

Senate Resolution 101 - Introduced

SENATE RESOLUTION NO. 101

BY COMMITTEE ON ETHICS

(SUCCESSOR TO SSB 3038)

1 A Resolution relating to the requirements under the
2 Senate Code of Ethics for filing personal financial
3 disclosure forms by senators and candidates for
4 senate.

5 BE IT RESOLVED BY THE SENATE, That Rule 11 of the
6 Senate Code of Ethics for the Eighty-ninth General
7 Assembly, as adopted during the 2021 Session in Senate
8 Resolution 1, is amended as follows:

9 11. DISCLOSURE REQUIRED BY SENATORS. Each senator
10 shall file with the secretary of the senate within ten
11 days after the adoption of the code of ethics by the
12 senate, and within ten days after the convening of the
13 second session of the general assembly, a financial
14 statement under section 68B.35 on forms provided by
15 the secretary of the senate setting forth the following
16 information:

17 The nature of each business in which the senator
18 is engaged and the nature of the business of each
19 company in which the senator has a financial interest.
20 A senator shall not be required to file a ~~report~~
21 financial statement or be assumed to have a financial
22 interest if the annual income derived from the
23 investment in stocks, bonds, bills, notes, mortgages,
24 or other securities offered for sale through recognized
25 financial brokers is less than one thousand dollars.

26 Disclosures required under this rule shall be as
27 of the date filed unless provided to the contrary,

1 and shall be amended to include interests and changes
2 encompassed by this rule that occur while the general
3 assembly is in session. All filings under this rule
4 shall be open to public inspection in the office of the
5 secretary of the senate at all reasonable times.

6 The secretary of the senate shall inform the ethics
7 committee of the financial statements which are filed
8 and shall report to the ethics committee the names
9 of any senators who appear not to have filed complete
10 financial statements. The chairperson of the ethics
11 committee shall request in writing that a senator who
12 has failed to complete the ~~report~~ financial statement
13 or appears to have filed an incomplete ~~report~~ financial
14 statement do so within five days, and, upon the failure
15 of the senator to comply, the ethics committee shall
16 require the senator to appear before the committee.

17 BE IT FURTHER RESOLVED, That the Senate Code of
18 Ethics for the Eighty-ninth General Assembly, as
19 adopted during the 2021 Session in Senate Resolution 1,
20 is amended by adding the following new rule:

21 11A. DISCLOSURE REQUIRED BY CANDIDATES FOR SENATE.
22 Each candidate for senate shall file with the secretary
23 of the senate within fourteen days after the deadline
24 for the filing of nomination papers or fourteen days
25 after the nominating convention, as applicable, a
26 financial statement under section 68B.35 on forms
27 provided by the secretary of the senate setting forth
28 the following information:

29 The nature of each business in which the candidate
30 for senate is engaged and the nature of the business

1 of each company in which the candidate for senate has a
2 financial interest. A candidate for senate shall not
3 be required to file a financial statement or be assumed
4 to have a financial interest if the annual income
5 derived from the investment in stocks, bonds, bills,
6 notes, mortgages, or other securities offered for sale
7 through recognized financial brokers is less than one
8 thousand dollars.

9 Disclosures required under this rule shall be for
10 the year preceding the year in which the election is to
11 be held. All filings under this rule shall be open to
12 public inspection in the office of the secretary of the
13 senate at all reasonable times.

14 The secretary of the senate shall provide
15 information to persons interested in becoming
16 candidates for senate of the duty to file financial
17 statements under this rule and the applicable
18 deadlines.

19 A candidate for senate who fails to file a complete
20 financial statement with the secretary of senate by
21 the applicable deadline shall be fined fifty dollars,
22 payable to the Iowa senate for deposit in the general
23 fund.

24 The secretary of the senate may refer a candidate
25 who has failed to file a complete financial statement
26 by the deadlines established under this code of ethics
27 two or more consecutive times to the ethics committee
28 and the committee may require the candidate to appear
29 before the committee.

30 BE IT FURTHER RESOLVED, That Rule 15 of the Senate

1 Code of Ethics for the Eighty-ninth General Assembly,
2 as adopted during the 2021 Session in Senate Resolution
3 1, is amended as follows:

4 15. COMPLAINTS. Complaints or charges against any
5 senator, candidate for senate, lobbyist, or any client
6 of a lobbyist shall be in writing, made under penalty
7 of perjury, and filed with the secretary of the senate.
8 When filed with the secretary of the senate, the
9 secretary shall immediately advise the chairperson of
10 the ethics committee of the receipt of the complaint.

11 Complaint forms shall be available from the
12 secretary of the senate, or the chairperson of the
13 ethics committee, but a complaint shall not be rejected
14 for failure to use an approved form if the complaint
15 substantially complies with senate requirements.

16 A complainant may submit exhibits and affidavits
17 attached to the complaint.

18 BE IT FURTHER RESOLVED, That Rule 16, paragraph
19 "a" of the Senate Code of Ethics for the Eighty-ninth
20 General Assembly, as adopted during the 2021 Session in
21 Senate Resolution 1, is amended as follows:

22 a. *Persons entitled.* Complaints may be filed by
23 any person believing that a senator, candidate for
24 senate, lobbyist, or client of a lobbyist has violated
25 the senate ethics code, the joint rules governing
26 lobbyists, or chapter 68B, as applicable. A violation
27 of the criminal law may be considered to be a violation
28 of this code of ethics if the violation constitutes a
29 serious misdemeanor or greater, or a repetitive and
30 flagrant violation of the law.

1 BE IT FURTHER RESOLVED, That Rule 19, paragraph
2 "f", subparagraph (2) of the Senate Code of Ethics for
3 the Eighty-ninth General Assembly, as adopted during
4 the 2021 Session in Senate Resolution 1, is amended as
5 follows:

6 (2) That the senator, candidate for senate,
7 lobbyist, or client of a lobbyist be censured or
8 reprimanded, and recommend the appropriate form of
9 censure or reprimand.

10 BE IT FURTHER RESOLVED, That Rule 20 of the Senate
11 Code of Ethics for the Eighty-ninth General Assembly,
12 as adopted during the 2021 Session in Senate Resolution
13 1, is amended as follows:

14 20. COMMITTEE AUTHORIZED TO MEET. The senate
15 ethics committee is authorized to meet at the
16 discretion of the chairperson to conduct hearings and
17 other business that properly may come before it. If
18 the committee submits a report seeking senate action
19 against a senator, candidate for senate, lobbyist, or
20 client of a lobbyist after the second regular session
21 of a general assembly has adjourned sine die, the
22 report shall be submitted to and considered by the
23 subsequent general assembly. However, the report
24 may be submitted to and considered during any special
25 session which may take place after the second regular
26 session of a general assembly has adjourned sine die,
27 but before the convening of the next general assembly.

28 BE IT FURTHER RESOLVED, That Rule 21, paragraph
29 "b" of the Senate Code of Ethics for the Eighty-ninth
30 General Assembly, as adopted during the 2021 Session in

1 Re: _____ (Senator/Candidate
2 for Senate/Lobbyist/Client of Lobbyist), of
3 _____, Iowa.

4 I, _____ (Complainant), residing
5 at _____, in the City of _____,
6 State of _____, hereby complain
7 that _____ (Senator/Candidate
8 for Senate/Lobbyist/Client of Lobbyist), whose address
9 is _____, has
10 violated the Senate Code of Ethics, chapter 68B, or
11 Joint Rules Governing Lobbyists in that:

12 (Explain the basis for the complaint here. Use
13 additional pages, if necessary.)

14 Under penalty of perjury, I certify that the above
15 complaint is true and correct as I verily believe.

16 _____
17 Signature of Complainant

18 SUBSCRIBED AND AFFIRMED to before me this _____
19 day of _____, _____.

20 _____
21 Notary Public in and for the
22 State of _____

23 24. COMPLAINT NOTICE FORM. The following form
24 shall be used for notice of a complaint under these
25 rules:

26 STATE OF IOWA
27 THE SENATE
28 COMMITTEE ON ETHICS)
29 IOWA STATE SENATE)
30)

1 On The Complaint Of) NOTICE OF COMPLAINT
 2)
 3 _____)
 4)
 5 And Involving)
 6)
 7 _____)
 8)

9 TO _____,

10 Senator or Candidate for Senate or Lobbyist or
 11 Client of Lobbyist named above:

12 You are hereby notified that there is now on file
 13 with the Secretary of the Senate, State Capitol, Des
 14 Moines, Iowa, a complaint which alleges that you have
 15 committed a violation of the Senate's Code of Ethics,
 16 chapter 68B, or Joint Rules Governing Lobbyists.

17 A copy of the complaint and the Senate rules for
 18 processing the same are attached hereto and made a part
 19 of this notice.

20 You are further notified and requested to file your
 21 written answer to the complaint within ten days of the
 22 date upon which the notice was caused to be delivered
 23 to you, (date) _____, _____.

24 Your answer is to be filed with the Secretary of the
 25 Senate, State Capitol, Des Moines, Iowa.

26 Dated this _____ day of _____, _____.

27 _____
 28 Chairperson, Senate Ethics
 29 Committee,
 30 or Secretary of the Senate

1 25. HEARING NOTICE FORM. The following form shall
2 be used for notice of a hearing under these rules:

3 STATE OF IOWA
4 THE SENATE
5 COMMITTEE ON ETHICS)
6 IOWA STATE SENATE)
7)
8 On The Complaint Of) NOTICE OF HEARING
9)
10 _____)
11)
12 And Involving)
13)
14 _____)
15)

16 TO _____,
17 Senator or Candidate for Senate or Lobbyist or
18 Client of Lobbyist named above:

19 You are hereby notified that there is now on file
20 with the Secretary of the Senate, State Capitol, Des
21 Moines, Iowa, a complaint which alleges that you have
22 committed a violation of the Senate's Code of Ethics,
23 chapter 68B, or Joint Rules Governing Lobbyists.

24 A copy of the complaint and the Senate rules for
25 processing the same are attached hereto and made a part
26 of this notice.

27 You are further notified that, after preliminary
28 review, the committee has caused a public hearing to be
29 scheduled on (date) _____, _____, at
30 (hour) _____ (a.m.) (p.m.), in Room _____, State

1 Capitol, Des Moines, Iowa.

2 At the hearing, you will have the right to appear
3 in person, be represented by legal counsel at your own
4 expense, present statements and evidence, and examine
5 and cross-examine witnesses. The committee shall
6 not be bound by formal rules of evidence, but shall
7 receive relevant evidence, subject to limitations on
8 repetitiveness. Any evidence taken shall be under
9 oath.

10 The committee may continue the hearing to a future
11 date if necessary for appropriate reasons or purposes.

12 You are further notified that the committee will
13 receive such evidence and take such action as warranted
14 by the evidence.

15 Dated this _____ day of _____, _____.

16

17

Chairperson, Senate Ethics

18

Committee,

19

or Secretary of the Senate