SENATE RESOLUTION NO. 101

BY COMMITTEE ON ETHICS

(SUCCESSOR TO SSB 3038)

(As Amended and Passed by the Senate February 9, 2022)

E = New Language by the Senate

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

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

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

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

Disclosures required under this rule shall be as of the date filed unless provided to the contrary, and shall be amended to include interests and changes encompassed by this rule that occur while the general assembly is in session. All filings under this rule shall be open to public inspection in the office of the secretary of the senate at all reasonable times.

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

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

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

The nature of each business in which the candidate for senate is engaged and the nature of the business of each company in which the candidate for senate has a financial interest. A candidate for senate shall not be required to file a financial statement or be assumed to have a financial interest if the annual income derived from the investment in stocks, bonds, bills, notes, mortgages, or other securities offered for sale through recognized financial brokers is less than one thousand dollars.

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

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

The secretary of the senate shall inform the ethics committee of the financial statements that are filed and shall report to the ethics committee the names of any candidates for senate who appear not to have filed complete financial statements. The secretary of the senate shall request that a candidate for senate who has failed to complete the financial statement or appears to have filed an incomplete financial report to do so within five days. If a candidate for senate does not file a complete financial statement

within five days, the candidate shall be fined fifty dollars, payable to the Iowa senate for deposit in the general fund, and the ethics committee may require the candidate to appear before the committee.

BE IT FURTHER RESOLVED, That Rule 15 of the Senate Code of Ethics for the Eighty-ninth General Assembly, as adopted during the 2021 Session in Senate Resolution 1, is amended as follows:

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

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

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

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

a. *Persons entitled.* Complaints may be filed by any person believing that a senator, candidate for senate, lobbyist, or client of a lobbyist has violated the senate ethics code, the joint rules governing

lobbyists, or chapter 68B, as applicable. A violation of the criminal law may be considered to be a violation of this code of ethics if the violation constitutes a serious misdemeanor or greater, or a repetitive and flagrant violation of the law.

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

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

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

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

session of a general assembly has adjourned sine die, but before the convening of the next general assembly.

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

b. *Form and contents of requests.* A request for a formal advisory opinion shall be in writing and may pertain to any subject matter that is related to the application of the senate code of ethics, the joint rules governing lobbyists, or chapter 68B to any person who is subject to the authority of the ethics committee. Requests shall contain one or more specific questions and shall relate either to future conduct or be stated in the hypothetical. A request for an advisory opinion shall not specifically name any individual or contain any other specific identifying information, unless the request relates to the requester's own conduct. However, any request may contain information which identifies the kind of individual who may be affected by the subject matter of the request. Examples of this latter kind of identifying information may include references to conduct of a category of individuals, such as but not limited to conduct of legislators, legislative staff, candidates for senate, lobbyists, or clients of lobbyists.

BE IT FURTHER RESOLVED, That Rules 23, 24, and 25 of the Senate Code of Ethics for the Eighty-ninth General Assembly, as adopted during the 2021 Session in Senate

Resolution 1, are amended as follows:

23. COMPLAINT FILING FORM. The following form shall be used to file a complaint under these rules:

THE SENATE

Ethics Complaint Form

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

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

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

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

_____

Signature of Complainant

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

_____

Notary Public in and for the State of _____

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

STATE OF IOWA

THE SENATE

COMMITTEE ON ETHICS IOWA STATE SENATE On The Complaint Of _____ And Involving _____	NOTICE OF COMPLAINT

TO _____,

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

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

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

You are further notified and requested to file your written answer to the complaint within ten days of the date upon which the notice was caused to be delivered to you, (date) _____, _____. Your answer is to be filed with the Secretary of the Senate, State Capitol, Des Moines, Iowa.

Dated this _____ day of _____, _____.

_____
Chairperson, Senate Ethics
Committee,
or Secretary of the Senate

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

STATE OF IOWA
THE SENATE

COMMITTEE ON ETHICS IOWA STATE SENATE	)	
On The Complaint Of	)	NOTICE OF HEARING
_____	)	
And Involving	)	
_____	)	

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

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

A copy of the complaint and the Senate rules for processing the same are attached hereto and made a part

of this notice.

You are further notified that, after preliminary review, the committee has caused a public hearing to be scheduled on (date)_____, _____, at (hour) _____ (a.m.) (p.m.), in Room ____, State Capitol, Des Moines, Iowa.

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

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

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

Dated this _____ day of _____, _____.

_____

Chairperson, Senate Ethics Committee,
or Secretary of the Senate