

House Resolution 131 - Introduced

HOUSE RESOLUTION NO. 131

BY M. SMITH

1 A Resolution amending the House Code of Ethics relating
2 to the basis of an ethics complaint.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
4 Rule 12, paragraph a, of the House Code of Ethics, as
5 adopted by the House of Representatives during the 2011
6 session in House Resolution 7, is amended to read as
7 follows:

8 a. Filing of complaint. Complaints may be filed
9 by any person believing that a member or employee of
10 the house, a lobbyist, or a client of a lobbyist ~~is~~
11 ~~guilty of a violation~~ has violated a provision of the
12 house code of ethics, the ~~house~~ joint rules governing
13 lobbyists, or chapter 68B of the Code, or has committed
14 a crime of moral turpitude.

15 BE IT FURTHER RESOLVED, That Rule 12, paragraph
16 c, subparagraph (1), of the House Code of Ethics, as
17 adopted by the House of Representatives during the 2011
18 session in House Resolution 7, is amended to read as
19 follows:

20 (1) Facts, that if true, establish a violation of
21 a provision of chapter 68B of the Code, the house code
22 of ethics, or ~~house~~ joint rules governing lobbyists for
23 which penalties or other remedies are provided or the
24 commission of a crime of moral turpitude.

25 BE IT FURTHER RESOLVED, That Rule 12, paragraph f,
26 unnumbered paragraph 1, of the House Code of Ethics, as
27 adopted by the House of Representatives during the 2011
28 session in House Resolution 7, and amended by the House

1 of Representatives during the 2012 session in House
2 Resolution 110, is amended to read as follows:

3 The committee chairperson and the ranking
4 member shall review the complaint and supporting
5 information to determine whether the complaint meets
6 the requirements as to form. If the complaint is
7 deficient as to form, the complaint shall be returned
8 to the complainant with instructions indicating
9 the deficiency. If the complaint is in writing, is
10 sufficient as to form, and contains the appropriate
11 certification, as soon as practicable, the chairperson
12 shall call a meeting of the committee to review the
13 complaint to determine whether the complaint meets the
14 requirements for validity and whether the committee
15 should take action on the complaint pursuant to
16 paragraph "g" or whether the committee should request
17 that the chief justice of the supreme court appoint an
18 independent special counsel to conduct an investigation
19 to determine whether probable cause exists to believe
20 that a violation of the house code of ethics, ~~house~~
21 joint rules governing lobbyists, or chapter 68B of the
22 Code, or the commission of a crime of moral turpitude
23 has occurred. The sufficiency as to form determination
24 and the valid complaint requirements determination
25 shall be based solely upon the original complaint and
26 the response to the complaint. Additional documents
27 or responses shall not be filed by the parties or
28 otherwise considered by the committee prior to a
29 validity determination. The committee shall not
30 receive or consider oral testimony in support of or

1 against a validity determination.

2 BE IT FURTHER RESOLVED, That Rule 12, paragraph h,
3 of the House Code of Ethics, as adopted by the House
4 of Representatives during the 2011 session in House
5 Resolution 7, is amended to read as follows:

6 h. Request for appointment of independent special
7 counsel. If, after review of the complaint and any
8 response made by the party alleged to have committed
9 the violation, the committee determines that the
10 complaint meets the requirements for form and content
11 and the committee has not taken action under paragraph
12 "g", the committee shall request that the chief justice
13 of the supreme court appoint independent special
14 counsel to investigate the matter and determine whether
15 probable cause exists to believe that a violation of
16 chapter 68B of the Code, the house code of ethics,
17 or the house joint rules governing lobbyists or the
18 commission of a crime of moral turpitude has occurred.