chief clerk of the house. Persons requesting
25 formal opinions shall personally receive a copy of the
26 written formal opinion that is issued in response to
27 the request.

28 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
29 following form shall be used for disclosure of
30 economic interests under these rules and section

1 68B.35 of the Code:

2 STATEMENT OF ECONOMIC INTERESTS

3 Name: _____

4 (Last) (First) (Middle Initial)

5 Address: _____

6 (Street Address, Apt.#/P.O. Box)

7 _____

8 (City) (State) (Zip)

9 Phone: (Home) ____/____-____ (Business) ____/____-____

10 *****

11 This form is due each year on or before February
12 15. The reporting period is the most recently
13 completed calendar year.

14 In completing Division III of this form, if your
15 percentage of ownership of an asset is less than 100
16 percent, multiply your percentage of ownership by the
17 total revenue produced to determine if you have
18 reached the \$1,000 threshold.

19 Do not report income received by your spouse or
20 other family members.

21 In completing this form, if insufficient space is
22 provided for your answer, you may attach additional
23 information/answers on full-size sheets of paper.

24 Division I. Business, Occupation, Profession.

25 List each business, occupation, or profession in
26 which you are engaged, the nature of the business if
27 not evident, and your position or job title. No
28 income threshold or time requirement applies.

29 Examples:

30 If you are employed by an individual, state the

H.R. _____ S.R. _____

1 name of the individual employer, the nature of the
2 business, and your position.

3 If you are self-employed and are not incorporated
4 or are not doing business under a particular business
5 name, state that you are self-employed, the nature of
6 the business, and your position.

7 If you own your own corporation, are employed by a
8 corporation, or are doing business under a particular
9 business name, state the name and nature of the
10 business or corporation and your position.

11 1 _____
12 2 _____
13 3 _____
14 4 _____
15 5 _____
16 6 _____

17 Division II. Commissions from Sales of Goods or
18 Services to Political Subdivisions.

19 This part is to be completed only by Legislators.
20 If you received income in the form of a commission
21 from the sale of goods or services to a political
22 subdivision, state the name of the purchasing
23 political subdivision. The amount of commission
24 earned is not required to be listed.

25 1 _____
26 2 _____
27 3 _____
28 4 _____
29 5 _____
30 6 _____

1 Division III. Sources of Gross Income.

2 In each one of the following categories list each
3 source which produces more than \$1,000 in annual gross
4 income, if the revenue produced by the source was
5 subject to federal or state income taxes last year.
6 List the nature or type of each company, business,
7 financial institution, corporation, partnership, or
8 other entity which produces more than \$1,000 of annual
9 gross income. Neither the amount of income produced
10 nor value of the holding is required to be listed in
11 any of the items.

12 A. Securities: State the nature of the business of
13 any company in which you hold stock, bonds, or other
14 pecuniary interests that generate more than \$1,000 in
15 annual gross income. Income generated by multiple
16 holdings in a single company are deemed received from
17 a single source.

18 _____
19 _____
20 _____
21 _____
22 _____
23 _____

24 B. Instruments of Financial Institutions: State the
25 types of institutions in which you hold financial
26 instruments, such as certificates of deposit, savings
27 accounts, etc., that produce annual gross income in
28 excess of \$1,000, e.g., banks, savings and loans, or
29 credit unions.

30 _____

H.R. _____ S.R. _____

1 _____
2 _____
3 _____
4 _____
5 _____

6 C. Trusts: State the nature or type of any trust
7 from which you receive more than \$1,000 of gross
8 income annually.

9 _____
10 _____
11 _____
12 _____
13 _____
14 _____

15 D. Real Estate: State the general nature of real
16 estate interests that generate more than \$1,000 of
17 gross income annually, e.g., residential leasehold
18 interest or farm leasehold interest. The size or
19 location of the property interest is not required to
20 be listed.

21 _____
22 _____
23 _____
24 _____
25 _____
26 _____

27 E. Retirement Systems: State the name of each
28 pension plan or other corporation or company that pays
29 you more than \$1,000 annually in retirement benefits.

30 _____

1 _____
2 _____
3 _____
4 _____
5 _____
6 F. Other Income Categories Specified in State and
7 Federal Income Tax Regulations.
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____

15 (Signature of Filer) _____ (Date) _____

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30