

MINUTES

HOUSE RULES AND JOURNAL COMMITTEE

September 14, 2010
Room 159-S—Statehouse

Members Present

Representative Clark Shultz, Chairperson
Representative Janice Pauls, Vice-chairperson
Representative Lance Kinzer
Representative Ed Trimmer

Member Absent

Representative Jeff Witham

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Athena Andaya, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Lauren Douglass, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes
Norm Furse, Revisor of Statutes Emeritus, Office of the Revisor of Statutes
Gary Deeter, Committee Secretary

Others Attending

See attached sheet.

The Chairperson called the meeting to order at 10:04 a.m., welcomed Committee members, and outlined the work of the Committee. He referenced the House Select Investigative Committee, which met during the 2010 Legislative Session, noting that an investigative committee had occurred only twice in the history of the Kansas Legislature (the first in 1951). The findings of the Select Committee, issued on March 30, 2010, included a recommendation that the Kansas House of Representatives consider adopting an ethics code to help govern the activities of legislators, a recommendation approved by the Legislative Coordinating Council, which established the present interim committee.

The Chairperson welcomed the House Minority Leader, Paul Davis, who, referring to the complaint lodged during the 2010 Legislative Session, urged the Committee to follow through on the recommendation of the investigative committee. Acknowledging that ethics violations are rare in the Kansas House, he nevertheless considered an ethics code to be a helpful addition to the legislative process ([Attachment 1](#)). He stated that, anticipating future problems, such a code would help protect the integrity of the institution. Noting that the various professions of a citizen legislature can create conflicts of interest, Representative Davis recommended the Iowa Code of Ethics as a model worthy of emulation.

Answering questions from the Committee, Representative Davis said the Senate was deferring to the wisdom of the House in developing a code of ethics. He stated that, since some statutes allow or authorize certain actions, those statutes must be repealed before adopting rules related to the actions.

Martha Dorsey, Kansas Legislative Research Department (KLRD), with assistance from Lauren Douglass, KLRD, outlined information relating to other states' approaches to ethics rules and codes of conduct ([Attachment 2](#)). She noted that the states listed in bold in the table of contents specifically referenced legislative ethics codes; the entire ethics document was included for each of those states.

Ms. Dorsey presented two documents that trace the states which had developed legislator-only ethics codes. She explained that both documents have the same category headings, as follows:

- The code is expressed either in statute or under rules;
- Requires a legislative ethics committee;
- Addresses personal or private financial interests;
- Restricts lobbyists/lobbying;
- Participating or having interest in public leases or contracts;
- Participating in state benefit programs/loans;
- Receiving earned income and honoraria;
- Restricts nepotism;
- Conduct which is a breach of public trust;
- Representing cases before state agencies/representing another person/receiving compensation for representation;
- Directs use of confidential information;
- Disclosing close economic associations/economic interests;
- Receiving gifts/compensation; and
- Various other regulations.

Ms. Dorsey further explained that if a person wants to follow how a certain state deals with the various categories above, one could easily do so using [Attachment 3](#). However, if a person wishes to trace how a given provision is dealt with by each state, one would use [Attachment 4](#). She further noted that statutory references are provided for Arizona ([Attachment 5](#)) and Iowa ([Attachment 6](#)).

Ms. Douglass and Ms. Dorsey responded to Committee members' questions:

- Although more research would be needed to identify which states restrict a legislator's representation as counsel for an issue such as Worker's Compensation, one state specifically prohibits such representation, and the Iowa Code of Ethics prohibits any legislator from suing the state. In regard to

representing a person or group before a state agency, the Iowa code addresses restrictions for the Senate (Attachment 2, Page 34, Item 8) and for the House (Attachment 2, Page 47, Item 3);

- Most states have an ethics code which refers not only to legislators, but to state officials and employees in general;
- Although some states have detailed ethics codes with specific definitions, none found by research staff was so detailed as to restrict someone such as a teacher-legislator from voting on a budget that includes school financing; and
- Because states have such a wide range of approaches to legislator-only codes of ethics, it is difficult to draw general conclusions regarding the process of investigating a complaint; nevertheless, nearly all states reviewed have a complaint procedure.

In answer to another question, Carol Williams, Executive Director, Governmental Ethics Commission, stated that, if a legislator is employed by or serves on the board of a Political Action Committee, and if that legislator receives more than \$2,000, the compensation must be disclosed.

Mary Torrence, Revisor of Statutes, answered another question that no Kansas statute addresses the issue of perjury in relation to ethics violations.

A Committee member commented that Kansas appears to leave many ethics issues to the conscience of the legislator rather than micro-managing through detailed definitions regarding behavior. Another Committee member commented that, because of Kansas' Open Records statutes, rarely does confidentiality become a concern for legislators.

Norm Furse, Office of the Revisor of Statutes, distributed HB 2749, a bill introduced in the 2010 Legislature, which, among other provisions, would have restricted a legislator from representing a person in a court proceeding; the legislator is especially restricted from raising certain constitutional questions (Attachment 7). During the discussion of HB 2749, Mr. Furse referenced KSA 46-233(c), noting that the phrase ". . . unconstitutional because of error in the legislative process. . ." was inserted by conference committee action when KSA 46-233(c) was enacted. A member commented that there should be no restriction on any legislator or attorney in raising constitutional questions. Members discussed issues dealing with whether or not a legislator should be allowed to sue the state and whether or not, if such a suit is permitted, whether compensation should be regulated.

Mr. Furse also distributed a Senate Concurrent Resolution from 1997; he said it was the only other extant reference addressing a code of ethics (Attachment 8). No action was ever taken on the resolution.

A Committee member requested that Carol Williams attend the next Committee meeting. Asked to comment about the ethics discussion, Ms. Williams replied that the most frequent complaint received by the Commission is a citizen calling to object to legislators voting in committees on issues within their area of expertise, such as a physician voting on health issues in Health Committee. Ms. Williams stated that her response to such complaints is to state that Kansas is a citizen-legislature, a fact which allows voting latitude for legislators.

The Chairperson suggested that, at the next Committee meeting, members be prepared to make recommendations.

The meeting was adjourned at 11:55 a.m. The next meeting is scheduled for October 19, 2010, in Room 159-S of the Statehouse at 10:00 a.m.

Submitted by Gary Deeter
Edited by Athena Andaya

Approved by the Committee on:

October 19, 2010

(Date)

HOUSE RULES AND JOURNAL COMMITTEE

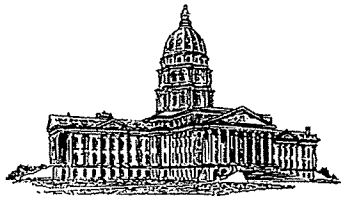
GUEST LIST

DATE: SEPTEMBER 14 2010

NAME	REPRESENTING
DEREK HEIN	HEIN LAW FIRM
Scott Rothschild	LJ Walsh
Judy Molen	KGFC
Carol Wulfin	KGFC
Aly Pollock	Davis Staff
Susan Kennerr	CHIEF CLERK'S OFFICE

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TOPEKA
HOUSE DEMOCRATIC LEADER

HOUSE RULES AND JOURNAL COMMITTEE
TESIMTONY PROVIDED BY PAUL DAVIS, HOUSE DEMOCRATIC LEADER
SEPTEMBER 14, 2010

Chairman Schultz and members of the committee, thank you for the opportunity to testify this morning.

As you know, last spring the Kansas House found itself engaged in a lengthy discussion about the proper conduct of members. We quickly realized that our definition of “misconduct” and our body’s process for handling accusations of misconduct was wholly inadequate.

There are standards of behavior and conduct that evolve over time in all legislative bodies and they must continually be upheld, reinforced, and in this case, refined. The growing power of special interests in the political process has eroded the public’s confidence in elected officials and the institutions in which we serve. It is more important than ever to let the public know that we, as a legislative body, hold ourselves to the highest possible standards.

Article 49 of the Rules of the Kansas House of Representatives provides that a member maybe reprimanded, censured or expelled for any misconduct. Misconduct is not defined anywhere in the Rules of the Kansas House of Representatives. It was suggested last spring that the fact that there is no definition provided by the Rules allows you to review a member’s conduct in the context where it occurred and to evaluate it based on the norms and traditions of the House of Representatives as you understand them and based on your own beliefs as members of this body. This subjective, open-ended interpretation proved to be highly problematic for a variety of reasons.

A number of state legislatures have their own codes of conduct or codes of ethics to govern the behavior of legislators. Perhaps the most thorough of these belongs to the Iowa Senate. It specifically addresses the importance of “protecting the integrity of the Legislature” at the outset. The preamble reads, in part:

“Every legislator owes a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly and the members thereof, and to observe the legislative code of ethics. In doing so, members of the senate have a duty to conduct themselves so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public, and to strive to avoid both unethical and illegal conduct and the appearance of unethical and illegal conduct.”

It also addresses situations where a member would appear before a governmental agency. It states that when the member does so, he or she should “carefully avoid all conduct which might in any way lead

Attachment 1
HRJC 9-14-10

members of the general public to conclude that the senator is using the senator's official position to further the senator's professional success or personal financial interest".

The Iowa Code also has rules with regard to conflicts of interest. Rule 9 on Conflicts of Interests reads:

"In order to permit the general assembly to function effectively, a senator will sometimes be required to vote on bills and participate in committee work which will affect the senator's employment and other monetary interests. In making a decision relative to the senator's activity on given bills or committee work which is subject to the code, the following factors shall be considered:

- a. Whether a substantial threat to the senator's independence of judgment has been created by the conflict situation.
- b. The effect of the senator's participation on public confidence in the integrity of the legislature.
- c. The need for the senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

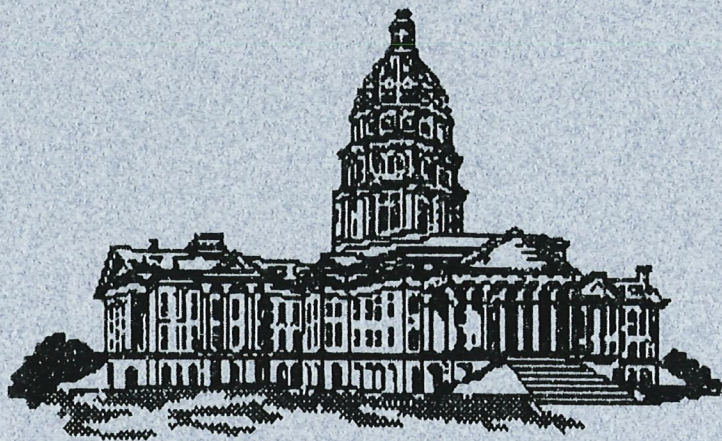
All of these code provisions relate back to the member's duty to uphold the integrity and honor of the institution and to inspire confidence, respect and trust of the public. They are a reflection of time honored behavior that has been exhibited by the elected officials who have come before us.

The existence of a Code of Ethics like this in the Kansas House of Representatives would be enormously helpful in maneuvering situations such as the controversy we faced last spring. Should any situations of that nature arise in the future, established guidelines would eliminate any politics or partiality from the process. I hope you will take the recommendations of last spring's investigatory committee seriously and finally draft a code of ethics for our own body. With so much unrest throughout the electorate, there has never been a better time to make a public commitment to propriety.

Thank you for your consideration.

HOUSE RULES AND JOURNAL COMMITTEE

FY 2010



Attachment 2
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Legislative Ethics Codes

Alabama – Applies generally to public officials

Alaska – Applies to legislators and legislative employees

Alaska Stat. § 24.60.031 et seq.

§ 24.60.031. Restrictions on fund raising.

(a) A legislator or legislative employee may not

- (1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for the state legislature; however, a legislator or legislative employee may, except in the capital city, solicit or accept a contribution, promise, or pledge for a campaign for the state legislature that occurs during the 90 days immediately preceding an election;
- (2) accept money from an event held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to raise money on behalf of the member or legislative employee for state legislative political purposes; however, this paragraph does not prohibit a legislator or legislative employee from accepting money from an event held in a place other than the capital city during the 90 days immediately preceding an election; or
- (3) in a campaign for the state legislature, expend money that was raised on a day when either house of the legislature was in a legislative session by or on behalf of a legislator under a declaration of candidacy or a general letter of intent to become a candidate for public office; however, this paragraph does not apply to money raised in a place other than the capital city during the 90 days immediately preceding an election.

(b) In this section, "contribution" has the meaning given in AS 15.13.400.

§ 24.60.033. Restrictions on employee candidacies. A legislative employee may not file a letter of intent to become a candidate or file a declaration of candidacy for the legislature.

§ 24.60.035. Protection of whistle blowers. A legislator or legislative employee may not, directly or indirectly, subject a person who reports to the committee or another government entity conduct the person reasonably believes is a violation of this chapter or another state law, to reprisal, harassment, or discrimination. A legislative employee who is discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another legislative employee in violation of this subsection may

- (1) bring a complaint before the committee; and
- (2) bring a separate civil action in the courts seeking damages, payment of back wages, reinstatement, or other relief.

§ 24.60.037. Open meetings law. Legislators shall abide by open meetings principles. The committee shall develop guidelines for the application of principles of open meetings of governmental bodies to the legislature. The guidelines must permit closed caucuses and private, informal meetings or conversations between legislators in which political strategy is discussed. In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation.

§ 24.60.039. Discrimination prohibited.

(a) A legislator or legislative employee may not engage in acts of discrimination in violation of AS 18.80.220 .

(b) If a person files a complaint with the committee under AS 24.60.170 alleging a violation of this section, the committee may refer the complainant to the State Commission for Human Rights and may defer its consideration of the complaint until after the complainant establishes to the satisfaction of the committee that the commission has completed its proceedings in the matter.

§ 24.60.040. Contracts or leases.

(a) A legislator or legislative employee, or a member of the immediate family of a legislator or legislative employee, may not be a party to or have an interest in a state contract or lease unless the contract or lease is let under AS 36.30 (State Procurement Code) or, for agencies that are not subject to AS 36.30, under similar procedures, or the total annual amount of the state contract or lease is \$5,000 or less, or is a standardized contract or lease that was developed under publicly established guidelines and is generally available to the public at large, members of a profession, occupation, or group. A person has an interest in a state contract or lease under this section if the person receives direct or indirect financial benefits. A legislator or legislative employee who participates in, or who knows or reasonably should know that a family member is participating in, a state contract or lease that has an annual value of \$5,000 or more shall disclose the participation to the committee by the date required under AS 24.60.105 . The legislator or legislative employee shall also disclose the renegotiation of a state contract or lease if the original had to be disclosed under this section or if, as a result of renegotiation, disclosure is required under this section. The disclosure must state the amount of the contract or lease and the name of the state agency issuing the contract or lease and must identify the procedures under which the contract or lease was issued. If the disclosure concerns a contract or lease in which a family member of the discloser is participating, the disclosure must identify the relationship between the participant and the discloser.

(b) This section does not apply to a contract or lease issued under a state program or loan that is subject to AS 24.60.050 . A grant that results in a contract but that is not subject to AS 24.60.050 is subject to this section.

(c) In this section, "direct or indirect financial benefits" means income, profits, or other financial benefits under a state contract, without regard to whether the income, profits, or other financial benefits ensue to the person as a partner, shareholder, investor, agent, employee, consultant,

or joint venturer of the contractor.

§ 24.60.045. Hazardous waste contracts. Repealed or Renumbered.

§ 24.60.050. State programs and loans.

(a) A legislator or legislative employee may, without disclosure to the committee, participate in a state benefit program or receive a loan from the state if the program or loan is generally available to members of the public, is subject to fixed, objective eligibility standards, and requires minimal discretion in determining qualification.

(b) The committee shall review state benefit programs and state loans and annually publish a list of programs and loans, designating which ones do not meet the standards of (a) of this section.

(c) A legislator or legislative employee who participates in a program or receives a loan that is not exempt from disclosure under (a) of this section shall file a written report with the committee by the date required under AS 24.60.105 stating the amounts of the loans outstanding or benefits received during the preceding calendar year from nonqualifying programs. If the committee requests additional information necessary to determine the propriety of participating in the program or receiving the loan, it shall be promptly provided. The committee shall promptly compile a list of the statements indicating the loans and programs and amounts and send it to the presiding officer of each house who shall have it published in the supplemental journals within three weeks after the filing date. A legislator or legislative employee who believes that disclosure of participation in a program would be an invasion of the participant's right to privacy under the state constitution may request the committee to keep the disclosure confidential. If the committee finds that publication would constitute an invasion of privacy, the committee shall publish only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170. If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that section.

(d) If loan proceeds or other program benefits are received from nonqualifying programs or loans after the end of a calendar year, the legislator or legislative employee shall file a statement with the committee within 30 days after the beginning of participation in the state program or receipt of proceeds from the state loan or by the date required under AS 24.60.105, whichever is later. If the committee receives the statement while the legislature is in session, it shall promptly forward the statement to the chief clerk of the house or the secretary of the senate, as appropriate, who shall cause it to be published in the supplemental journal. If the committee receives a statement while the legislature is not in session, it shall forward the statement to the chief clerk of the house or the secretary of the senate for publication when the legislature next convenes.

(e) If the committee determines that a legislator or legislative employee received a state benefit or loan as a result of unfair or improper influence, the committee may initiate a complaint or take other appropriate action. In addition, the committee shall refer the matter to the attorney

general for action under other civil or criminal laws.

(f) The committee shall annually recommend to the Legislative Budget and Audit Committee the programs and loans to be audited by the division of legislative audit during the following year, including the scope of the audit. The records of the relevant state agencies shall be made available to the division of legislative audit. The division of legislative audit shall prepare a report to the Legislative Budget and Audit Committee on its findings. The report is confidential until it is released by the Legislative Budget and Audit Committee.

§ 24.60.060. Confidential information.

(a) A legislator or legislative employee may not knowingly make an unauthorized disclosure of information that is made confidential by law and that the person acquired in the course of official duties. A person who violates this section is subject to a proceeding under AS 24.60.170 and may be subject to prosecution under AS 11.56.860 or another law.

(b) A legislator or legislative employee who is the subject of a complaint under AS 24.60.170 violates this section if the legislator or legislative employee violates a protective order issued under AS 24.60.170(i).

§ 24.60.070. Disclosure of close economic associations.

(a) A legislator or legislative employee shall disclose to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal, the formation or maintenance of a close economic association involving a substantial financial matter with

- (1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions; this paragraph does not apply to a public member of the committee;
- (2) legislators;
- (3) a public official who is required to file a financial disclosure statement under AS 39.50 and is not an appointed municipal officer;
- (4) a registered lobbyist; or
- (5) a legislative employee if the person required to make the disclosure is a legislator.

(b) A legislator or legislative employee required to make a disclosure under this section shall make a disclosure by the date set under AS 24.60.105 of the legislator's or legislative employee's close economic associations then in existence. A disclosure under this section must be sufficiently detailed that a reader of the disclosure can ascertain the nature of the association.

(c) When making a disclosure under (a) of this section concerning a relationship with a lobbyist to whom the legislator or legislative employee is married or who is the legislator's or legislative employee's spousal equivalent, the legislator or legislative employee shall also disclose the name and address of each employer of the lobbyist and the total monetary value received by the lobbyist from the lobbyist's employer. The legislator or legislative employee shall report changes in the employer of the spouse or spousal equivalent within 48 hours after the change. In this subsection, "employer of the lobbyist" means the person from whom the lobbyist received amounts or things of value for engaging in lobbying on behalf of the person.

(d) In this section, "close economic association" means a financial relationship that exists between a person covered by this chapter and some other person or entity, including but not limited to relationships where the person covered by this chapter serves as a consultant or advisor to, is a member or representative of, or has a financial interest in, any association, partnership, business, or corporation.

§ 24.60.080. Gifts.

(a) Except as otherwise provided in this section, a legislator or legislative employee may not solicit, accept, or receive, directly or indirectly, a gift worth \$250 or more, whether in the form of money, services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same person worth less than \$250 that in a calendar year aggregate to \$250 or more in value. Except for food or beverage for immediate consumption, a legislator or legislative employee may not solicit, accept, or receive during a legislative session a gift with any monetary value from a lobbyist or a person acting on behalf of a lobbyist.

(b) [Repealed, § 42 ch 127 SLA 1992].

(c) Notwithstanding (a) of this section, it is not a violation of this section for a legislator or legislative employee to accept

(1) hospitality, other than hospitality described in (4) of this subsection,

(A) with incidental transportation at the residence of a person; however, a vacation home located outside the state is not considered a residence for the purposes of this subparagraph; or

(B) at a social event or meal;

(2) discounts that are available

(A) generally to the public or to a large class of persons to which the person belongs; or

(B) when on official state business, but only if receipt of the discount benefits the state;

(3) food or foodstuffs indigenous to the state that are shared generally as a cultural or social norm;

(4) travel and hospitality primarily for the purpose of obtaining information on matters of

legislative concern;

(5) gifts from the immediate family of the person;

(6) gifts that are not connected with the recipient's legislative status;

(7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator or legislative employee who is employed on the personal staff of a legislator or by a standing or special committee to the capital city or in recognition of the beginning of a legislative session if the gift or discount is available generally to all legislators and the personal staff of legislators and staff of standing and special committees; this paragraph does not apply to legislative employees who are employed by the Legislative Affairs Agency, the office of the chief clerk, the office of the senate secretary, the legislative budget and audit committee, or the office of the ombudsman; or

(8) a gift of legal services in a matter of legislative concern and a gift of other services related to the provision of legal services in a matter of legislative concern.

(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4) and (8) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4) and (8) of this section that it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall disclose to the committee annually on or before March 15 the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170 . If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 or is exempt from the reporting requirement under AS 15.13.040 (g). The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to that legislator under this section.

(f) Notwithstanding (a) of this section, a legislator or legislative employee may accept a gift of property worth \$250 or more, other than money, from another government or from an official of another government if the person accepts the gift on behalf of the legislature. The person shall, within 60 days after receiving the gift, deliver the gift to the legislative council, which shall

determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(g) Notwithstanding (a) of this section, a legislator or legislative employee may solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable organization.

(h) A legislator, a legislative committee other than the Select Committee on Legislative Ethics, or a legislative agency may accept (1) a gift of volunteer services for legislative purposes so long as the person making the gift of services is not receiving compensation from another source for the services or (2) a gift of the services of a trainee who is participating in an educational program approved by the committee if the services are used for legislative purposes. The committee shall approve training under a program of the University of Alaska and training under 29 U.S.C. 1501 - 1792b (Job Training Partnership Act). A legislative volunteer or educational trainee shall be considered to be a legislative employee for purposes of compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative volunteer or educational trainee has violated the provisions of one of those sections, the person may file a complaint under AS 24.60.170 . The provisions of AS 24.60.170 apply to the proceeding.

(i) A legislator or legislative employee who knows or reasonably should know that a family member has received a gift because of the family member's connection with the legislator or legislative employee shall report the receipt of the gift by the family member to the committee if the gift would have to be reported under this section if it had been received by the legislator or legislative employee or if receipt of the gift by a legislator or legislative employee would be prohibited under this section.

(j) In this section, the value of a gift shall be determined by the fair market value of the gift to the extent that the fair market value can be determined.

(k) In this section, "immediate family" or "family member" means

- (1) the spouse of the person;
- (2) the person's spousal equivalent;
- (3) a child, including a stepchild and an adoptive child, of the person or of the person's spousal equivalent;
- (4) a parent, sibling, grandparent, aunt, or uncle of the person;
- (5) a parent, sibling, grandparent, aunt, or uncle of the person's spouse or the person's spousal equivalent; and
- (6) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or step-uncle of the person, the person's spouse, or the person's spousal equivalent.

§ 24.60.085. Restrictions on earned income and honoraria.

(a) A legislator or legislative employee may not

- (1) seek or accept compensation for personal services that is significantly greater than the value of the services rendered taking into account the higher rates generally charged by specialists in a profession; or
- (2) accept a payment of anything of value, except for actual and necessarily incurred travel expenses, for an appearance or speech by the legislator or legislative employee; this paragraph does not apply to the salary paid to a legislator or legislative employee for making an appearance or speech as part of the legislator's or legislative employee's normal course of employment.

(b) Notwithstanding (a) of this section, a legislator or legislative employee may accept a payment for an appearance or speech if the appearance or speech is not connected with the person's legislative status.

§ 24.60.090. Nepotism.

(a) An individual who is related to a member of the legislature may not be employed for compensation (1) during the legislative session in the house in which the legislator is a member, (2) by an agency of the legislature established under AS 24.20, (3) in either house during the interim between sessions, or (4), whether for compensation or not, by the committee. An individual who is related to a legislative employee may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a member of the legislator's or legislative employee's immediate family or a person who is a legislator's or legislative employee's spousal equivalent living together in a conjugal relationship not a legal marriage with the legislator or legislative employee, and "interim between sessions" means the period beginning on the eighth day after the legislature adjourns from a regular session, and ending eight days before the date that the legislature shall convene under AS 24.05.090 .

(b) [Repealed, § 42 ch 127 SLA 1992].

(c) [Repealed, § 42 ch 127 SLA 1992].

§ 24.60.100. Representation. A legislator or legislative employee who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place to the committee. The disclosure shall be made by the deadlines set out in AS 24.60.105. The committee shall maintain a public record of a disclosure under this section and forward the disclosure to the respective house for inclusion in the journal. A legislator or legislative employee may not represent another person for compensation before an agency, committee, or other entity of the legislative branch.

§ 24.60.105. Deadlines for filing disclosures.

(a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the deadlines set out in this section shall apply. For disclosure of a matter or an interest that began or was acquired during the interim between regular legislative sessions, whether or not the regular session is extended or there is a special session, or during the last 30 days of a regular session, the legislator or legislative employee shall disclose the matter by March 15. For disclosure of a matter or an interest that began or was acquired during a regular legislative session, but not during the last 30 days of the regular session, the disclosure must be made within 30 days after the commencement of the interest or representation.

(b) Disclosures under the following statutes are subject to the deadlines set out in this section:

- (1) service on the board of an organization as set out in AS 24.60.030(f);
- (2) an interest in a state contract or lease under AS 24.60.040 and the renegotiation of the terms of a state contract or lease that materially affect the obligations of either party;
- (3) participation in a state program or receipt of a state loan under AS 24.60.050 and the renegotiation of the terms of the program or loan if the renegotiation materially affects the obligations of either party;
- (4) formation or maintenance of a close economic association under AS 24.60.070;
- (5) representation of a client under AS 24.60.100 .

§ 24.60.110. , 24.60.120 Action on a conflict of interest; state property and funds. Repealed or Renumbered.

Article 03. LEGISLATIVE ETHICS COMMITTEE

§ 24.60.130. Select committee on legislative ethics.

(a) There is established as a permanent interim committee within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of nine members, in two subcommittees, as follows:

- (1) the senate subcommittee, which consists of two members of the senate, one of whom shall be a member of the minority organizational caucus, if any, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate, and includes the five public members appointed under (3) of this subsection;
- (2) the house subcommittee, which consists of two members of the house, one of whom shall be a member of the minority organizational caucus, if any, appointed by the

speaker of the house with the concurrence by roll call vote of two-thirds of the full membership of the house, and includes the five public members appointed under (3) of this subsection; and

- (3) five public members who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house.

(c) No more than one public member may be a former legislator and no more than two public members of the committee may be members of the same political party.

(d) The members of each subcommittee shall elect a chair and a vice-chair, who serve a term of two years. Neither a chair nor a vice-chair may be a member of the legislature. An officer may not hold the same office for more than two consecutive terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by the senate subcommittee shall chair the full committee beginning the first day of the regular session in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee beginning the first day of the regular session in even-numbered years.

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular session of the legislature. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. Public members of the committee serve without compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180 .

(g) Each legislative member serves for the duration of the legislature during which the member is appointed. Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the successor's appointment, whichever is earlier. A member of the committee may be removed from membership on the committee for failure to carry out the person's duties as a member of the committee. A legislator may be removed with the concurrence by roll call vote of two-thirds of the full membership of the house of the legislature to which the member belongs. A public member may be removed with the concurrence by roll call vote of two-thirds of the full

membership of each house of the legislature.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an employee whose work is supervised by the member or an advisory opinion requested by the member. If a regular legislative member of the committee is disqualified under this subsection from participating in a proceeding involving a complaint, the member's alternate shall be designated under (n) of this section.

(i) A quorum of the committee consists of a majority of the members and must include at least two legislative members and three public members. A quorum of a subcommittee established under this section consists of a majority of the members of the subcommittee and must include at least one legislative member and three public members. A vote of a majority of the members appointed to the committee or a subcommittee is required for official action.

(j) Except to the extent that a provision would prevent the committee from complying with the confidentiality provisions of this chapter, the committee is subject to AS 44.62.310 - 44.62.312 and to the procurement provisions adopted by the legislative council under AS 36.30.020 . In this subsection, "committee" includes a subcommittee.

(k) A member or an employee or contractor of the committee may obtain access to closed committee files containing information that is made confidential by law only if the committee determines that the person has a need to obtain access to the closed files that relates to the official duties of the committee and the person seeking access.

(l) The committee or a subcommittee shall meet at the call of the chair or a majority of the members. The committee or a subcommittee may meet by teleconference.

(m) Except as provided in (b)(1) and (2) of this section, a member may not be a legislator, a legislative employee, an elected or appointed official required to make disclosures under AS 39.50 (public official financial disclosure), an officer of a political party, a candidate for public office, or a registered lobbyist.

(n) When appointing members of the legislature to serve on the committee, the speaker of the house or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. An alternate must have the same qualifications as the regular member for whom the alternate stands as alternate and is subject to confirmation as required for the regular member. If a regular legislative member of the committee or a subcommittee is disqualified under (h) of this section from serving on the committee or the subcommittee concerning a proceeding under AS 24.60.170 , the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member in the proceeding unless the alternate is also disqualified from serving. The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

(o) In this section, "minority organizational caucus" means a group of legislators who have organized and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate.

§ 24.60.134. Prohibited conduct by public members and committee employees and contractors.

(a) Except as provided in (c) of this section, in addition to complying with the other requirements of this chapter, a public member of the committee, an employee of the committee, or a person under contract to provide personal services to the committee may not, during the person's term of office or employment or during the life of the contract, participate in

- (1) political management or in a political campaign for a candidate for election to federal, state, or local office, regardless of whether the campaign is partisan or nonpartisan, or for passage or defeat of a ballot measure of any type;
- (2) the campaign of, attend campaign fund-raising events for, or make a financial contribution to
 - (A) a candidate for the legislature;
 - (B) an incumbent legislator or legislative employee who is a candidate for another public office; or
 - (C) a person running for another office against an incumbent legislator or legislative employee;
- (3) a fund-raising event held on behalf of a political party or attend a political party fund-raising event; or
- (4) lobbying activities that would require the person to register as a lobbyist except as required to inform the legislature concerning legislation requested by the committee or other matters related to the committee.

(b) A violation or alleged violation of this section shall be treated as any other violation of this chapter and shall be dealt with by the committee accordingly. During the pendency of a complaint against a member, committee employee, or committee contractor, the person complained against may not participate in official action of the committee.

(c) A person under contract to provide personal services to the committee who is part of a corporation or partnership that includes individuals who will not be participating directly in the work performed by the entity for the committee may request the committee to exclude members of the entity from some or all of the provisions of this section. The committee may grant the request if it finds that doing so will not lead to the appearance that the committee is subject to undue political influence and if there is no appearance of impropriety.

§ 24.60.140. Authority of the committee.

(a) The senate subcommittee has authority over proceedings concerning conduct by a member or former member of the senate or a person employed by a member or a committee of the senate.

(b) The house subcommittee has authority over proceedings concerning the conduct by a

member or former member of the house or a person employed by a member or a committee of the house.

(c) The full committee has authority

- (1) over proceedings concerning the conduct by an employee of an agency of the legislature;
- (2) to review any matter arising under this chapter that would result in action being required by both houses of the legislature; and
- (3) to issue advisory opinions under AS 24.60.160 .

Arizona – Arizona law requires each house of the legislature to adopt its own code of ethics within 30 days after the start of the legislative session.

Ariz. Rev. Stat. Ann. § 38-519

§ 38-519. Legislative ethics committees; membership; powers and duties; code of ethics

A. An ethics committee is established in the senate and an ethics committee is established in the house of representatives, each consisting of five members. The president of the senate and the speaker of the house of representatives shall appoint to the ethics committee of their respective house five members, not more than three of whom may be from the same political party.

B. Each ethics committee shall propose, and each house of the legislature shall adopt, not later than thirty days after the beginning of the first regular legislative session, a code of ethics and conflict of interest requirements as part of the rules of the respective house in the same manner as other rules are adopted.

C. On the request of a member of the legislature or on its own initiative, each ethics committee may issue advisory opinions interpreting the code of ethics, conflict of interest and financial disclosure requirements.

D. Each ethics committee shall investigate complaints and charges against members of its house and, if necessary, report the results of the investigation to its house with recommendations for further action.

E. A member is subject to punishment or expulsion as provided by article IV, part 2, section 11, Constitution of Arizona, for any violation of the code of ethics, conflict of interest or financial disclosure requirements.

Ariz. H. Rules 2009-2010, Rule 34, Code of Ethics

A. No member shall:

1. Intentionally solicit, accept or agree to accept from any source, whether directly or indirectly and whether by himself or through any other person, any personal financial benefit, including any gift for himself or another, upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion or other action as a public official will thereby be influenced.
2. Disclose or use information designated by law as confidential in any manner prohibited by law.
3. Knowingly disclose or use, other than in the performance of his official duties, information gained as a result of his official position and which is not available to the general public, for his personal financial benefit or the financial benefit of any other person, including compensation from any employment, transaction or investment entered into that utilizes or is based upon such information.
4. Enter into any contract with a public agency or have an interest in the profits or benefits of a contract entered into with a public agency by any other person or entity, unless:
 - (a) The total gross annual income value of the contract is less than one thousand dollars, or
 - (b) The contract is entered into by a business of which the member, his spouse or any minor child of whom the member has custody, owns or controls, individually or combined, less than ten percent thereof, or
 - (c) The contract has been awarded through public and competitive bidding pursuant to law, or
 - (d) The subject of the contract between a member and a public agency is an appointment or employment for which an exception exists pursuant to Article IV, Part 2, Section 4 or 5 of the Constitution of Arizona.
5. Appear for a fee on behalf of another person or entity before any public agency for the purpose of influencing such agency by use of threat to initiate or take an action in the discharge of his official duties that would be adverse to such agency.

B. For the purposes of this Rule:

1. A member shall be deemed to "have an interest in the profits or benefits of a contract" if the contract is entered into by the member or the member's spouse or any minor child of whom the member has legal custody.
2. "Public agency" means all courts and any department, agency, board, commission, institution or instrumentality of this state but does not include counties, cities and towns or any other political subdivision.
3. "Business" includes any corporation, partnership, joint venture, sole proprietorship, business trust, enterprise, organization, trade, occupation or profession.

4. "Gift" includes any gratuity, special discount, favor, service, economic opportunity, loan or other benefit received without lawful consideration and not provided to members of the public at large but does not include political campaign contributions if such contributions are publicly reported as required by law.
5. "Fee" includes any compensation but does not include benefits received pursuant to law as a result of being a legislator.

Ariz. Sen. Rules 2009-2010, Rule 29, Code of Ethics

A. No member shall:

1. Intentionally solicit, accept or agree to accept from any source whether directly or indirectly and whether by himself or through any other person any personal financial benefit, including any gift, for
himself or another upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion or other action as a public official will thereby be influenced.
2. Disclose or use information designated by law as confidential in any manner prohibited by law.
3. Knowingly disclose or use, other than in the performance of his official duties, information gained as a result of his official position and which is not available to the general public, for his personal financial benefit or the financial benefit of any other person, including compensation from any employment, transaction or investment entered into that utilizes or is based upon such information.
4. Enter into any contract with a public agency for the sale of goods or services or have an interest in the profits or benefits of a contract entered into with a public agency by any other person or entity for the sale of goods or services, unless:
 - (a) The total gross annual income value of the contract is less than one thousand dollars, or
 - (b) The contract is entered into by a business of which the member, his spouse or any minor child of whom the member has custody, owns or controls, individually or combined, less than ten percent thereof, or
 - (c) The contract has been awarded through public and competitive bidding pursuant to law, or
 - (d) The subject of the contract between a member and a public agency is an appointment or employment for which an exception exists pursuant to article IV, part 2, section 4 or 5 of the Constitution of Arizona.
5. Appear for a fee on behalf of another person or entity before any public agency for the purpose of influencing such agency by use of threat to initiate or take an action in the

discharge of his official duties that would be adverse to such agency.

6. Participate in any action of the Senate if the member has a substantial interest as defined in section 38-502, Arizona Revised Statutes.

B. For the purposes of this rule:

1. A member shall be deemed to "have an interest in the profits of a contract" if the contract is entered into by the member or his spouse or any minor child of whom the member has legal custody.
2. "Public agency" means all courts and any department, agency, board, commission, institution or instrumentality of this state but does not include counties, cities and towns or any other political subdivision.
3. "Business" includes any corporation, partnership, joint venture, sole proprietorship, business trust, enterprise, organization, trade, occupation or profession.
4. "Gift" includes any gratuity, special discount, favor, service, economic opportunity, loan or other benefit received without lawful consideration and not provided to members of the public at large but does not include political campaign contributions if such contributions are publicly reported as required by law.
5. "Fee" includes any compensation but does not include benefits received pursuant to law as a result of being a legislator.

Arkansas – Applies generally to public officials

California – Applies generally to public officials

Colorado – Applies generally to public officers

Connecticut – Applies generally to public officials

Delaware – Applies to legislators

Del. Code Ann. tit. 29, § 1001 et seq.

§ 1001. Findings; purpose.

(a) The General Assembly hereby declares that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. In serving the public interest, it is a legislator's right and responsibility

to vote upon all questions before the House of which he or she is a member and to participate in the business of the House and its committees, and in doing so, he or she is presumed to be acting in good faith and in the public interest.

(b) The General Assembly also acknowledges that the exercise of legislative rights is subject to limitations provided in article II, § 20 of the Delaware Constitution when personal or private interests conflict with the public interest.

(c) The purpose of this chapter is to define the limitations of article II, § 20 of the Delaware Constitution and to provide for its implementation and enforcement.

§ 1002. Restrictions relating to personal or private interest.

(a) A legislator who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he or she is a member and shall not participate in the debate nor vote thereon; provided, that upon the request of any other member of the House or Senate, as the case may be, a legislator who has such a personal or private interest may nevertheless respond to questions concerning any such measure or bill. A personal or private interest in a measure or bill is an interest which tends to impair a legislator's independence of judgment in the performance of his or her legislative duties with respect to that measure or bill.

(b) A legislator has an interest which tends to impair his or her independence of judgment in the performance of his or her legislative duties with regard to any bill or measure when:

- (1) The enactment or defeat of the measure or bill would result in a financial benefit or detriment to accrue to the legislator or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons; or
- (2) The legislator or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by a measure or bill to a lesser or greater extent than like enterprises or other interests in the same enterprise; or
- (3) A person required to register as a legislative agent pursuant to Chapter 16 of this title is a close relative of the legislator and that person acts to promote, advocate, influence or oppose the measure or bill.

(c) Disclosure required under subsection (a) of this section shall be made in open session:

- (1) Prior to the vote on the measure or bill by any committee of which the legislator is a member; and
- (2) Prior to the vote on the measure or bill in the House of which the legislator is a member.

(d) A legislator who violates the provisions of this section shall be subject to such sanction as shall be prescribed by the House of which he or she is a member pursuant to rules adopted under article II, § 9 of the Delaware Constitution.

§ 1003. Legislative Ethics Committees.

(a) The House and the Senate shall each establish an Ethics Committee which shall have the responsibilities assigned in this section with respect to the enforcement of this chapter and such other responsibilities as may be assigned by the House or the Senate as the case may be. Each Ethics Committee may, upon the request of a member, provide a written advisory opinion as to the application of this chapter to a particular situation. Any member who acts in good faith in reliance upon any such written advisory opinion shall not be subject to any disciplinary proceeding by the respective House with respect to the matters covered by the advisory opinion provided there was a full disclosure to the Ethics Committee of all facts necessary for the opinion. All proceedings before an Ethics Committee in connection with an advisory opinion shall be confidential, subject to the following:

- (1) The legislator involved may waive the privilege of confidentiality;
- (2) The proceedings shall no longer be confidential and may be made public in any subsequent disciplinary proceeding if the legislator acts in disregard of an advisory opinion; and
- (3) Each Ethics Committee shall maintain records of its proceedings and advisory opinions which shall be available for reference by the Committee, subsequent Committees and their staff.

(b) Each Committee shall investigate allegations of violations of this chapter by the members of the respective House and shall make recommendations to the respective House with respect thereto. If in the course of any proceeding, advisory or investigative, the Committee shall become aware of any substantial evidence of a violation of any law involving legislative conduct subject to its jurisdiction it shall report the same to the appropriate federal or state authorities.

§ 1004. Definitions. For the purposes of this chapter:

- (1) A "close relative" means a person's parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.
- (2) A person has a "financial interest" in a private enterprise if he or she:
 - a. Has a legal or equitable ownership interest in the enterprise of more than 10% (1% in the case of a corporation whose stock is regularly traded on an established securities market); or
 - b. Is associated with the enterprise and received from the enterprise during the last calendar year or might reasonably be expected to receive from the enterprise during the current or the next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee or independent contractor; or
 - c. Is a creditor of a private enterprise in an amount equal to 10% or more of the debt of that enterprise (1% or more in the case of a corporation whose securities are regularly traded on an established securities market).

(3) A "person" means an individual, partnership, corporation, trust, joint venture and any other association of individuals or entities.

(4) A "private enterprise" means any activity whether conducted for profit or not for profit and includes the ownership of real or personal property; provided, that "private enterprise" does not include any activity of the State, any political subdivision or any agency, authority or instrumentality thereof.

Florida – Applies generally to public officers, including elected persons

Georgia – Applies generally to public officers, including persons elected to public office

Hawaii – Applies generally to state employees

Idaho – Applies generally to public officials

Illinois – Applies to legislators

5 Ill. Comp. Stat. § 420/1-101 et seq.

ARTICLE 1. SHORT TITLE. DEFINITIONS

§ 1-101. This Act shall be known and may be cited as the "Illinois Governmental Ethics Act."

§ 1-102. As used in this Act, unless the context otherwise requires, the terms described in this Article have the meanings ascribed to them in this Article.

§ 1-104. "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another.

§ 1-105. "Economic opportunity" means any purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services wherein a legislator may gain an economic benefit. The term shall not include gifts.

§ 1-106. "Legislative interest" means a substantial economic interest, distinct from that of the general public, in one or more legislative matters.

§ 1-107. "Legislative matter" means any bill, resolution, nomination, or other issue or proposal pending before the General Assembly or any committee, sub-committee, or commission thereof.

§ 1-108. "Legislator" means a member or member-elect of the General Assembly.

§ 1-109. "Lobbying" means promoting or opposing in any manner the passage by the General Assembly of any legislative matter affecting the interests of any individual, association or corporation as distinct from those of the people of the State as a whole.

§ 1-110. "Lobbyist" means any person required to be registered under "An Act concerning lobbying and providing a penalty for violation thereof", approved July 10, 1957, as amended.

§ 1-111. "Person" or "entity" means an individual, proprietorship, partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency, unit, or subdivision.

§ 1-112. "Person with whom the legislator maintains a close economic association" means a person associated with the legislator in a partnership, association or professional service corporation, whether as partner, officer, employee, associate, or otherwise.

§ 1-113. "Representation case" means the professional representation of any person, client or principal, with or without compensation, in any matter before any State agency where the action or non-action of the State agency involves the exercise of substantial discretion. However, the term shall not include inquiries for information or other services rendered in a legislative capacity on behalf of a constituent or other member of the public.

§ 1-114. "State agency" means any department, office, commission, board or authority within the Executive Department, and includes State-supported universities and colleges and the Illinois Building Authority.

§ 1-115. "Instrument of Ownership" means deeds, common or preferred stock certificates, rights, warrants, options, bills of sale, contracts, interests in proprietorships, partnerships and joint ventures, and beneficial interests in trusts or land trusts.

§ 1-116. "Professional services" means services rendered in the practice of law, accounting, engineering, medicine, architecture, dentistry or clinical psychology.

§ 1-120. Unit of local government. "Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution and also includes school districts and

community college districts.

ARTICLE 2. RESTRICTED ACTIVITIES

§ 2-101. No legislator may engage in lobbying, as that term is defined in Section 1-109, if he accepts compensation specifically attributable to such lobbying, other than that provided by law for members of the General Assembly. Nothing in this Section prohibits a legislator from lobbying without compensation.

A violation of this Section shall constitute a Class A misdemeanor.

§ 2-103. No legislator may accept compensation, other than that provided by law for members of the General Assembly, for performance of his official legislative duties. No person, other than State officials or employees performing their duties in making payments to members of the General Assembly as provided by law, may pay or offer to pay any legislator any compensation for performance of his official legislative duties.

A violation of this Section is a petty offense.

§ 2-104. No legislator may accept or participate in any way in any representation case, as that term is defined in Section 1-113, before (1) the Court of Claims of this State or (2) before the Illinois Workers' Compensation Commission, when the State of Illinois is the respondent.

This Section does not prohibit participation in such a representation case by a person with whom the legislator maintains a close economic association, unless the fact of that association is used to influence or attempt to influence the State agency in the rendering of its decision.

A violation of this Section is a Class A misdemeanor.

§ 2-110. Honoraria.

(a) No member of the General Assembly shall accept any honorarium.

(b) As used in this Section:

"Honorarium" means a payment of money to a member of the General Assembly for an appearance or speech, excluding any actual and necessary travel expenses incurred by the member of the General Assembly (and one relative) to the extent that those expenses are paid by any other person. "Honorarium" does not include (i) cash payments made on behalf of a member of the General Assembly to an organization described under Section 501(c)(3) of the Internal Revenue Code of 1986, (ii) an agent's fee or commission, or (iii) funds reported under Article 9 of the Election Code.

"Travel expense" means the reasonable cost of transportation and the reasonable cost of lodging and meals incurred while a person is away from his or her residence or principal place

of employment.

(c) Any honorarium or honoraria accepted in violation of this Section shall be surrendered to the State Treasurer and deposited into the General Revenue Fund.

ARTICLE 3. CODE OF CONDUCT

PART 1. RULES OF CONDUCT FOR LEGISLATORS

§ 3-101. (Repealed).

§ 3-102. No legislator may accept any economic opportunity, under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties.

§ 3-103. No legislator may charge to or accept from a person known to have a legislative interest a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which the legislator would charge in the ordinary course of business.

§ 3-104. No legislator in order to further his own economic interests, or those of any other person, may disclose or use confidential information acquired in the course of his official duties.

§ 3-105. No legislator may accept a representation case where there is substantial reason for him to believe that it is being offered with intent to obtain improper influence over a State agency.

§ 3-106. No legislator may use or attempt to use improper means to influence a State agency in any representation case in which the legislator or any person with whom he maintains a close economic association is participating.

§ 3-107. No legislator may engage in other conduct which is unbecoming to a legislator or which constitutes a breach of public trust.

PART 2. ETHICAL PRINCIPLES FOR LEGISLATORS

§ 3-201. Where feasible, and taking into account the fact that legislative service is part-time, a legislator should avoid accepting or retaining an economic opportunity which presents a substantial threat to his independence of judgment.

§ 3-202. When a legislator must take official action on a legislative matter as to which he has a conflict situation created by a personal, family, or client legislative interest, he should consider the possibility of eliminating the interest creating the conflict situation. If that is not feasible, he should consider the possibility of abstaining from such official action. In making his decision as to abstention, the following factors should be considered;

- a. whether a substantial threat to his independence of judgment has been created by the conflict situation;
- b. the effect of his participation on public confidence in the integrity of the legislature;
- c. whether his participation is likely to have any significant effect on the disposition of the matter;
- d. the need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

He need not abstain if he decides to participate in a manner contrary to the economic interest which creates the conflict situation.

If he does abstain, he should disclose that fact to his respective legislative body.

§ 3-203. When, despite the existence of a conflict situation, a legislator chooses to take official action on a matter, he should serve the public interest, and not the interest of any person.

§ 3-204. No legislator should accept a representation case unless he believes there is merit to the position he is asked to represent.

§ 3-205. A legislator participating in a representation case shall, wherever feasible, arrange for other persons to make appearances before the State agency.

§ 3-206. Sections 3-201 through 3-205 are intended only as guides to legislator conduct, and not as rules meant to be enforced by disciplinary action.

PART 3. ETHICAL PRINCIPLES FOR PERSONS WITH LEGISLATIVE INTEREST, AND FOR PERSONS WHO ARE CLOSE ECONOMIC ASSOCIATES OF LEGISLATORS

§ 3-301. No person with a legislative interest should offer or confer an economic opportunity on a legislator with intent to influence that legislator's official conduct, or to create good will on the part of the legislator toward any person with a legislative interest. Those in positions of counsel to, or agents of, such persons should restrain them from violation of this ethical principle.

§ 3-302. No person with whom a legislator maintains a close economic association should

accept an economic opportunity when he knows, or should know, of the substantial possibility that it is being offered with intent to influence that legislator's official conduct. Where feasible, a person with a close economic association with a legislator should also decline to accept an economic opportunity which presents a substantial threat to the legislator's independence of judgment.

§ 3-303. No person with whom a legislator maintains a close economic association should accept a representation case where there is substantial reason for him to believe that it is being offered with intent to obtain improper influence over a State agency.

§ 3-304. Sections 3-301 through 3-303 are intended only as guides to conduct, and not as rules meant to be enforced by penalties.

Indiana – Applies to legislators

Ind. Code § 2-2.1-3-1 et seq.

§ 2-2.1-3-1. Definitions; construction. As used in this chapter, and unless the context clearly denotes otherwise:

- (a) "Close relative" means a person related to the person filing the statement or to his spouse as a son, daughter, grandson, granddaughter, great-grandson, great-granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage, or remarriage shall be treated as relatives of whole kinship.
- (b) "Committee" means the house legislative ethics committee, or the senate legislative ethics committee, or both of them.
- (c) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.
- (d) "Contribution" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge, or subscription of money or anything of value, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make a contribution in support of any candidate for the house of representatives or senate. The term "contribution" does not include services by speakers, writers, publishers, or others for which no compensation is asked or given.
- (e) "Employer" means any person or entity from whom the member of or candidate for the general assembly or his spouse received more than thirty-three percent (33%) of his nonlegislative income.
- (f) "Family business" means a corporation in which the member of or candidate for the general

assembly and his spouse own at least eighty percent (80%) of the voting stock, regardless of whether all or a portion is owned jointly or severally.

(g) "House" means the Indiana house of representatives.

(h) "Information of a confidential nature" means information obtained by reason of the position or office held and which information has not been, or will not be, communicated to the general public.

(i) "Legislative matter" means any bill, resolution, or other issue or proposal presented in, or considered by, the house or senate or any committee or subcommittee thereof.

(j) "Lobbyist" means any person, firm, corporation, limited liability company, or association registered under IC 2-7-2.

(k) "Person or entity" means any individual, proprietorship, limited liability company, partnership, unincorporated association, trust, business trust, group, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(l) "Senate" means the Indiana senate.

(m) "State agency" means any department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of state government. The term "state agency" does not include state educational institutions or the agencies of any municipality or political subdivision of the state.

(n) The masculine gender includes the masculine and feminine.

(o) The singular form of any noun includes the plural wherever appropriate.

§ 2-2.1-3-2 Version a. Statement of economic interests. (Note: This version of section effective until 1-1-2011. See also following version of this section, effective 1-1-2011.)

(a) Not later than seven (7) calendar days following the first session day in January of each year every member of the general assembly shall file with the principal clerk of the house or secretary of the senate, respectively, a written statement of the member's or candidate's economic interests for the preceding calendar year listing the following:

- (1) The name of the member's or candidate's employer and the employer of the member's or candidate's spouse and the nature of the employer's business. The house of representatives and senate need not be listed as an employer.
- (2) The name of any sole proprietorship owned or professional practice operated by the member or candidate or the member's or candidate's spouse and the nature of the business.
- (3) The name of any partnership of which the member or candidate or the member's or candidate's spouse is a member and the nature of the partnership's business.

- (4) The name of any corporation of which the member or candidate or the member's or candidate's spouse is an officer or director and the nature of the corporation's business. Churches need not be listed.
- (5) The name of any corporation in which the member or candidate or the member's or candidate's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). No time or demand deposit in a financial institution or insurance policy need be listed.
- (6) The name of any state agency or the supreme court of Indiana which licenses or regulates the following:

- (A) The member's or candidate's or the member's or candidate's spouse's profession or occupation.
- (B) Any proprietorship, partnership, corporation, or limited liability company listed under subdivision (2), (3), or (4) and the nature of the licensure or regulation.

The requirement to file certain reports with the secretary of state or to register with the department of state revenue as a retail merchant, manufacturer, or wholesaler shall not be considered as licensure or regulation.

- (7) The name of any person whom the member or candidate knows to have been a lobbyist in the previous calendar year and knows to have purchased any of the following:
- (A) From the member or candidate, the member's or candidate's sole proprietorship, or the member's or candidate's family business, goods or services for which the lobbyist paid in excess of one hundred dollars (\$100).
- (B) From the member's or candidate's partner, goods or services for which the lobbyist paid in excess of one thousand dollars (\$1,000).

This subdivision does not apply to purchases made after December 31, 1998, by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

- (8) The name of any person or entity from whom the member or candidate received the following:
- (A) Any gift of cash from a lobbyist.
- (B) Any single gift other than cash having a fair market value in excess of one hundred dollars (\$100).

However, a contribution made by a lobbyist to a charitable organization (as defined in Section 501(c) of the Internal Revenue Code) in connection with a social or sports event attended by legislators need not be listed by a member of the general

assembly unless the contribution is made in the name of the legislator.

- (C) Any gifts other than cash having a fair market value in the aggregate in excess of two hundred fifty dollars (\$250). Campaign contributions need not be listed. Gifts from a spouse or close relative need not be listed unless the donor has a substantial economic interest in a legislative matter.

(9) The name of any lobbyist who is:

- (A) a member of a partnership or limited liability company;
- (B) an officer or a director of a corporation; or
- (C) a manager of a limited liability company;

of which the member of or candidate for the general assembly is a partner, an officer, a director, a member, or an employee, and a description of the legislative matters which are the object of the lobbyist's activity.

(10) The name of any person or entity on whose behalf the member or candidate has appeared before, contacted, or transacted business with any state agency or official thereof, the name of the state agency, the nature of the appearance, contact, or transaction, and the cause number, if any. This requirement does not apply when the services are rendered without compensation.

(11) The name of any limited liability company of which the member of the general assembly, the candidate, or the member's or candidate's individual spouse has an interest.

(b) Before any person, who is not a member of the general assembly files the person's declaration of candidacy, declaration of intent to be a write-in candidate, or petition of nomination for office or is selected as a candidate for the office under IC 3-13-1 or IC 3-13-2, the person shall file with the clerk of the house or secretary of the senate, respectively, the same written statement of economic interests for the preceding calendar year that this section requires members of the general assembly to file.

(c) Any member of or candidate for the general assembly may file an amended statement upon discovery of additional information required to be reported.

§ 2-2.1-3-2 Version b, Statement of economic interests. (Note: This version of section effective 1-1-2011. See also preceding version of this section, effective until 1-1-2011.)

(a) Not later than seven (7) calendar days following the first session day in January of each year every member of the general assembly shall file with the principal clerk of the house or secretary of the senate, respectively, a written statement of the member's or candidate's economic interests for the preceding calendar year listing the following:

(1) The name of the member's or candidate's employer and the employer of the member's

or candidate's spouse and the nature of the employer's business. The house of representatives and senate need not be listed as an employer.

- (2) The name of any sole proprietorship owned or professional practice operated by the member or candidate or the member's or candidate's spouse and the nature of the business.
- (3) The name of any partnership of which the member or candidate or the member's or candidate's spouse is a member and the nature of the partnership's business.
- (4) The name of any corporation of which the member or candidate or the member's or candidate's spouse is an officer or director and the nature of the corporation's business. Churches need not be listed.
- (5) The name of any corporation in which the member or candidate or the member's or candidate's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000).

No time or demand deposit in a financial institution or insurance policy need be listed.

- (6) The name of any state agency or the supreme court of Indiana which licenses or regulates the following:
 - (A) The member's or candidate's or the member's or candidate's spouse's profession or occupation.
 - (B) Any proprietorship, partnership, corporation, or limited liability company listed under subdivision (2), (3), or (4) and the nature of the licensure or regulation.

The requirement to file certain reports with the secretary of state or to register with the department of state revenue as a retail merchant, manufacturer, or wholesaler shall not be considered as licensure or regulation.

- (7) The name of any lobbyist who is:
 - (A) a member of a partnership or limited liability company;
 - (B) an officer or a director of a corporation; or
 - (C) a manager of a limited liability company;
of which the member or candidate for the general assembly is a partner, an officer, a director, a member, or an employee, and a description of the legislative matters which are the object of the lobbyist's activity.
- (8) The name of any person or entity on whose behalf the member or candidate has appeared before, contacted, or transacted business with any state agency or official thereof, the name of the state agency, the nature of the appearance, contact, or transaction, and the cause number, if any. This requirement does not apply when the services are rendered without compensation.

(9) The name of any limited liability company of which the member of the general assembly, the candidate, or the member's or candidate's individual spouse has an interest.

(b) Before any person who is not a member of the general assembly files the person's declaration of candidacy, declaration of intent to be a write-in candidate, or petition of nomination for office or is selected as a candidate for the office under IC 3-13-1 or IC 3-13-2, the person shall file with the clerk of the house or secretary of the senate, respectively, the same written statement of economic interests for the preceding calendar year that this section requires members of the general assembly to file.

(c) Any member of or candidate for the general assembly may file an amended statement upon discovery of additional information required to be reported.

§ 2-2.1-3-3. Repealed.

§ 2-2.1-3-3.5. General assembly members; affidavits with lobbyists providing more than one-third of nonlegislative income.

(a) A member of the general assembly shall, not later than January 20 of each year, file an affidavit with any lobbyist who has provided more than one-third (1/3) of the nonlegislative income of the member during the previous year.

(b) An affidavit required by this section must state the following:

- (1) The name and address of the member of the general assembly.
- (2) That the lobbyist provided more than one-third (1/3) of the nonlegislative income of the member.
- (3) The position or service for which the lobbyist provided the income.

§ 2-2.1-3-4. Form of disclosure statements; availability; list of lobbyists.

(a) The statements of economic interest required by section 2 of this chapter shall be filed on forms provided by the principal clerk of the house or secretary of the senate, as the case may be. Statements shall be kept by the principal clerk and the secretary of the senate for one (1) year after the expiration of the term during which they were filed. Any statement filed by a member of or candidate for the general assembly shall be open to public inspection and copies shall be made available to any person for a reasonable fee.

(b) Before July 1 each year, the Indiana lobby registration commission shall furnish to the clerk of the house and secretary of the senate a complete list of the lobbyists registered for the previous twelve (12) month period. Copies of the list shall be available to members of and candidates for the general assembly and shall be distributed by the clerk of the house and secretary of the senate with the forms for statements of economic interest.

§ 2-2.1-3-5. Legislative ethics committees; creation. There is hereby created a house of representatives legislative ethics committee and a senate legislative ethics committee to serve each house of the Indiana general assembly. Each such committee shall be composed of six (6) members, three (3) from the majority party and three (3) from the minority party having the largest number of members. Each member appointed shall serve on his respective committee during his term as a member of the house or senate. Vacancies on either committee shall be filled for the unexpired term in the same manner as the original appointment.

The three (3) majority party members of each committee shall be appointed by the speaker of the house or the president pro tempore of the senate, as appropriate. The three (3) minority party members of each committee shall be appointed by the floor leader of the minority party having the largest number of members in the appropriate house. One (1) member of each committee shall be designated as chairman by the speaker of the house or the president pro tempore of the senate, as appropriate.

§ 2-2.1-3-6. Committee meetings; recommended code. The members of each committee shall meet and proceed to recommend a code of ethics for their respective houses by not later than thirty (30) days after the first session day of each legislative session. Any code of ethics so recommended shall be consistent with the constitution of the state of Indiana, the provisions of this chapter and any other applicable law.

§ 2-2.1-3-7. Committees; powers and duties. In addition to the responsibility to devise a code of ethics, each legislative ethics committee:

(1) may receive and hear any complaint which alleges a breach of any privilege of the appropriate house, misconduct of any member or any violation of the respective code of ethics, regardless of when the breach, misconduct, or violation is alleged to have occurred;

(2) may obtain information with respect to any complaint filed pursuant to this section and to that end may compel the attendance and testimony of witnesses, and the production of pertinent books and papers;

(3) may recommend whatever sanction is appropriate with respect to a particular member as will best maintain in the minds of the public a good opinion of the conduct and character of members of the general assembly;

(4) may recommend legislation to the general assembly relating to the conduct and ethics of members of the general assembly;

(5) shall act as an advisory body to the general assembly and to individual members of the appropriate house on questions relating to possible conflicts of interest; and

(6) shall conduct its investigations in the following manner:

(A) When a complaint is filed with the committee, a copy shall promptly be sent to the person alleged to have committed the violation. If the committee determines the complaint does not allege facts sufficient to constitute a code or statutory violation, the

complaint shall be dismissed and the complainant and respondent notified. If the committee determines the complaint does allege facts sufficient to constitute a code or statutory violation, it shall promptly investigate the alleged violation. If, after such preliminary investigation the committee finds that probable cause does not exist to support an alleged violation, the allegation shall be dismissed. If the committee finds that probable cause exists to support an alleged violation, it shall convene a hearing on the matter within thirty (30) days after making such determination. The committee may meet in executive session to conduct a preliminary investigation and to determine whether probable cause exists to support an alleged violation. All committee investigations and records relating to the preliminary investigation shall be confidential.

- (B) If a hearing is to be held, the respondent shall be allowed to examine and make copies of all evidence in the committee's possession relating to the charges. At the hearing, the charged party shall be afforded appropriate due process protection consistent with state administrative procedures, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.
- (C) After the hearing, the committee shall state its findings of fact. If the committee, based on competent and substantial evidence, finds the respondent has violated a code or statutory provision, it shall state its findings in writing in a report to the speaker of the house or president pro tempore of the senate, as appropriate. Such report shall be supported and signed by a majority of the committee members. If the committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.
- (D) No committee member shall participate in any matter in which he is involved.

§ 2-2.1-3-8. Repealed.

§ 2-2.1-3-9. General assembly members; unlawful compensation; confidential information. No member of the general assembly shall accept any compensation from any employment, transaction or investment which was entered into or made as a result of material information of a confidential nature.

§ 2-2.1-3-9.5. "Honorarium"; member of general assembly may not receive honorarium for appearance or speech made or given in capacity as legislator.

(a) As used in this section, "honorarium" means a payment of money for an appearance or a speech. The term does not include payment or reimbursement of travel expenses.

(b) A member of the general assembly may not receive an honorarium for an appearance or a speech made or given in the member's capacity as a legislator.

§ 2-2.1-3-10. General assembly members; unlawful compensation; persons with economic

interest in legislation. No member of the general assembly shall receive compensation for the sale or lease of any property or service which substantially exceeds that which the member of the general assembly would charge in the ordinary course of business from any person or entity whom he knows or, in the exercise of reasonable care and diligence should know, has an economic interest in a legislative matter.

§ 2-2.1-3-11. Repealed.

§ 2-2.1-3-11.5. General assembly members; distribution of literature. A member of the general assembly may distribute literature that is available to residents of Indiana without cost from the state and may stamp the literature "Distributed by (insert the name of the member)".

§ 2-2.1-3-12. Knowing failure to file statements or filing false statements; knowing acceptance of prohibited honorarium; disorderly behavior. The following constitute disorderly behavior and may be punished by the house of representatives or senate as provided in Article 4, Section 14 of the Constitution of the State of Indiana:

(1) Willful failure to file a required statement by the deadline prescribed in this chapter or knowingly filing a false statement.

(2) Knowing violation of section 9, 9.5, or 10 of this chapter.

Iowa – Iowa law requires the ethics committee of each house to prepare an ethics code within 30 days of the beginning of each session.

SENATE RESOLUTION NO. 4
BY COMMITTEE ON ETHICS
SUCCESSOR TO SSB 1018

A Resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-third General Assembly.

BE IT RESOLVED BY THE SENATE, That the Senate Code of Ethics for the Eighty=second Eighty=third General Assembly shall be amended to read as follows:

SENATE CODE OF ETHICS

PREAMBLE. Every legislator owes a duty to uphold the integrity and honor of the general assembly, to encourage respect for the law and for the general assembly and the members thereof, and to observe the legislative code of ethics.

In doing so, members of the senate have a duty to conduct themselves so as to reflect credit on the general assembly, and to inspire the confidence, respect, and trust of the public, and to strive to avoid both unethical and illegal conduct and the appearance of unethical and illegal

conduct.

Recognizing that service in the Iowa general assembly is a part-time endeavor and that members of the general assembly are honorable individuals who are active in the affairs of their localities and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their legislative compensation, the following rules are adopted pursuant to section 68B.31, to assist the members in the conduct of their legislative affairs.

1. ECONOMIC INTEREST OF SENATOR. Taking into account that legislative service is part-time, a senator shall not accept economic or investment opportunity, under circumstances where the senator knows, or should know, that there is a reasonable possibility that the opportunity is being afforded the senator with intent to influence the senator's conduct in the performance of official duties.

2. DIVESTITURE. Where a senator learns that an economic or investment opportunity previously accepted was offered with the intent of influencing the senator's conduct in the performance of official duties, the senator shall take steps to divest that senator of that investment or economic opportunity, and shall report the facts of the situation to the senate ethics committee.

3. CHARGES FOR SERVICES. A senator shall not charge to or accept from a person, corporation, partnership, or association known to have a legislative interest a price, fee, compensation, or other consideration for the sale or lease of any property or the furnishing of services which is in excess of that which the senator would charge another.

4. USE OF CONFIDENTIAL INFORMATION. A senator in order to further the senator's own economic or other interests, or those of any other person, shall not disclose or use confidential information acquired in the course of official duties.

5. HONORARIA. A senator shall not accept an honorarium from a restricted donor for a speech, writing for publication, or other similar activity, except as otherwise provided in section 68B.23.

6. EMPLOYMENT. A senator shall not accept employment, either directly or indirectly, from a political action committee. A senator may accept employment from a political party, but shall disclose the employment relationship in writing to the secretary of the senate within ten days after the beginning of each legislative session. If a senator accepts employment from a political party during a legislative session, the senator shall disclose the employment relationship within ten days after acceptance of the employment.

For the purpose of this rule, a political action committee means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than seven hundred fifty dollars in any one calendar

year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization which makes contributions in the aggregate of more than seven hundred fifty dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or ballot issue or influencing legislative action.

7. ECONOMIC INTERESTS OF LOBBYIST. With the exception of exercising unfettered discretion in supporting or refusing to support proposed legislation, a senator shall not take action intended to affect the economic interests of a lobbyist or citizen supporting or opposing proposed legislation.

8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A senator may appear before a governmental agency or board in any representation case, except that the senator shall not act as a lobbyist. Whenever a senator appears before a governmental agency or board, the senator shall carefully avoid all conduct which might in any way lead members of the general public to conclude that the senator is using the senator's official position to further the senator's professional success or personal financial interest.

9. CONFLICTS OF INTERESTS. In order to permit the general assembly to function effectively, a senator will sometimes be required to vote on bills and participate in committee work which will affect the senator's employment and other monetary interests. In making a decision relative to the senator's activity on given bills or committee work which are subject to the code, the following factors shall be considered:

- a. Whether a substantial threat to the senator's independence of judgment has been created by the conflict situation.
- b. The effect of the senator's participation on public confidence in the integrity of the legislature.
- c. The need for the senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

A senator with a conflict of interest may participate in floor debate if prior to debate the senator indicates the conflict of interest.

10. GIFTS. Except as otherwise provided in section 68B.22, a senator, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor.

11. DISCLOSURE REQUIRED. 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 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 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 statements which are filed and shall report to the ethics committee the names of any senators who appear not to have filed complete statements. The chairperson of the ethics committee shall request in writing that a senator who has failed to complete the report or appears to have filed an incomplete report 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.

12. STATUTORY VIOLATIONS. Members of the general assembly are urged to familiarize themselves with chapters 68B, 721, and 722.

13. CHARGE ACCOUNTS. Senators shall not charge any amount or item to any charge account to be paid for by any lobbyist or any client the lobbyist represents.

14. TRAVEL EXPENSES. A senator shall not charge to the state of Iowa amounts for travel and expenses unless the senator actually has incurred those mileage and expense costs. Senators shall not file the vouchers for weekly mileage reimbursement required by section 2.10, subsection 1, unless the travel was actually incurred at commensurate expense to the senator.

15. COMPLAINTS. Complaints or charges against any senator or any lobbyist shall be in writing, made under oath, and filed with the secretary of the senate or the chairperson of the ethics committee. If 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.

16. FILING OF COMPLAINTS.

a. Persons entitled. Complaints may be filed by any person believing that a senator or lobbyist has violated the senate ethics code, the senate rules governing lobbyists, or chapter 68B of the Iowa Code.

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.

b. Committee complaint. The ethics committee may, upon its own motion, initiate a complaint, investigation, or disciplinary action.

c. Timeliness of filing. A complaint will be considered to be timely filed if it is filed within three years of the occurrence of the alleged violation of the ethics code.

17. PERMANENT RECORD. The secretary of the senate shall maintain a permanent record of all complaints filed, evidence received by the committee, and any transcripts or other recordings made of committee proceedings, including a separate card file containing the date filed, name and address of the complainant, name and address of the respondent, a brief statement of the charges made, and ultimate disposition of the complaint. The secretary shall keep each such complaint confidential until public disclosure is made by the ethics committee.

18. PREHEARING PROCEDURE.

a. Defective complaint. Upon receipt of a complaint, the chairperson and ranking member of the ethics committee shall determine whether the complaint substantially complies with the requirements of this code of ethics and section 68B.31, subsection 6. If the complaint does not substantially comply with the requirements for formal sufficiency under the code of ethics, the complaint may be returned to the complainant with a statement that the complaint is not in compliance with the code and a copy of the code. If the complainant fails to amend the complaint to comply with the code within a reasonable time, the chair and ranking member may dismiss the complaint with prejudice for failure to prosecute.

b. Service of complaint on respondent. Upon receipt of any complaint substantially complying with the requirements of this code of ethics, the chairperson of the ethics committee shall cause a copy of the complaint and any supporting information to be delivered promptly to the respondent, requesting a written response to be filed within ten days. The response may do any of the following:

(1) Admit or deny the allegation or allegations.

(2) Object that the allegation fails to allege a violation of chapter 68B or the code of ethics.

(3) Object to the jurisdiction of the committee.

(4) Request a more specific statement of the allegation or allegations.

c. Objection to member. In addition to the items which may be included in a response pursuant

to paragraph "b", the response may also include an objection to the participation of any member of the committee in the consideration of the allegation or allegations on the grounds that the member cannot render an impartial and unbiased decision.

d. Extension of time. At the request of the respondent and upon a showing of good cause, the committee, or the chairperson and ranking member, may extend the time for response, not to exceed ten additional days.

e. Confidentiality. If a complaint is not otherwise made public, the members of the committee shall treat the complaint and all supporting information as confidential until the written response is received from the respondent.

f. Communications with ethics committee. After a complaint has been filed or an investigation has been initiated, a party to the complaint or investigation shall not communicate, or cause another to communicate, as to the merits of the complaint or investigation with a member of the committee, except under the following circumstances:

- (1) During the course of any meetings or other official proceedings of the committee regarding the complaint or investigation.
- (2) In writing, if a copy of the writing is delivered to the adverse party or the designated representative for the adverse party.
- (3) Orally, if adequate prior notice of the communication is given to the adverse party or the designated representative for the adverse party.
- (4) As otherwise authorized by statute, the senate code of ethics, the senate rules governing lobbyists, or vote of the committee.

g. Scheduling hearing. Upon receipt of the response, the committee shall schedule a public meeting to review the complaint and available information, and shall:

- (1) Notify the complainant that no further action will be taken, unless further substantiating information is produced, or
- (2) Dismiss the complaint for failure to meet the statutory and code of ethics requirements for valid complaints, or
- (3) Request that the chief justice of the supreme court appoint an independent special counsel to conduct an investigation of the complaint and supporting information, to make a determination of probable cause, and to report the findings to the committee, which shall be received within a reasonable time.

h. Public hearing. If independent special counsel is appointed, upon receipt of the report of independent special counsel's findings, the committee shall schedule a public meeting to review the report and shall do either of the following:

- (1) Cause the complaint to be scheduled for a public hearing.

- (2) Dismiss the complaint based upon a determination by independent special counsel and the committee that insufficient evidence exists to support a finding of probable cause.

19. HEARING PROCEDURE.

- a. Notice of hearing. If the committee causes a complaint to be scheduled for a public hearing, notice of the hearing date and time shall be given to the complainant and respondent in writing, and of the respondent's right to appear in person, be represented by legal counsel, 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.
- b. Subpoena power. The committee may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and any other things it deems necessary to the conduct of the inquiry.
- c. Ex post facto. An investigation shall not be undertaken by the committee of a violation of a law, rule, or standard of conduct that is not in effect at the time of violation.
- d. Disqualification of member. Members of the committee may disqualify themselves from participating in any investigation of the conduct of another person upon submission of a written statement that the member cannot render an impartial and unbiased decision in a case. A member may also be disqualified by a unanimous vote of the remaining eligible members of the committee.

A member of the committee is ineligible to participate in committee meetings, as a member of the committee, in any proceeding relating to the member's own official conduct.

If a member of the committee is disqualified or ineligible to act, the majority or minority leader who appointed the member shall appoint a replacement member to serve as a member of the committee during the period of disqualification or ineligibility.

- e. Hearing. At the hearing, the chairperson shall open the hearing by stating the charges, the purpose of the hearing, and its scope. The burden of proof rests upon the complainant to establish the facts as alleged, by clear and convincing evidence. However, questioning of witnesses shall be conducted by the members of the committee, by independent special counsel, or by a senator. The chairperson shall also permit questioning by legal counsel representing the complainant or respondent.

The chairperson or other member of the committee presiding at a hearing shall rule upon procedural questions or any question of admissibility of evidence presented to the committee. Rulings may be reversed by a majority vote of the committee members present.

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

- f. Committee action. Upon receipt of all relevant evidence and arguments, the committee shall

consider the same and recommend to the senate:

- (1) That the complaint be dismissed, or
- (2) That the senator or lobbyist be censured or reprimanded, and recommend the appropriate form of censure or reprimand, or
- (3) Any other appropriate sanction, including suspension or expulsion from membership in the senate, or suspension of lobbying privileges.

g. Disposition resolution. By appropriate resolution, the senate may amend, adopt, or reject the report of the ethics committee, including the committee's recommendations regarding disciplinary action.

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 or 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.

21. ADVISORY OPINIONS.

a. Requests for formal opinions. A request for a formal advisory opinion may be filed by any person who is subject to the authority of the ethics committee.

The ethics committee may also issue a formal advisory opinion on its own motion, without having previously received a formal request for an opinion, on any issue that is within the jurisdiction of the committee.

Requests shall be filed with either the secretary of the senate or the chairperson of the ethics committee.

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 senate rules governing lobbyists, or chapter 68B of the Code 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, or lobbyists.

c. Confidentiality of formal requests and opinions. Requests for formal opinions are not confidential and any deliberations of the committee regarding a request for a formal opinion shall be public. Opinions issued in response to requests for formal opinions are not confidential, shall be in writing, and shall be placed on file in the office of the secretary of the senate. Persons requesting formal opinions shall personally receive a copy of the written formal opinion that is issued in response to the request.

22. CALCULATION OF TIME – DAYS. For purposes of these rules, unless the context otherwise requires, the word "day" or "days" shall mean a calendar day except that if the day is the last day of a specific time period and falls upon a Saturday, Sunday, or legal holiday, the time prescribed shall be extended so as to include the whole of the next day in which the offices of the senate and the general assembly are open for official business.

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

THE SENATE

Ethics Complaint Form

Re: _____ (Senator/Lobbyist), of _____, Iowa.

I, _____ (Complainant), residing at _____, in the City of _____, State of _____, hereby complain that _____ (Senator/Lobbyist), whose address is _____, has violated the Senate Code of Ethics or Senate 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
NOTICE OF COMPLAINT

On The Complaint Of _____

And Involving _____

TO _____,
Senator or 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 or Senate 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 _____, _____.

Chair, 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
NOTICE OF HEARING

On The Complaint Of _____
And Involving _____

TO _____,
Senator or 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 or Senate 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 _____, _____.

Chair, Senate Ethics Committee or Secretary of the Senate

26. PERSONAL FINANCIAL DISCLOSURE FORM. The following form shall be used for disclosure of economic interests under these rules and section 68B.35:

STATEMENT OF ECONOMIC INTERESTS

Name: _____
(Last) (First) (Middle Initial)

Address: _____
(Street Address, Apt.# == P.O. Box)

(City) (State) (Zip)

Phone: (Home) ___ = ___ = _____ (Business) ___ = ___ = _____

a. Please list each business, occupation, or profession in which you are engaged. In listing the business, occupation, or profession, it is not necessary that your employer or the name of the business be listed, although all businesses, occupations, or professions must be listed, regardless of the amount of income derived or time spent participating in the activity. (Examples of types of businesses, occupations, or professions that may be listed: teacher, lawyer, legislator, real estate agent, insurance adjuster, salesperson....)

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

b. Please list the nature of each of the businesses, occupations, or professions which you listed in paragraph "a", above, unless the nature of the business, occupation, or profession is already apparent from the information indicated above. The descriptions in this paragraph should correspond by number to the numbers for each of the businesses, occupations, or professions listed in paragraph "a".

(Examples: If you indicated, for example, that you were a salesperson in subparagraph (1) of paragraph "a", you should list in subparagraph (1) of this paragraph the types of goods or services sold in this item. If you indicated that you were a teacher in subparagraph (2) of paragraph "a", you should indicate in subparagraph (2) of this paragraph the type of school or institution in which you provide instruction or whether the instruction is provided on a private basis. If you indicated that you were a lawyer in subparagraph (3) of paragraph "a", you should indicate your areas of practice and whether you are in private, corporate, or government practice in subparagraph (3) of this paragraph. If you indicated in subparagraph (4) of paragraph "a" that you were a consultant, in subparagraph (4) of this paragraph you should indicate the kind of services provided and types of clients served.)

- (1) _____
- (2) _____
- (3) _____
- (4) _____

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(5) _____

c. Please list each source, by general description, from which you receive, or which generates, more than one thousand dollars in gross annual income in the categories listed below. For purposes of this item, a source produces gross annual income if the revenue produced by the source is subject to federal or state income taxes. In completing this item, it is not necessary to list the name of the company, business, financial institution, corporation, partnership, or other entity which constitutes the source of the income and the amount or value of the holding should not be listed.

(1) Securities (Here for example, you need not state that you own X number of shares of any specific company by brand or corporate name, or that the stock is of a certain value, but may instead state that you possess stock in a company and indicate the nature of the company's business.):

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

(2) Instruments of Financial Institutions (You need not indicate, for example, in which institutions you hold certificates of deposit that produce annual income over the one thousand dollar threshold, but simply listing the nature of the institution will suffice, e.g., bank, credit union, or savings and loan association.):

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

(3) Trusts (The name of the particular trust need not be listed. However, if the income is received from a charitable trust/foundation, such as the Pugh Charitable Trust, in the form of a grant, the fact that the trust is a charitable trust should be noted here.):

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

(4) Real Estate (When listing real estate, it is not necessary to list the location of the property, but the general nature of the real estate interest should be indicated, e.g., residential leasehold interest or farm leasehold interest.):

- (1) _____
- (2) _____

- (3) _____
- (4) _____
- (5) _____

(5) Retirement Systems (When listing retirement benefits, it is not necessary to list the name of the particular pension system or company, but rather the type of benefit should be listed, e.g., health benefits, life insurance benefits, private pension, or government pension.):

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

(6) Other Income Categories Specified in State or Federal Income Tax Regulations (List description of other sources of income producing over one thousand dollars in annual income not previously reported above, but which must be reported for income tax purposes.):

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

 (Signature of filer) (Date)

HOUSE ETHICS RULES
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 performance of official duties. If a

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member or employee of the house learns that an economic or investment opportunity previously accepted was offered with the intent of influencing the member's or employee's conduct in the performance of the official duties, the member or employee shall take steps to divest that member or employee of that investment or economic opportunity, and shall report the matter in writing to the chairperson of the house ethics committee.

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

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

d. Employment. A member or employee of the house shall not accept employment, either directly or indirectly, from a political action committee. A member of the house shall not act as a paid lobbyist for any organization. However, this paragraph shall not prohibit a member or employee of the house from working for a candidate's committee, a political party's action committee, or a political action committee which does not expressly advocate the nomination, election, or defeat of a candidate for public office in this state or expressly advocate the passage or defeat of a ballot issue in this state and which is not interested in issues before the general assembly.

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

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

f. Certain goods or services. A member or employee of the house shall not solicit or obtain goods or services from another person under circumstances where the member or employee knows or should know that the goods or services are being offered or sold with the intent to influence the member's or employee's conduct in the performance of official duties. If a member or employee of the house is afforded goods or services by another person at a price that is not available to other members or classes of members of the general public or is afforded goods or services that are not available to other members or classes of members of the general public by another person where the member or employee knows or should know that the other person intends to influence the member's or employee's official conduct, the member or employee shall not take or purchase the goods or services.

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

4. CONFLICTS OF INTEREST. In order for the general assembly to function effectively, members of the house may be required to vote on bills and participate in committee work which will affect their employment and other areas in which they may have a monetary interest. Action on bills and committee work which furthers a member's specific employment, specific investment, or other specific interest, as opposed to the interests of the public in general or the interests of a profession, trade, business, or other class of persons, shall be avoided. In making a decision relative to a member's activity on particular bills or in committee work, the following factors should be considered:

- a. Whether a substantial threat to the member's independence of judgment has been created by the conflict situation.
- b. The effect of the member's participation on public confidence in the integrity of the general assembly.
- c. Whether the member's participation is likely to have any significant effect on the disposition of the matter.
- d. The need for the member's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the general assembly.

If a member decides not to participate in committee work or to abstain from voting because of a possible conflict of interest, the member should disclose this fact to the legislative body. The member shall not vote on any question in which the member has an economic interest that is distinguishable from the interests of the general public or a substantial class of persons.

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

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

7. TRAVEL EXPENSES. A member or employee of the house shall not charge to the state of Iowa amounts for travel and expenses unless the member or employee actually has incurred

those mileage and expense costs. Members or employees shall not file the vouchers for weekly mileage reimbursement required by section 2.10, subsection 1 of the Code, unless the travel expense was actually incurred.

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

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

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

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

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

12. COMPLAINTS.

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

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

c. Form and contents of complaint. A complaint shall be in writing. Complaint forms shall be available from the chief clerk of the house, but a complaint shall not be rejected for failure to use the approved form if it complies with the requirements of these rules. The complaint shall contain a certification made by the complainant, under penalty of perjury, that the facts stated in the complaint are true to the best of the complainant's

knowledge.

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

- (1) Facts, that if true, establish a violation of a provision of chapter 68B of the Code, the house code of ethics, or house rules governing lobbyists for which penalties or other remedies are provided.
- (2) That the conduct providing the basis for the complaint occurred within three years of the filing of the complaint.
- (3) That the party charged with a violation is a party subject to the jurisdiction of the ethics committee.

d. Confidentiality of complaint. The filing of the complaint and the contents of the complaint shall be confidential until the time that the committee meets to determine whether the complaint is valid, unless either the complainant or the party charged in the complaint makes the existence of, or the information contained in, the complaint public. However, if either the complainant or party alleged to have committed the violation requests that the meeting to determine whether the complaint is valid be a closed meeting and the filing of the complaint or the contents of the complaint have not been disclosed, the meeting shall be closed.

e. Notice of complaint. Upon receipt of the complaint, the chief clerk of the house shall promptly notify the chairperson and ranking member of the ethics committee that a complaint has been filed and provide both the chairperson and the ranking member with copies of the complaint and any supporting information. Within two working days, the chief clerk shall send notice, either by personal delivery or by certified mail, return receipt requested, to the person or persons alleged to have committed the violation, along with a copy of the complaint and any supporting information. The notice to the accused person shall contain a request that the person submit a written response to the complaint within ten working days of the date that the notice was sent by the chief clerk. At the request of the accused person, the committee may extend the time for the response, not to exceed ten additional calendar days.

f. Hearing regarding validity of complaint. The committee chairperson and the ranking member shall review the complaint and supporting information to determine whether the complaint meets the requirements as to form. If the complaint is deficient as to form, the complaint shall be returned to the complainant with instructions indicating the deficiency unless the committee decides to proceed on its own motion. If the complaint is in writing and contains the appropriate certification, as soon as practicable, the chairperson shall call a meeting of the committee to review the complaint to determine whether the complaint meets the requirements for validity and whether the committee should take action on the complaint pursuant to paragraph "g" or whether the committee should request that the chief justice of the supreme court appoint an independent special counsel to conduct an investigation to determine whether probable cause exists to believe that a violation of the house code of ethics, house rules governing lobbyists, or chapter 68B of the Code, has occurred.

If the committee finds that a complaint does not meet the content requirements for a valid complaint, the committee shall dismiss the complaint and notify both the complainant and the party alleged to have committed the violation of the dismissal and the reasons for dismissal. A

dismissal for failure to meet the formal requirements for the filing of a complaint shall be without prejudice and the complainant may refile the complaint at any time within three years of the date that the alleged violation took place. If the dismissal is based upon a failure to allege facts and circumstances necessary for a valid complaint, the dismissal shall be with prejudice and the party shall not be permitted to file a complaint based upon the same facts and circumstances.

g. If the committee determines a complaint is valid and determines no dispute exists between the parties regarding the material facts that establish a violation, the committee may take action on the complaint under this paragraph without requesting the appointment of an independent special counsel.

The committee may do any of the following:

- (1) Issue an admonishment to advise against the conduct that formed the basis for the complaint and to exercise care in the future.
- (2) Issue an order to cease and desist the conduct that formed the basis for the complaint.
- (3) Make a recommendation to the house that the person subject to the complaint be censured or reprimanded.

h. Request for appointment of independent special counsel. If, after review of the complaint and any response made by the party alleged to have committed the violation, the committee determines that the complaint meets the requirements for form and content and the committee has not taken action under paragraph "g", the committee shall request that the chief justice of the supreme court appoint independent special counsel to investigate the matter and determine whether probable cause exists to believe that a violation of chapter 68B of the Code, the house code of ethics, or the house rules governing lobbyists has occurred.

i. Receipt of report of independent special counsel. The report from the independent special counsel regarding probable cause to proceed on a complaint shall be filed with the chief clerk of the house. Upon receipt of the report of the independent special counsel, the chief clerk shall notify the chairperson of the filing of the report and shall send copies of the report to the members of the ethics committee. As soon as practicable after the filing of the report, the chairperson shall schedule a public meeting for review of the report. The purpose of the public meeting shall be to determine whether the complaint should be dismissed, whether a formal hearing should be held on the complaint, or whether other committee action is appropriate.

The complainant and the person alleged to have committed the violation shall be given notice of the public meeting, shall have the right to be present at the public meeting, and may, at the discretion of the committee, present testimony in support of or against the recommendations contained in the report.

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

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

j. Formal hearing. Formal hearings shall be public and conducted in the manner provided in section 68B.31, subsection 8 of the Code. At a formal hearing the accused shall have the right to be present and to be heard in person and by counsel, to cross-examine witnesses, and to present evidence. Members of the committee shall also have the right to question witnesses.

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

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

k. Recommendations by the committee. The committee shall recommend to the house that the complaint be dismissed, or that one or more of the following be imposed:

- (1) That the member or employee of the house or lobbyist or client of a lobbyist be censured or reprimanded, and the recommended appropriate form of censure or reprimand be used.
- (2) That the member of the house be suspended or expelled from membership in the house and required to forfeit the member's salary for that period, the employee of the house be suspended or dismissed from employment, or that the lobbyist's or lobbyist's client's lobbying privileges be suspended.

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

- a. During the course of any meetings or other official proceedings of the committee regarding the complaint or investigation.
- b. In writing, if a copy of the writing is delivered to the adverse party or the designated representative for the adverse party.
- c. Orally, if adequate prior notice of the communication is given to the adverse party or the designated representative for the adverse party.
- d. As otherwise authorized by statute, the house code of ethics, house rules governing

lobbyists, or vote of the committee.

14. PERMANENT RECORD. The chief clerk of the house shall maintain a permanent record of all complaints filed and any corresponding committee action. The permanent record shall be prepared by the ethics committee and shall contain the date the complaint was filed, name and address of the complainant, name and address of the accused person, a brief statement of the charges made, any evidence received by the committee, any transcripts or recordings of committee action, and ultimate disposition of the complaint. The chief clerk shall keep each complaint confidential until public disclosure is made by the ethics committee.

15. MEETING AUTHORIZATION. The house ethics committee is authorized to meet at the discretion of the committee chairperson in order to conduct hearings and other business that properly may come before it. If the committee submits a report seeking house action against a member or employee of the house or 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.

16. ADVISORY OPINIONS.

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

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 application of the house code of ethics, the house rules governing lobbyists, or chapter 68B of the Code 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, or lobbyists.

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

17. PERSONAL FINANCIAL DISCLOSURE FORM. The following form shall be used for disclosure of economic interests under these rules and section 68B.35 of the Code:

STATEMENT OF ECONOMIC INTERESTS

Name: _____
(Last) (First) (Middle Initial)

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

(City) (State) (Zip)

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

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

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

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

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

Division I. Business, Occupation, Profession.

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

Examples:

If you are employed by an individual, state the name of the individual employer, the nature of the business, and your position.

If you are self-employed and are not incorporated or are not doing business under a particular business name, state that you are self-employed, the nature of the business, and your position. If you own your own corporation, are employed by a corporation, or are doing business under a particular business name, state the name and nature of the business or corporation and your position.

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____
- 6 _____

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

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

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

Division III. Sources of Gross Income.

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

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

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

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

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

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

1 _____
2 _____
3 _____
4 _____

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5 _____
6 _____

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

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

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

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

F. Other Income Categories Specified in State and Federal Income Tax Regulations.

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

(Signature of Filer)

(Date)

Kansas – Applies generally to state officers and employees

Kentucky – Applies to legislators

Ky. Rev. Stat. Ann. § 6.601 et seq., Legislative Ethics

§ 6.611 Definitions for code. As used in this code, unless the context requires otherwise:

(1) "Adversarial proceeding" means a proceeding in which decisions are made based upon evidence presented as measured against established standards, with parties having the right to

appeal the decision on the record to a court.

(2) (a) "Anything of value" includes the following:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty; a fee simple or partial interest, present or future, contingent or vested, within realty; a leasehold interest; or other beneficial interest in realty;
12. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a legislator;
13. A promise or offer of employment; or
14. Any other thing of value that is pecuniary or compensatory in value to a person, or the primary significance of which is economic gain.

(b) "Anything of value" does not include:

1. A campaign contribution properly received and reported, if reportable, as required under KRS Chapter 121;
2. Compensation, food, beverages, entertainment, transportation, lodging, or other goods or services extended to a legislator by the legislator's private employer or by a person other than a legislative agent or employer;

3. A usual and customary commercial loan made in the ordinary course of business, without regard to the recipient's status as a legislator, and by a person or institution authorized by law to engage in the business of making loans;
4. A certificate, plaque, or commemorative token of less than one hundred fifty dollars (\$150) value;
5. Informational or promotional items;
6. Educational items;
7. Food and beverages consumed on the premises;
8. The cost of attendance or participation, and of food and beverages consumed, at events:
 - a. To which all members of the Kentucky Senate or the Kentucky House of Representatives, or both, are invited;
 - b. To which all members of a joint committee or task force of the Kentucky Senate and the Kentucky House of Representatives are invited;
 - c. To which a caucus of legislators approved as a caucus by the Legislative Research Commission is invited;
 - d. Sponsored or coordinated by a state or local government entity, including a state institution of higher education, provided that the cost thereof is covered by the state or local government entity or state institution of higher education; or
 - e. To which an individual legislator is invited and for which the legislator receives prior approval from a majority of the Legislative Research Commission. Costs of admittance or attendance, or the value of food or beverages consumed at these events shall not be considered anything of value. Transportation, lodging, and other ancillary expenses related to attendance or participation in these events shall be included in the definition of anything of value;
9. Gifts from a person related by blood or marriage or a member of the legislator's household;
10. A gift that:
 - a. Is not used; and
 - b. No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
11. The cost, paid, reimbursed, raised, or obtained by the Legislative Research Commission, for attendance or participation, and for food and beverages consumed

at, and funds, goods, and services provided for conducting events sponsored or coordinated by multistate or national organizations of, or including, state governments, state legislatures, or state legislators if the attendance and expenditures by the legislator are approved in advance by the Legislative Research Commission;

12. The cost of attendance or participation provided by the sponsoring entity, of lodging, and of food and beverages consumed, at events sponsored by or in conjunction with a civic, charitable, governmental, trade association, or community organization if the event is held within the Commonwealth of Kentucky;
13. A gift or gifts from one member of the General Assembly to another member of the General Assembly;
14. Anything for which the recipient pays or gives full value; or
15. Any service spontaneously extended to a legislator in an emergency situation.

(3) "Associated," if used with reference to an organization, includes an organization in which an individual or a member of the individual's family is a director, officer, fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, an interest of ten thousand dollars (\$10,000) or more, or an interest of five percent (5%) or more of the outstanding equity;

(4) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit;

(5) "Business associate" includes the following:

- (a) A private employer;
- (b) A general or limited partnership, or a general or limited partner within the partnership;
- (c) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
- (d) A corporation in which the legislator or other person subject to this code has an investment interest, owns, or has a beneficial interest in shares of stock which constitute more than:
 1. Five percent (5%) of the value of the corporation; or
 2. Ten thousand dollars (\$10,000) at fair market value;
- (e) A corporation, business association, or other business entity in which the legislator or other person subject to this code serves as an agent or a compensated representative;

(6) "Candidate" means an individual who seeks nomination or election to the General

Assembly. An individual is a candidate when the individual:

(a) Files a notification and declaration for nomination for office with the Secretary of State;
or

(b) Is nominated for office by his party under KRS 118.105, 118.115, 118.325, or 118.760;

(7) "Charitable organization" means an organization described in 26 U.S.C. § 170(c) as it currently exists or as it may be amended;

(8) "Child" means the unemancipated minor daughter, son, stepdaughter, or stepson;

(9) "Commission" means the Kentucky Legislative Ethics Commission;

(10) (a) "Compensation" means:

1. An advance, salary, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money; or

2. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money for services rendered or to be rendered;

(b) "Compensation" does not include reimbursement of expenses if:

1. The reimbursement is equal to, or less than, the amount paid for the expenses;

2. Expense records are itemized; and

3. No portion of the reimbursed expense is used to give anything of value to a legislator, candidate, or the spouse of a legislator or candidate;

(11) "Economic interest" means an interest distinct from that of the general public in a state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a legislator may gain an economic benefit of fifty dollars (\$50) or more;

(12) "Employer" means any person who engages a legislative agent and in the case of a business other than a sole proprietorship or self-employed individual, it means the business entity, and not an individual officer, director, or employee thereof, except when an officer, director, or employee makes an expenditure for which he is reimbursed by the business entity;

(13) "Engage" means to make any arrangement, and "engagement" means any arrangement, by which an individual is employed or retained for compensation to act for or on behalf of an employer to lobby;

(14) "Ethical misconduct" means any violation of the Kentucky Code of Legislative Ethics;

(15) (a) "Expenditure" means any of the following that is made to, at the request of, for the benefit of, or on behalf of any member of the General Assembly, the Governor, the secretary of

a cabinet listed in KRS 12.250, or any member of the staff of any of those officials:

1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
2. A contract, promise, or agreement, to make an expenditure; or
3. The purchase, sale, or gift of services or any other thing of value.

(b) "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this subsection;

(16) "Family member" means a person:

- (a) Who is the spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild of an individual; or
- (b) Who is a member of the individual's household, and is dependent upon the member;

(17) "Filer" means an individual who is required to file a statement of financial interests pursuant to KRS 6.781;

(18) (a) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:

1. A legislative agent, his employer, or a member of the immediate family of the legislative agent or his employer; and
2. Any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this subparagraph;

(b) "Financial transaction" does not include any transaction or activity:

1. Described in paragraph (a) of this subsection if it is available to the general public on the same or similar terms and conditions; or
2. Made or let after public notice and competitive bidding or contracts that are available on similar terms to other members of the general public;

(19) "Former legislator" means a person who previously held a position as a legislator and who no longer holds that position;

(20) "Immediate family" means an unemancipated child residing in an individual's household, a spouse of an individual, or a person claimed by the individual's spouse as a dependent for tax purposes;

(21) "Legislation" means bills, resolutions, amendments, nominations, and any other matter pending before the General Assembly or any of its interim committees, or the executive approval or veto of any bill acted upon by the General Assembly;

(22) (a) "Legislative agent" means any individual who is engaged:

1. During at least a portion of his time to lobby as one (1) of his official responsibilities;
or
2. In lobbying activities as a legislative liaison of an association, coalition, or public interest entity formed for the purpose of promoting or otherwise influencing legislation.

(b) "Legislative agent" does not include:

1. Any person who limits his lobbying activities to appearing before public meetings of legislative committees, subcommittees, or task forces, or public hearings or meetings of public agencies;
2. A private citizen who receives no compensation for lobbying and who expresses a personal opinion; or
3. A public servant acting in his fiduciary capacity as a representative of his agency, college, university, or city, county, urban-county, or charter county government, except persons engaged by a de jure municipal corporation, such as the Kentucky Lottery Corporation or the Kentucky Housing Corporation, institutions of higher education, or local governments, whose primary responsibility during sessions of the General Assembly is to lobby;

(23) "Legislative interest" means a substantial economic interest, distinct from that of the general public, in one (1) or more legislative matters;

(24) "Legislative matter" means any bill, resolution, nomination, or other issue or proposal pending before the General Assembly or any interim committee, committee, subcommittee, task force, or commission of the General Assembly;

(25) "Legislator" means a member or member-elect of the General Assembly;

(26) (a) "Lobby" means to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation by direct communication with any member of the General Assembly, the Governor, the secretary of any cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this paragraph.

(b) "Lobbying" does not include:

1. Appearances before public meetings of the committees, subcommittees, task forces, and interim committees of the General Assembly;
2. News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;
3. The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in paragraph (b)2. of this subsection;
4. Publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;
5. Professional services in drafting bills or resolutions, preparing arguments on these bills or resolutions, or in advising clients and rendering opinions as to the construction and the effect of proposed or pending legislation, if the services are not otherwise connected with lobbying; or
6. The action of any person not engaged by an employer who has a direct interest in legislation, if the person, acting under Section 1 of the Kentucky Constitution, assembles together with other persons for their common good, petitions any official listed in this subsection for the redress of grievances, or other proper purposes;

(27) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert;

(28) "Public servant" means an elected or appointed officer or employee of a federal or state agency; state institution of higher education; or a city, county, urban-county, or charter county government;

(29) "State agency" means any department, office, commission, board, or authority within the executive department, and includes state-supported universities and colleges but does not include local boards of education; and

(30) "Through others" means a scheme, artifice, or mechanism, the sole purpose of which is to accomplish by indirect means, using third parties, results which would be unlawful under this code if accomplished directly between a legislator or candidate and another person or entity.

§ 6.616 Definitions of "intentionally" and "knowingly". The following definitions apply in this code:

(1) "Intentionally" -- A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause that result or to engage in that conduct.

(2) "Knowingly" -- A person acts knowingly with respect to conduct or to a circumstance

described by a statute defining an offense when he is aware that his conduct is of that nature or that the circumstance exists.

§ 6.621 Extraterritorial application. Except as otherwise provided in this section, a person may be convicted under this code of an offense committed by his own conduct or the conduct of another for which he is legally accountable when:

- (1) Either the conduct or the result which is an element of the offense occurs within this state;
- (2) Conduct occurring outside the state is sufficient to constitute an attempt to commit an offense within the state;
- (3) Conduct occurring outside the state is sufficient to constitute a conspiracy to commit an offense within the state and an overt act in furtherance of the conspiracy occurs within the state;
- (4) Conduct occurring within this state establishes complicity in the commission of, or an attempt, solicitation, or conspiracy to commit, an offense in another jurisdiction which is also an offense under this code;
- (5) The offense consists of the omission to perform a legal duty imposed by this code regardless of where that person is when the omission occurs; or
- (6) The offense is a violation of this code that expressly prohibits conduct outside the state.

§ 6.626 Construction of code with respect to charitable solicitations, employment of spouses of legislators, and continuing employment as legislative agents of certain spouses of legislators. Nothing in this code shall preclude:

- (1) A legislator or candidate from soliciting contributions on behalf of charitable, civic, or educational entities provided the solicitations are broad-based and are not directed solely or primarily at legislative agents;
- (2) A legislator's spouse from being employed in some other capacity than a legislative agent by the employer of a legislative agent; or
- (3) A legislator's spouse who was employed as a registered lobbyist on February 16, 1993, from continuing to be employed as a legislative agent with the same employer.

§ 6.631 Construction of code with respect to criminal or penal laws. Nothing in this code is intended to nor is to be construed as repealing or modifying in any way the provisions of any of the criminal or penal laws of this state but shall be held and construed as ancillary and supplemental thereto.

§ 6.651 Establishment of Kentucky Legislative Ethics Commission -- Membership -- Terms.

(1) The Kentucky Legislative Ethics Commission is established as an independent authority and shall be an agency of the legislative department of state government.

(2) The commission shall be composed of nine (9) members, not less than three (3) of whom shall be members of the largest minority party in the state. The members shall be appointed in the following manner: four (4) members shall be appointed by the President of the Senate, four (4) members shall be appointed by the Speaker of the House, and one (1) member shall be appointed by the Legislative Research Commission. No member of the General Assembly shall be eligible for appointment to the commission.

(3) The members of the commission shall be appointed within sixty (60) days of February 18, 1993. The Speaker of the House shall appoint one (1) member for an initial term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years; the President of the Senate shall appoint one (1) member for a term of two (2) years, one (1) member for an initial term of three (3) years, and two (2) members for a term of four (4) years. The Legislative Research Commission shall appoint one (1) member for an initial term of three (3) years. Thereafter all appointments shall be for a full four (4) years.

(4) Vacancies shall be filled by appointment by the original appointing authority in the same manner as the original appointments.

(5) Each member shall be a citizen of the United States and a resident of this Commonwealth. A member of the commission shall not be a public servant, other than in his capacity as a member of the commission or in his capacity as a special judge; a candidate for any public office; a legislative agent; an employer of a legislative agent; or a spouse or child of any of these individuals while serving as a member of the commission. In the two (2) years immediately preceding the date of his appointment, a member shall not have served as a fundraiser, as defined in KRS 121.170(2), for a candidate for Governor or the General Assembly.

(6) Except as provided in subsection (4) of this section, a member of the commission shall serve a term of four (4) years and may be reappointed.

(7) While serving on the commission, a member shall not:

- (a) Serve as a fundraiser for a slate of candidates for Governor and Lieutenant Governor, or candidate for Attorney General, Auditor of Public Accounts, or the General Assembly;
- (b) Contribute to a slate of candidates for Governor and Lieutenant Governor, or candidate for Attorney General, Auditor of Public Accounts, or the General Assembly;
- (c) Serve as an officer in a political party; or
- (d) Participate in the management or conduct of the political campaign of a candidate.

(8) A member shall be removed only by the Legislative Research Commission, and only for cause.

§ 6.656 Chair and vice chair -- Meetings -- Compensation of members.

(1) The chair and the vice chair of the commission shall be elected by a majority vote of the members of the commission. The chair and the vice chair shall serve terms of one (1) year and may be reelected. The chair shall preside at meetings of the commission. The vice chair shall preside in the absence or disability of the chair.

(2) The commission shall meet within ninety (90) days of February 18, 1993. The time and place of the meeting shall be determined by the chair. Thereafter, the commission shall meet at such times deemed necessary at the call of the chair or a majority of its members. A quorum shall consist of five (5) or more members. An affirmative vote of five (5) or more members shall be necessary for commission action.

(3) A member of the commission shall receive one hundred dollars (\$100) per day and reimbursement for actual and necessary expenses incurred in the performance of his official duties as a member of the commission for meeting days and for a maximum of two (2) nonmeeting days per month devoted to commission-related work.

§ 6.661 Executive director -- Staff.

(1) The commission may employ an executive director who shall serve at the pleasure of the commission.

(2) The executive director shall:

(a) Administer the daily business of the commission and perform the duties assigned by the commission; and

(b) Employ and remove other personnel as necessary to carry out the provisions of this code.

(3) The commission shall fix the compensation of its staff, and the compensation shall be commensurate with that paid to executive branch officials with a similar level of responsibilities.

(4) The staff of the commission shall be exempt from the provisions of KRS 18A.005 to 18A.202.

(5) A member of the staff of the commission during his term of employment shall be subject to the provisions of KRS 6.651(8).

§ 6.666 Powers of commission -- Authority to promulgate administrative regulations -- Lists of legislative agents -- Trust and agency account.

(1) The commission shall have jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by this code.

(2) The commission shall have jurisdiction over the disposition of complaints filed pursuant to KRS 6.686.

(3) The commission may administer oaths; issue subpoenas; compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions. If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter regarding which he may be lawfully interrogated, the Franklin Circuit Court may, on application of the commission, compel the obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify in Circuit Court. Each witness subpoenaed under this section shall receive for his attendance the fees and mileage provided for witnesses in Circuit Court, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.

(4) The commission may render advisory opinions in accordance with KRS 6.681.

(5) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this code.

(6) The commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.

(7) The commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform with the requirements of this code. The commission shall promptly give notice to the filer to correct or explain any omission or deficiency.

(8) Unless otherwise provided in this code, the commission shall make each report and statement filed under this code available for public inspection and copying during regular office hours at the expense of any person requesting copies of them and at a charge not to exceed actual cost, not including the cost of staff required.

(9) The commission may preapprove leases or contracts pursuant to KRS 6.741.

(10) The commission shall compile and maintain a current index organized alphabetically by name of legislative agent and name of employer of all reports and statements filed with the commission in order to facilitate public access to the reports and statements.

(11) The commission shall preserve all filed statements and reports for at least two (2) years from the date of receipt.

(12) The commission shall provide to the Legislative Research Commission and each member of the General Assembly a list of every legislative agent and employer registered with the commission, including the name of each entity he represents and the date of his registration. The list shall be furnished on or before the tenth day of every month. Changes in the lists shall be furnished on Friday of each week that the General Assembly is convened in regular or extraordinary session.

(13) Upon the sine die adjournment of a regular session of the General Assembly, the commission shall provide to the Registry of Election Finance a list of each person who was registered as a legislative agent or employer at any point during the period in which the General Assembly was convened in regular session. Upon the convening, and within fifteen (15) days after the sine die adjournment of, any extraordinary session, the commission shall provide to the Registry of Election Finance a list of each person who was registered as a legislative agent or employer at any point during that period.

(14) In order to carry out the provisions of this code, the commission may contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, the printing and publication of its reports, consulting, or for any other purpose necessary to discharge the duties of the commission.

(15) The commission may conduct research concerning governmental ethics and implement any public educational programs it considers necessary to give effect to this code.

(16) No later than December 1 of each year, the commission shall report to the Legislative Research Commission on the commission's activities in the preceding fiscal year. The report shall include, but not be limited to, a summary of commission determinations and advisory opinions. The report may contain recommendations on matters within the commission's jurisdiction.

(17) No later than July 1 of each odd-numbered year, beginning July 1, 1995, the commission shall submit a report to the Legislative Research Commission which shall contain recommendations for any statutory revisions it deems necessary.

(18) All funds received by the commission from any source shall be placed in a trust and agency account for use by the commission in the administration and enforcement of the provisions of this code. Funds in the trust and agency account shall not lapse.

§ 6.681 Advisory opinions.

(1) The commission may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical circumstances, when requested by:

- (a) Any person covered by this code;
- (b) Any person who is personally and directly involved in the matter; or
- (c) The commission upon its own initiative.

(2) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for the advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.

(3) Advisory opinions shall be based on the Kentucky Revised Statutes as written and shall not be based on the personal opinions of commission members as to legislative intent or the spirit

of the law.

(4) The commission shall promulgate administrative regulations to establish criteria under which it may issue confidential advisory opinions. All other advisory opinions shall be published except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.

(5) The confidentiality of an advisory opinion may be waived either:

(a) In writing by the person who requested the opinion; or

(b) By majority vote of the members of the commission, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The commission may vote to make public the advisory opinion request and related materials.

(6) (a) A written advisory opinion issued by the commission shall be binding on the commission in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the commission if they had existed at the time the opinion was rendered. However, if any fact determined by the commission to be material was omitted or misstated in the request for an opinion, the commission shall not be bound by the opinion.

(b) A written advisory opinion shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this code for actions taken in reliance on that opinion.

§ 6.686 Complaint procedure -- Preliminary investigations -- Penalty for false complaint of misconduct.

(1) (a) The commission shall have jurisdiction to investigate and proceed as to any violation of this code upon the filing of a complaint. The complaint shall be a written statement alleging a violation against one (1) or more named persons and stating the essential facts constituting the violation charged. The complaint shall be made under oath and signed by the complaining party before a person who is legally empowered to administer oaths. The commission shall have no jurisdiction in absence of a complaint. A member of the commission may file a complaint.

(b) Within ten (10) days of the filing of a complaint, the commission shall cause a copy of the complaint to be served by certified mail upon the person alleged to have committed the violation.

(c) Within twenty (20) days of service of the complaint the person alleged to have committed the violation may file an answer with the commission. The filing of an answer is wholly permissive, and no inferences shall be drawn from the failure to file an answer.

(d) Not later than ten (10) days after the commission receives the answer, or the time expires for the filing of an answer, the commission shall initiate a preliminary inquiry into any alleged violation of this code. If the commission determines that the complaint fails

to state a claim of an ethics violation, the complaint shall be dismissed.

- (e) Within thirty (30) days of the commencement of the inquiry, the commission shall give notice of the status of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.

(2) All commission proceedings, including the complaint and answer and other records relating to a preliminary inquiry, shall be confidential until a final determination is made by the commission, except:

- (a) The commission may turn over to the Attorney General, the United States Attorney, Commonwealth's attorney, or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings; and
- (b) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the commission may publicly confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party.

(3) The commission shall afford a person who is the subject of a preliminary inquiry an opportunity to appear in response to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.

(4) If the commission determines by the answer or in the preliminary inquiry that the complaint does not allege facts sufficient to constitute a violation of this code, the commission shall immediately terminate the matter and notify in writing the complainant and the person alleged to have committed a violation. The commission may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law. If the alleged violator publicly discloses the existence of such action by the commission, the commission may confirm the existence of the action and, in its discretion, make public any documents that were issued to the alleged violator.

(5) If the commission, during the course of the preliminary inquiry, finds probable cause to believe that a violation of this code has occurred, the commission shall notify the alleged violator of the finding, and the commission may, upon majority vote:

- (a) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the state, or lack of significant impact on public confidence in government, confidentially reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves, or the alleged violator's employer, if the alleged violator is a legislative agent. The proceedings leading to a confidential reprimand and the reprimand itself shall remain confidential except that, if the alleged violator publicly discloses the existence of such an action, the commission may confirm the existence of the action and, in its discretion, make public any documents which were issued to the alleged violator; or
- (b) Initiate an adjudicatory proceeding to determine whether there has been a violation.

(6) Any person who knowingly files with the commission a false complaint of misconduct on the part of any legislator or other person shall be guilty of a Class A misdemeanor.

§ 6.691 Adjudicatory proceedings -- Action by commission -- Appeal.

(1) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to all commission adjudicatory hearings. All testimony in a commission adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. Before testifying, all witnesses shall be given a copy of the regulations governing commission proceedings. All witnesses shall be entitled to be represented by counsel.

(2) Any person whose name is mentioned during adjudicatory proceedings of the commission and who may be adversely affected thereby may appear personally before the commission on the person's own behalf, with or without attorney, to give a statement in opposition to such adverse mention or file a written statement of that opposition for incorporation into the record of proceeding.

(3) All adjudicatory proceedings of the commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

(4) Within thirty (30) days after the end of an adjudicatory proceeding pursuant to the provisions of this section, the commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the commission shall publish a written report of its findings and conclusions which shall be based on whether the person accused has complied with the statute as written.

(5) No penalty provided for in this section shall be imposed except as the result of an adjudicatory proceeding held upon the filing of a complaint. Notwithstanding the administrative penalties provided for in KRS 6.797, 6.807, and 6.821, the commission, upon a finding pursuant to an adjudicatory proceeding that there has been clear and convincing proof of a violation of this code, may:

- (a) Issue an order requiring the violator to cease and desist the violation;
- (b) Issue an order requiring the violator to file any report, statement, or other information as required by this code;
- (c) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves;
- (d) In writing, recommend to the house in which the violator serves that the violator be sanctioned as recommended by the commission, which may include a recommendation

for censure or expulsion;

(e) Issue an order requiring the violator to pay a civil penalty of not more than two thousand dollars (\$2,000); or

(f) Revoke the registration of any legislative agent or employer for a period not to exceed five (5) years. During the period of the revocation, the agent or employer or any other entity which constitutes nothing more than the legislative agent or employer operating under a different name or identity shall not be permitted to register as a legislative agent or employer.

(6) The commission may refer to the Attorney General, county attorney, or Commonwealth's attorney of the appropriate jurisdiction, for prosecution evidence of criminal violations of this code. The Attorney General shall have responsibility for all prosecutions under the law and may request from the commission all evidence collected in its investigation.

(7) Findings of fact or final determinations by the commission that a violation of this code has been committed, or any testimony related to the commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the commission may be used in a criminal proceeding if otherwise relevant.

(8) Any person found by the commission to have committed a violation of this code may appeal the action to the Franklin Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the commission by filing a petition with the court against the commission. The commission shall transmit to the clerk of the court all evidence considered by the commission at the public hearing. The court shall hear the appeal upon the record as certified by the commission.

§ 6.696 Effect of felony conviction on state retirement benefits.

(1) A legislator or former legislator convicted of a felony relating to his duties as a legislator, in any state or federal court of competent jurisdiction, shall forfeit rights and benefits earned after September 16, 1993, under the state administered retirement plan to which contributions have been made as a result of his service in the General Assembly, except for the return of his accumulated contributions and interest credited on those contributions.

(2) The payment of retirement benefits ordered forfeited shall be stayed pending any appeal of the conviction. If the conviction is reversed on final judgment, no retirement benefits shall be forfeited.

§ 6.701 Program of ethics education and training for legislators -- Program of ethics education and training for legislative agents.

(1) The commission shall establish and supervise a program of ethics education and training including, but not limited to, preparing and publishing an ethics education manual, designing

and supervising orientation courses for new legislators, and designing and supervising current issues seminars for legislators.

(2) The commission shall establish, supervise, and conduct a program of ethics education and training designed specifically for and made available to legislative agents.

§ 6.706 Ethics education manual for legislators.

(1) The ethics education manual shall include, but not be limited to, ethics statutes, administrative regulations, explanations of purposes and principles underlying the laws, explanations of technical and specific legal requirements, examples of practical applications of the laws and principles, a questions-and-answers section regarding common problems and situations, summaries of advisory opinions, and any other information which would inform legislators about the required standards of conduct and assist them in applying those standards to specific situations.

(2) The commission shall provide for the distribution of the manual to legislators. The commission shall distribute the first manual no later than one hundred twenty (120) days after appointment of the commission. On or before January 1, 1995, the commission shall distribute a supplement including, but not limited to, updates, additions, and revisions. Thereafter, the commission shall distribute revised and updated versions of the manual on or before January 1 of each odd-numbered year.

(3) Copies of the manual shall be made available to the public for a reasonable fee, not to exceed the actual cost, but not including the cost of staff required.

§ 6.711 Orientation courses for legislators.

(1) The commission shall design the general curriculum of orientation courses, which shall include, but not be limited to, explanations and discussions of the ethics laws, administrative regulations, relevant internal policies, specific technical and legal requirements, summaries of advisory opinions, underlying purposes and principles of ethics laws, examples of practical application of the laws and principles, and a question-and-answer participatory segment regarding common problems and situations. The commission shall prepare the methods and materials necessary to implement the curriculum.

(2) The commission shall:

(a) Administer the orientation courses for legislators;

(b) Designate instructors to conduct their courses who shall be trained by the commission;
and

(c) Notify legislators regarding attendance in these courses.

(3) The orientation courses shall be conducted in January of each odd-numbered year. Each

course shall be at least three (3) hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits which the bar association may require.

(4) To facilitate participant interaction, those portions of the courses dedicated to group participation shall be closed to the public.

(5) Each legislator shall complete the initial orientation course offered under this section. Each legislator elected after the initial orientation course shall complete the next orientation course conducted. The commission may grant permission for a legislator to attend a later course for good cause shown.

§ 6.716 Current issues seminars for legislators.

(1) The commission shall design the general curriculum of a current issues seminar, which shall include, but not be limited to, discussion of changes in the ethics laws and administrative regulations, new advisory opinions, current ethical issues confronting public servants, practical application of ethics laws and principles to specific issues and situations, and development of problem-solving skills. The commission shall prepare the methods and materials necessary to implement the curriculum.

(2) The commission shall:

(a) Administer the current issues seminars for legislators;

(b) Designate instructors to conduct their current issues courses who shall be trained by the commission; and

(c) Notify legislators regarding attendance in these seminars.

(3) The current issues seminars shall be conducted in January of each year. Each course shall be at least three (3) hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits which the bar association may require.

(4) To facilitate participant interaction, those portions of the seminars dedicated to group participation shall be closed to the public.

(5) Each legislator, after completion of an orientation training course, shall complete one (1) current issues seminar annually.

§ 6.731 General standards of conduct -- Penalties. A legislator, by himself or through others, shall not intentionally:

(1) Use or attempt to use his influence as a member of the General Assembly in any matter which involves a substantial conflict between his personal interest and his duties in the public interest. Violation of this subsection is a Class A misdemeanor;

(2) Use his official position or office to obtain financial gain for himself, any members of the legislator's family, or a business associate of the legislator. Violation of this subsection is a Class D felony;

(3) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in direct contravention of the public interest at large. Violation of this subsection is a Class A misdemeanor;

(4) Use public funds, time, or personnel for his private gain or that of another, unless the use is authorized by law. Violation of this subsection is a Class A misdemeanor;

(5) Use public funds, time, or personnel for partisan political campaign activity, unless the use is:

(a) Authorized by law; or

(b) Properly incidental to another activity required or authorized by law, such as elections to constitutional or party offices within the General Assembly. Violation of this subsection is a Class A misdemeanor;

(6) Use his official legislative stationery, or a facsimile thereof, to solicit a vote or a contribution for his or another person's campaign for election or reelection to public office, or use the great seal of the Commonwealth on his campaign stationery or campaign literature. For purposes of this subsection, "official legislative stationery" means the stationery used by a legislator on a day-to-day basis for correspondence related to his duties as a member of the General Assembly. Violation of this subsection is ethical misconduct.

(7) While in the discharge of the duties of his office, become intoxicated by the use of spiritous, vinous, or malt liquors, or any controlled substance, as defined in KRS 218A.010. Any legislator who is unable, incompetent, or disqualified to discharge any of the duties of his office because of the use of spiritous, vinous, or malt liquors, or any controlled substance, as defined in KRS 218A.010, shall be deemed to have violated this subsection. Violation of this subsection is ethical misconduct.

§ 6.734 Prohibition against disclosure or use of confidential information -- Penalty. A legislator shall not intentionally disclose or use confidential information acquired in the course of his official duties, if the primary purpose of the disclosure is to further his own economic interest or that of another person. Information shall be deemed confidential if it is not subject to public disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its disclosure or use. Violation of this section is a Class D felony.

§ 6.737 Prohibition against certain contracts with state agency -- Penalty. A legislator or candidate by himself, or through others, shall not intentionally undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, sale, or purchase of the value of one hundred dollars (\$100) or more per transaction, made, entered into, awarded, or granted by any state agency, except:

(1) Contracts, agreements, sales, or purchases between a state agency and a business in which the legislator and his spouse, collectively, own or control an interest of five percent (5%) or less;

(2) Contracts, agreements, sales, or purchases made or let after public notice and competitive bidding;

(3) Contracts, agreements, sales, or purchases which are available on similar terms to members of the legislator's business, occupation, or profession; or

(4) Contracts or agreements entered into prior to the time the legislator became a candidate. Violation of this section is a Class D felony, and the court upon conviction may void the contract, agreement, sale, or purchase violating this provision.

§ 6.741 Prohibition against certain leases or sales of real property with state agency -- Penalty.
A legislator, his spouse, or any business in which he or his spouse own or control an interest of more than five percent (5%) shall not intentionally lease or sell any facility, building, or other real property to a state agency while the legislator is a member of the General Assembly. This provision shall not apply to sales or leases made under threat of or pursuant to KRS Chapter 416, relating to eminent domain, and does not impair any lawful contract existing on September 16, 1993. This section shall not apply to a lease or sale for a nominal consideration if the lease or sale is preapproved by the commission. Violation of this section is a Class D felony, and the court upon conviction may void any sale or lease violating this provision.

§ 6.744 Prohibitions against influencing state agency and appearing as a paid expert witness before state agency -- Restriction of representation of clients before state agency or in court -- Penalties.

(1) A legislator, by himself or through others, shall not use or attempt to use any means to influence a state agency in direct contravention of the public interest at large.

(a) Absent an express threat of legislative reprisal, nothing in this subsection shall prevent a legislator from contacting a state agency on behalf of a person or constituent, to make a legislative inquiry, or to obtain information relating to a person or constituent who has requested legislative assistance and given written or verbal consent for a member to make an inquiry on his or her behalf.

(b) Violation of this subsection is ethical misconduct.

(2) A legislator shall not, for compensation, appear before a state agency as an expert witness. A violation of this subsection is ethical misconduct.

(3) A legislator who is properly licensed may, for compensation, represent a client before a state agency in:

(a) A ministerial function which does not require discretion on the part of the agency,

including, but not limited to:

1. Filing corporation charters, reports, and other papers;
2. Filing tax returns;
3. Filing reports required by a state agency;
4. Filing an application to participate in a state or state-administered federal program, generally available to similar classes of persons or business entities.

(b) An adversarial proceeding and negotiations related thereto;

(c) Workers' compensation and special fund proceedings;

(d) Unemployment compensation proceedings; and

(e) All other matters, unless the representation is prohibited by subsections (5) to (7) of this section or the code of professional conduct observed by the profession being practiced.

(4) A legislator who is properly licensed may, for compensation, represent a client before a court or trial commissioner in any proceeding not prohibited by the Kentucky Rules of Professional Conduct or by subsections (5) to (7) of this section.

(5) Other than for a ministerial function provided for under subsection (3) of this section, even though properly licensed, a legislator may not, for compensation, represent or engage in negotiations on behalf of a client before or with a state agency in proceedings related to the following matters:

(a) Contracting for the purchase, sale, rental, or lease of real property, goods, or services from a state agency;

(b) Any proceeding relating to ratemaking;

(c) Adoption, amendment, or repeal of any administrative regulation;

(d) Obtaining grants of money or loans;

(e) Licensing or permitting, but not including matters related to driver licensing; or

(f) Any proceeding before the Public Service Commission.

(6) A legislator who is licensed in any profession shall not, for compensation, represent the Commonwealth or any state agency.

(7) A legislator who is an attorney shall not for compensation maintain an action for the purpose of receiving money damages against the Commonwealth in which the Commonwealth is the principal defendant or against a state agency in which the agency is the principal defendant.

This subsection shall not apply to:

- (a) An appeal of an action by the state against the client;
- (b) Cases before the Workers' Compensation Board, including cases in which the special fund is a party; and
- (c) Unemployment compensation cases.

(8) A legislator who is properly licensed who has a partner who is also properly licensed and whose partner practices cases which the legislator is precluded from handling under the provisions of this section shall report to the commission in the report required under KRS 6.787, the names of the agencies before which the partners practiced and the names of the clients represented by the partners.

(9) A legislator shall not receive or enter into any express or implied agreement to receive compensation for services to be rendered in relation to any case, proceeding, application, or other matter before any state agency, in which his compensation is to be dependent or contingent upon any action by the agency. Violation of this subsection is ethical misconduct.

(10) If a legislator considers entering into an agreement for compensation for representing any person in any transaction involving the state, he shall consider the following factors:

- (a) Whether the matter is being brought to him in an attempt to obtain improper influence over the state agency;
- (b) Whether there is a reasonable possibility that the action of the state agency will be unduly influenced because of his participation; or
- (c) The effect of his participation on public confidence in the integrity of the Legislature.

§ 6.747 Prohibition against honoraria -- Authorization for certain out-of-state travel -- Penalty.

(1) A legislator shall not accept any compensation in consideration for an appearance, speech, or article unless the appearance, speech, or article is both related to the legislator's employment outside the General Assembly and is unrelated to his position as a legislator.

(2) A legislator may accept prepaid transportation, food, and lodging or be reimbursed for actual expenses for out-of-state travel associated with the performance of his duties as a legislator if he obtains prior approval of the travel from a majority of the Legislative Research Commission. The reimbursement of expenses pursuant to this subsection shall be reported to the Legislative Research Commission.

(3) Violation of this section is ethical misconduct.

§ 6.751 Prohibition against acceptance of additional compensation or gifts for performance of legislative duties -- Penalties.

(1) A legislator shall not knowingly accept compensation, other than that provided by law for members of the General Assembly, for performance of his legislative duties. No person, other than state officials or employees performing their duties in making payments to members of the General Assembly as provided by law, may pay or offer to pay any person any compensation for performance of his legislative duties. Violation of this subsection is a Class A misdemeanor.

(2) A legislator or his spouse shall not solicit, accept, or agree to accept anything of value from a legislative agent or an employer. Violation of this subsection is a Class B misdemeanor.

§ 6.754 Prohibition against employment of and certain other conduct relating to members of a legislator's family -- Exception -- Penalty.

(1) A member of a legislator's family shall not be employed or appointed to an office or position in the legislative branch of state government.

(2) A legislator shall not advocate or cause the employment, appointment, promotion, transfer, or advancement of a member of the legislator's family to an office or position in the executive branch of state government.

(3) A legislator shall not participate in any action relating to the disciplining of a member of the legislator's family in the legislative or executive branch of state government.

(4) Subsection (1) of this section does not apply to a member of a legislator's family who is employed or appointed to an office or position in the legislative branch of state government prior to the legislator's election to the General Assembly or prior to February 18, 1993.

(5) Violation of this section is ethical misconduct.

§ 6.757 Restriction on former legislator becoming a legislative agent -- Prohibition against legislator being a legislative agent -- Penalty.

(1) A former legislator shall not be a legislative agent, other than for a public agency, until after two (2) years have elapsed since the date the legislator left office.

(2) A legislator shall not be a legislative agent.

(3) Violation of this section is ethical misconduct.

§ 6.761 Conflict of interest provisions -- Penalty.

(1) A legislator shall not intentionally participate in the discussion of a question in committee or on the floor of the General Assembly, vote, or make a decision in his official capacity on any

matter:

- (a) In which he, or any member of his family, or the legislator's business associate will derive a direct monetary gain or suffer a direct monetary loss as a result of his vote or decision; or
- (b) Which relates specifically to a business in which he owns or controls an interest of ten thousand dollars (\$10,000) or more, or an interest of more than five percent (5%). Violation of this provision is a Class D felony. The provisions of this subsection notwithstanding, a legislator may vote on legislation affecting his salary, expenses, benefits, and allowances, as provided by law. The provisions of this subsection notwithstanding, a legislator may participate in the discussion of the question in committee and on the floor of the General Assembly, vote, or make a decision on a matter if any benefit or detriment which accrues to the member of the General Assembly, as a member of a business, profession, occupation, or other group, or to a member of his family or a business interest specified in subsection (1)(b) of this section is of no greater extent than the benefit or detriment which accrues generally to other members of the business, profession, occupation, or other group;

(2) A legislator who has a personal or private interest in a bill proposed or pending before the General Assembly shall be subject to the limitations of Section 57 of the Constitution of Kentucky, which provides that the legislator shall disclose his interest to the house of which he is a member and refrain from voting upon pain of expulsion. A member shall disclose his interest by filing a disclosure statement with the clerk or by a verbal announcement to the body.

(3) The right of legislators to represent their constituencies, however, is of such major importance that legislators should be barred from voting on matters of direct personal interest only in clear cases and if the matter is particularly personal.

§ 6.764 Offices incompatible with being a legislator -- Exception -- Penalties.

(1) A legislator shall not accept any appointment as an officer or employee of the Commonwealth or any state agency except as provided in subsection (3) of this section and in Section 165 of the Constitution unless he shall have first resigned his membership in the General Assembly, and it shall be unlawful for the State Treasurer to pay any salary by reason of the appointment until the resignation has been received by the presiding officer of the house of which he is a member. Violation of this subsection is ethical misconduct.

(2) A legislator shall not accept any appointment or serve as a member of the governing body of any entity created pursuant to the statutes listed in KRS 65.060 which has the statutory authority to levy taxes or to set rates unless he shall have first resigned his membership in the General Assembly. Violation of this provision is ethical misconduct.

(3) Notwithstanding the provisions of subsection (1) of this section, a legislator may serve on the faculty or staff of any of the state universities or community colleges or as an employee of a local public school board without resigning his membership in the General Assembly.

§ 6.767 Prohibition against acceptance of campaign contributions from legislative agents -- Penalty. A member of the General Assembly, candidate for the General Assembly, or his campaign committee shall not accept a campaign contribution from a legislative agent. Violation of this provision is ethical misconduct. It shall be a complete defense if the legislator or candidate receives a campaign contribution from a legislative agent, which fact is unknown to the legislator or candidate at the time of receipt, if the legislator or candidate either returns the contribution within fourteen (14) days of receipt and within fourteen (14) additional days makes that fact, together with the name of the contributor, amount of the contribution, and the date of return or payment known, in writing to the commission. It shall also be a defense if a legislator or candidate receives a campaign contribution from a legislative agent whose name does not yet appear on the list of legislative agents furnished to the Legislative Research Commission if the legislator or candidate returns the campaign contribution within fourteen (14) days of the Legislative Research Commission's receipt of the list bearing the name of the legislative agent and makes the written disclosure to the commission required in this subsection. The fourteen (14) day time periods shall be tolled upon the filing with the commission of a request for an advisory opinion regarding the campaign contribution. Upon the issuance of the opinion or decision not to render an opinion, the fourteen (14) day period shall resume.

Louisiana – Applies to public employees and elected officials

- La. Rev. Stat. § 42:1101 et seq. <http://www.legis.state.la.us/lss/lss.asp?folder=116>

Maine – Applies to legislators, adopts code of ethics by joint rule

Me. Rev. Stat. Ann. tit. 1, § 1001 et seq.

1 §1001. STATEMENT OF PURPOSE. It is essential under the American system of representative government that the people have faith and confidence in the integrity of the election process and the members of the Legislature. In order to strengthen this faith and confidence that the election process reflects the will of the people and that each Legislator considers and casts his vote on the enactment of laws according to the best interests of the public and his constituents, there is created an independent commission on governmental ethics and election practices to guard against corruption or undue influencing of the election process and against acts or the appearance of misconduct by Legislators.

1 §1002. COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES.

1. Membership.

1-A. Membership. The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33 and referred to in this chapter as the "commission," consists of 5 members appointed as follows.

A. By December 1, 2001 and as needed after that date, the appointed leader from each political party in the Senate and the appointed leader from each political party in the House of Representatives jointly shall establish and advertise a 30-day period to allow

members of the public and groups and organizations to propose qualified individuals to be nominated for appointment to the commission.

- B. By January 1, 2002 and as needed after that date, the appointed leader from each political party in the Senate and the appointed leader from each political party in the House of Representatives each shall present a list of 3 qualified individuals to the Governor for appointment of 4 members to the commission. The appointed leadership from each party in both bodies of the Legislature jointly shall present a list of 3 qualified individuals to the Governor for appointment of a 5th member to the commission.
- C. By March 15, 2002, the Governor shall appoint the members of the commission selecting one member from each of the lists of nominees presented in accordance with paragraph A. These nominees are subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and confirmation by the Legislature. No more than 2 commission members may be enrolled in the same party.
- D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-year terms and one is appointed for a 3-year term, according to a random lot drawing under the supervision of the Secretary of State. Subsequent appointees are appointed to serve 3-year terms. A person may not serve more than 2 terms.
- E. The commission members shall elect one member to serve as chair for at least a 2-year term.
- F. Upon a vacancy during an unexpired term, the term must be filled as provided in this paragraph for the unexpired portion of the term only. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the leader of the party from the body of the Legislature that suggested the appointee who created the vacancy. If the vacancy during an unexpired term was created by the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor by the leaders of each party from each body of the Legislature is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.
- G. Upon a vacancy created by an expired term, the vacancy must be filled as provided in this paragraph. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the leader of the party from the body of the Legislature that suggested the appointee whose term expired. When a vacancy is created by an expired term of the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature

jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor by the leaders of each party from each body of the Legislature is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

H. For the purposes of this subsection, "political party" has the same meaning as "party" as defined by Title 21-A, section 1, subsection 28.

2. Qualifications. The members of the commission must be persons of recognized judgment, probity and objectivity. A person may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment or who now holds an elective county, state or federal office. A person may not serve on the commission who is an officer, director, employee or primary decision maker of a party committee, political action committee or candidate committee authorized under Title 21-A, section 1013-A, subsection 1, paragraph B.

2-A. Conflict of interest. This subsection governs conflicts of interest of members of the commission.

A. A member of the commission has a conflict of interest in a matter before the commission if the member has a business or close political relationship with a party to the matter. A close political relationship exists when a member has significant past or ongoing involvement with a political committee or a candidate, as defined in Title 21-A, section 1, subsection 30 and subsection 5, respectively, or other organization involved in the matter, that would lead a reasonable person to believe that the member is unable to objectively consider the matter. A close political relationship is not created by making a contribution to a political committee, organization or candidate; party enrollment status; or mere membership in an organization involved in the matter.

B. If members of the commission have a conflict of interest in a matter before the commission, the members shall recuse themselves from the matter and may not vote on or attempt to influence the outcome of the matter. Whether or not recusal is required under this paragraph, members of the commission shall consider recusing themselves from any matter that would give rise to an appearance of a conflict of interest.

2-B. Annual disclosure statement. Each member shall file a disclosure statement with the executive director of the commission by February 15th of each year, which must include:

A. The names of and the positions held in all candidate committees, political action committees, ballot question committees and party committees of which the member or the member's spouse or domestic partner was an officer, director or primary decision

maker or fund raiser during the previous calendar year;

B. The names of and positions held in all nonprofit or commercial organizations of which the member or the member's spouse or domestic partner was an owner, officer, director or primary decision maker or fund raiser that, during the previous calendar year, made expenditures of more than \$1,500 to influence an election or employed a lobbyist who was required to register with the commission; and

C. Any additional information that the commission determines appropriate. A member shall notify the executive director if the member becomes an officer, director, employee or primary decision maker or fund raiser of a party committee, political action committee, ballot question committee or candidate committee within 21 days of the event.

3. Oath. Each member shall, within 10 days of his appointment, take an oath of office to faithfully discharge the duties of a commissioner in the form prescribed by the Constitution. Such oath shall be subscribed to by the commissioner taking it, certified by the officer before whom it is taken and immediately filed in the Office of the Secretary of State.

4. Legislative per diem. The members of the commission are entitled to receive legislative per diem according to Title 5, chapter 379.

5. Employees. The commission shall employ an executive director and such other assistance as may be necessary to carry out its duties. The commission also shall retain a general counsel or a computer analyst as an employee of the commission, based on the staffing needs of the executive director. If the commission employs a general counsel, the general counsel may not hold any other state office or otherwise be employed by the State. The commission shall select the executive director by an affirmative vote of at least 4 commission members.

6. Prohibited activities. A member of the commission may not engage in political fund-raising to promote the election or defeat of a candidate, passage or defeat of a ballot measure or endorse a political candidate. This prohibition does not apply to fund-raising for campaigns or endorsement of candidates at the county or municipal level or out-of-state nonfederal elections.

7. Removal of members. A member of the commission may be removed by the Governor for inefficiency, willful neglect of duty, malfeasance in office, engaging in prohibited activities or failure to continually meet the qualifications set out by this section or to comply with the disclosure requirements, but only with the review and concurrence of the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics upon hearing in executive session, or impeachment by the Legislature. Before removing a board member, the Governor shall notify the President of the Senate and the Speaker of the House of Representatives of the removal and the reasons for the removal.

1 §1003. PROCEDURES, RULES AND REGULATIONS

1. Procedures, rules and regulations. The commission shall adopt such procedures, rules and regulations as may appear necessary for the orderly, prompt, fair and efficient carrying out of its duties, consistent with this chapter.

2. Records. Except as provided in section 1013, all records of the commission, including business records, reports made to or by the commission, findings of fact and opinions, must be made available to any interested member of the public who may wish to review them. Any member of the public may request copies of any record held by the commission that is available for public inspection. The commission shall furnish these copies upon payment of a fee covering the cost of reproducing them.

1 §1004. MEETINGS. The commission shall meet on the call of the Speaker of the House or the President of the Senate to perform the duties required of it or as specifically provided in this chapter. The commission shall also meet at other times at the call of the chair or at the call of a majority of the members, provided all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

1 §1005. OPEN MEETINGS. Notwithstanding chapter 13 and except as provided in section 1013, subsection 3-A, all meetings, hearings or sessions of the commission are open to the general public unless, by an affirmative vote of at least 3 members, the commission requires the exclusion of the public.

1 §1006. ASSISTANCE. The commission may call for the aid or assistance in the performance of its duties on the Attorney General, Secretary of State, Department of Audit or any law enforcement agency in this State. When called upon, these agencies shall comply to the utmost of their ability.

1 §1007. ANNUAL REPORT. The commission shall submit to the Legislature and the public an annual report discussing its activities under this chapter and any changes it considers necessary or appropriate regarding ethical standards.

1 §1008. GENERAL DUTIES. The general duties of the commission shall be:

1. Legislative ethics. To investigate and make advisory recommendations to the appropriate body of any apparent violations of legislative ethics;

2. Election practices. To administer and investigate any violations of the requirements for campaign reports and campaign financing, including the provisions of the Maine Clean Election Act and the Maine Clean Election Fund;

3. Ethics seminar. To conduct, in conjunction with the Attorney General and the Chair of the Legislative Council or their designees, an ethics seminar for Legislators after the general election and before the convening of the Legislature, in every even-numbered year. The Attorney General shall provide each Legislator with a bound compilation of the laws of this State pertaining to legislative ethics and conduct;

4. Lobbyist activities. To administer the lobbyist disclosure laws, Title 3, chapter 15;

5. Maine Clean Election Act and Maine Clean Election Fund. To administer and ensure the effective implementation of the Maine Clean Election Act and the Maine Clean Election Fund according to Title 21-A, chapter 14; and

6. Enhanced monitoring. To provide for enhanced monitoring and enforcement of election practices and the electronic submission of reports and computerized tracking of campaign, election and lobbying information under the commission's jurisdiction.

1 §1009. RECOMMENDATIONS TO LEGISLATURE. Following a general election, the commission may solicit suggestions for improving campaign financing and reporting and the administration of the other areas within the commission's jurisdiction. The commission shall review the suggestions and may submit legislation within 90 days of the general election based on those suggestions or on proposals by individual members of the commission or its staff.

1 §1011. STATEMENT OF PURPOSE. The Maine Legislature enjoys a high reputation for progressive accomplishment. The vast majority of its members are public officers of integrity and dedication, seeking at all times to maintain high standards of ethical conduct.

The public interest is best served by attracting and retaining in the Legislature men and women of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government "of the services of all but princes and paupers."

Membership in the Legislature is not a full-time occupation and is not compensated on that basis; moreover, it is measured in 2-year terms, requiring each member to recognize and contemplate that his election will not provide him with any career tenure.

Most Legislators must look to income from private sources, not their public salaries, for their sustenance and support for their families; moreover, they must plan for the day when they must return to private employment, business or their professions.

The increasing complexity of government at all levels, with broader intervention into private affairs, makes conflicts of interest almost inevitable for all part-time public officials, and particularly for Legislators who must cast their votes on measures affecting the lives of almost every citizen or resident of the State. The adoption of broader standards of ethics for Legislators does not impugn either their integrity or their dedication; rather it recognizes the increasing complexity of government and private life and will provide them with helpful advice and guidance when confronted with unprecedented or difficult problems in that gray area involving action which is neither clearly right nor clearly wrong.

If public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of misconduct.

The Legislature cannot legislate morals and the resolution of ethical problems must indeed rest largely in the individual conscience. The Legislature may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety.

1 §1012. DEFINITIONS. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Close economic association. "Close economic association" means the employers, employees, partners or clients of the Legislator or a member of the Legislator's immediate family; corporations in which the Legislator or a member of the Legislator's immediate family is an officer, director or agent or owns 10% or more of the outstanding capital stock; a business which is a significant unsecured creditor of the Legislator or a member of the Legislator's immediate family; or a business of which the Legislator or a member of the Legislator's immediate family is a significant unsecured creditor.

1-A. Associated organization. "Associated organization" means any organization in which a Legislator or a Legislator's spouse is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

2. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices.

2-A. Domestic partner. "Domestic partner" means the partner of a Legislator who:

A. Has been legally domiciled with the Legislator for at least 12 months;

B. Is not legally married to or legally separated from an individual;

C. Is the sole partner of the Legislator and expects to remain so; and

D. Is jointly responsible with the Legislator for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

3. Employee. "Employee" means a person in any employment position, including public or private employment, employment with a nonprofit, religious, charitable or educational organization, or any other compensated service under an expressed, implied, oral or written contract for hire, but does not include a self-employed person.

4. Gift. "Gift" means anything of value, including forgiveness of an obligation or debt, given to a person without that person providing equal or greater consideration to the giver. "Gift" does not include:

A. Gifts received from a single source during the reporting period with an aggregate value of \$300 or less;

B. A bequest or other form of inheritance;

C. A gift received from a relative or from an individual on the basis of a personal friendship as long as that individual is not a registered lobbyist or lobbyist associate under Title 3, section 313, unless the Legislator has reason to believe that the gift was provided because of the Legislator's official position and not because of a personal friendship;

D. A subscription to a newspaper, news magazine or other news publication;

E. Legal services provided in a matter of legislative ethics;

F. A meal, if the meal is a prayer breakfast or a meal served during a meeting to establish a prayer breakfast; or

G. A meal, if the meal is provided by industry or special interest organizations as part of the informational program presented to a group of public servants.

5. Honorarium. "Honorarium" means a payment of money or anything with a monetary resale value to a Legislator for an appearance or a speech by the Legislator. Honorarium does not include reimbursement for actual and necessary travel expenses for an appearance or speech. Honorarium does not include a payment for an appearance or a speech that is unrelated to the person's official capacity or duties as a member of the Legislature.

6. Immediate family. "Immediate family" means a Legislator's spouse, domestic partner or dependent children.

7. Income. "Income" means economic gain to a person from any source, including, but not limited to, compensation for services, including fees, commissions and payments in kind; income derived from business; gains derived from dealings in property, rents and royalties; income from investments including interest, capital gains and dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; income from an interest in an estate or trust; prizes; and grants, but does not include gifts. Income received in kind includes, but is not limited to, the transfer of property and options to buy or lease, and stock certificates. "Income" does not include:

A. Alimony and separate maintenance payments; or

B. Campaign contributions recorded and reported as required by Title 21-A, chapter 13.

8. Relative. "Relative" means an individual who is related to the Legislator or the Legislator's spouse as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, domestic partner, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister, and includes the fiance or fiancée of the Legislator.

9. Self-employed. "Self-employed" means that the person qualifies as an independent contractor under Title 39-A, section 102, subsection 13.

10. Violation of legislative ethics. "Violation of legislative ethics" means a violation of the prohibitions in section 1014 or 1015.

1 §1013. AUTHORITY; PROCEDURES.

1. Authority. The commission has authority:

- A. To issue, on request of any Legislator on an issue involving that Legislator, or on its own motion, written advisory opinions and guidance on problems or questions involving possible violations of legislative ethics; [2007, c. 642, §6 (AMD).]
- B. To investigate complaints alleging a violation of legislative ethics against any Legislator, to hold hearings on those complaints if the commission determines it is appropriate and to issue findings of fact together with its opinion; and [2007, c. 642, §6 (AMD).]
- C. To administer the disclosure of sources of income by Legislators as required by this subchapter.

2. Procedure. The following procedures apply.

- A. Requests for advisory opinions by members of the Legislature must be filed with the commission in writing and signed by the Legislator requesting the opinion and must contain such supporting data as the commission requires. Commission staff shall inform a Legislator upon that Legislator's request for an advisory opinion that written opinions issued by the commission are public and are submitted to the Clerk of the House and the Secretary of the Senate and entered into the legislative record. When preparing an advisory opinion on its own motion, the commission shall notify the Legislator concerned and allow the Legislator to provide additional information to the commission. In preparing an advisory opinion, either upon request or on its own motion, the commission may make such an investigation as it determines necessary. A copy of the commission's advisory opinion must be sent to the Legislator concerned and to the presiding officer of the legislative body of which the Legislator is a member.

B.

- B-1. Any person may file a complaint against a Legislator alleging a violation of legislative ethics only as described in section 1014 and 1015. The complaint must be filed in writing and signed under oath and must specify the facts of the alleged violation citing the specific provisions of sections 1014 and 1015 that are alleged to have been violated, the approximate date of the alleged violation and such other information as the commission requires. A complainant shall agree in writing not to disclose any information about the complaint during the time the commission is determining whether or not to pursue the complaint or during the investigation of a complaint. A complaint that does not meet the criteria of this paragraph is considered incomplete and will not be forwarded to the commission.

(1) The Legislator against whom a complaint is filed must immediately be given a copy of the complaint and the name of the complainant.

(2) The commission shall consider only complaints against Legislators in office at the time of the filing of the complaint and only complaints relating to activity that

occurred or was ongoing within 2 years of the complaint. Upon a majority vote of the commission, the commission shall conduct an investigation and hold hearings as it determines necessary.

- (3) The commission shall issue its findings of fact together with its opinion regarding the alleged violation of legislative ethics to the legislative body of which the Legislator concerned is a member. That legislative body may take whatever action it determines appropriate, in accordance with the Constitution of Maine.
 - (4) If the commission determines that a Legislator has potentially violated professional standards set by a licensing board, its opinion and such other information as may be appropriate must be referred to the licensing board that oversees the Legislator's professional conduct.
- C. When the conduct of a particular Legislator is under inquiry and a hearing is to be held, the Legislator must be given written notification of the time and place at which the hearing is to be held. Such notification must be given not less than 10 days prior to the date set for the hearing.
- D. The commission has authority, through its chair or any member designated by the chair, to administer oaths, subpoena witnesses and compel the production of books, records, papers, documents, correspondence and other material and records the commission determines relevant. The State, its agencies and instrumentalities shall furnish to the commission any information, records or documents the commission designates as being necessary for the exercise of its functions and duties. In the case of refusal of any person to obey an order or subpoena of the commission, the Superior Court, upon application of the commission, has jurisdiction and authority to require compliance with the order or subpoena. Any failure of any person to obey an order of the Superior Court may be punished by that court as contempt thereof.
- E. The commission shall adopt rules consistent with due process for the conduct of investigations and hearings under this subchapter. Rules adopted pursuant to this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

The commission is not bound by the strict rules of evidence, but its findings and opinions must be based upon competent and substantial evidence.

- E-1. The commission may permit the complainant to make a presentation to the commission as part of its consideration whether to conduct an investigation or public hearing.
- F. If the commission concludes that it appears that a Legislator has violated a criminal law, a copy of its findings of fact, its opinion and such other information as may be appropriate must be referred to the Attorney General. Any determination by the commission or by a legislative body that a violation of legislative ethics has occurred does not preclude any criminal action relating to the violation that may be brought against the Legislator.

G. If the commission determines that a complaint filed under oath is frivolous or was filed in bad faith or if the complainant fails to appear at the hearing without being excused by the commission, the commission may order the complainant to pay to the Legislator against whom the complaint has been filed that Legislator's costs of investigation and defense, including any reasonable attorney's fees. This order is considered a final agency action, and the complainant may appeal the order pursuant to the Maine Administrative Procedure Act. If the commission determines that the complaint was filed in bad faith, the commission shall refer the case to the Attorney General for investigation.

Such an order does not preclude any other remedy available to the Legislator against whom the complaint has been filed, including, but not limited to, an action brought in Superior Court against the complainant for damages to the Legislator's reputation.

H. The commission shall file with the Clerk of the House and the Secretary of the Senate a copy of written advisory opinions and guidance issued by the commission that were formally requested by a Legislator and that were considered by the commission at a public meeting, with such deletions and changes as the commission considers necessary to protect the identity of the person seeking the opinions or others. The Clerk of the House shall keep a copy of such opinions and guidance in a special binder and shall finally publish them in the Legislative Record. The commission may exempt an opinion or a part of an opinion from release, publication or inspection if it considers such action appropriate for the protection of 3rd parties and makes available to the public an explanatory statement to that effect.

I. A copy of the commission's findings of fact and opinions regarding complaints against Legislators must also be filed with the Clerk of the House and the Secretary of the Senate. The Clerk of the House shall keep them in a special binder and shall finally publish them in the Legislative Record.

J.

K. When a Legislator has a question or problem of an emergency nature about a possible violation of legislative ethics or an issue involving that Legislator that arises during the course of legislative action, the Legislator may request an advisory opinion from the presiding officer of the legislative body of which the Legislator is a member. The presiding officer may issue an advisory opinion. An advisory opinion issued by the presiding officer must be in accordance with the principles of this subchapter, be in writing and be reported to the commission. The commission may then issue a further opinion on the matter. The presiding officer may refer such a question or problem directly to the commission, which shall meet as soon as possible to consider the question or problem.

L. The commission shall make reasonable efforts to resolve a complaint within 90 days of its filing.

3. Confidentiality.

3-A. Confidentiality of records and proceedings relating to screening complaints alleging a violation of legislative ethics. Notwithstanding chapter 13, a complaint alleging a violation of legislative ethics is confidential and is not a public record until after the commission has voted pursuant to subsection 2, paragraph B-1 to pursue the complaint, and a commission proceeding to determine whether to pursue a complaint must be conducted in executive session. If the commission does not vote to pursue the complaint, the complaint and records relating to the investigation of that complaint remain confidential and are not public records unless the Legislator against whom the complaint is made submits a written request that the complaint and all accompanying materials be made public. This subsection does not prohibit a complainant from disclosing information that the complainant provided to the commission as part of the complaint or investigation once the commission has determined not to pursue the complaint or the investigation of a complaint is complete. This subsection does not prevent the commission from including general information about complaints in any report to the Legislature. Any person who knowingly breaches the confidentiality of a complaint investigation commits a Class D crime. This subsection does not prevent commission staff from disclosing information to a person from whom the commission is seeking information or evidence relevant to the complaint that is necessary to investigate the complaint or prevent the complainant or the Legislator against whom the complaint is made from discussing the complaint with an attorney or other person assisting them with the complaint. The commission or commission staff shall inform any person with whom they communicate of the requirement to keep any information regarding the complaint investigation confidential.

4. Confidentiality of records other than complaints. Commission records other than complaints are governed by this subsection.

- A. Investigative records relating to complaints that the commission has voted to pursue are confidential unless they are provided to commission members or otherwise distributed at a public hearing of the commission.
- B. Legislators' statements of sources of income are public records.
- C. Findings of fact and recommendations of the commission on complaints alleging violation of legislative ethics are public records.
- D. Advisory opinions of the commission and requests for advisory opinions from the commission are public records, except as provided in subsection 2, paragraph H.

5. Prohibited communications. Communications concerning a complaint filed under this section between commission members and a complainant or between commission members and the subject of a complaint are prohibited until after the commission has voted not to pursue a complaint or the commission has taken final action on the complaint.

1 §1014. VIOLATIONS OF LEGISLATIVE ETHICS.

1. Situations involving conflict of interest. A Legislator engages in a violation of legislative ethics if that Legislator votes on a question in connection with a conflict of interest in committee or in either body of the Legislature or attempts to influence the outcome of that question unless

a presiding officer in accordance with the Joint Rules of the Legislature requires a Legislator to vote or advises the Legislator that there is no conflict in accordance with section 1013, subsection 2, paragraph K. A conflict of interest includes:

- A. When a Legislator or a member of the Legislator's immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise that would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation;
- B. When a Legislator or a member of the Legislator's immediate family accepts gifts, other than campaign contributions duly recorded as required by law, from persons affected by legislation or who have an interest in an entity affected by proposed legislation and the Legislator knows or reasonably should know that the purpose of the donor in making the gift is to influence the Legislator in the performance of the Legislator's official duties or vote or is intended as a reward for action on the Legislator's part;
- C. Receiving compensation or reimbursement not authorized by law for services, advice or assistance as a Legislator;
- D. Appearing for, representing or advocating on behalf of another before the Legislature, unless without compensation and for the benefit of a citizen;
- E. When a Legislator or a member of the Legislator's immediate family accepts or engages in employment that could impair the Legislator's judgment, or when the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded the Legislator or a member of the Legislator's immediate family with intent to influence the performance of the Legislator's official duties, or when the Legislator or a member of his immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community; and
- F. When a Legislator or a member of the Legislator's immediate family has an interest in legislation relating to a profession, trade, business or employment in which the Legislator or a member of the Legislator's immediate family is engaged and the benefit derived by the Legislator or a member of the Legislator's immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment.

2. Undue influence.

2-A. Undue influence. It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes the exertion of undue influence, including, but not limited to:

- A. Appearing for, representing or advocating for another person in a matter before a state agency or authority, for compensation other than compensation as a Legislator, if the Legislator makes reference to that Legislator's legislative capacity, communicates with

the agency or authority on legislative stationery or makes threats or implications relating to legislative action;

B. Appearing for, representing or advocating for another person in a matter before a state agency or authority if the Legislator oversees the policies of the agency or authority as a result of the Legislator's committee responsibilities, unless:

(1) The appearance, representation or advocacy is provided without compensation and for the benefit of a constituent;

(2) The Legislator is engaged in the conduct of the Legislator's profession and is in good standing with a licensing board, if any, that oversees the Legislator's profession;

(3) The appearance, representation or advocacy is provided before a court or office of the judicial branch; or

(4) The representation consists of filing records or reports or performing other routine tasks that do not involve the exercise of discretion on the part of the agency or authority; and

C. Representing or assisting another person in the sale of goods or services to the State, a state agency or a state authority, unless the transaction occurs after public notice and competitive bidding

3. Abuse of office or position. It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes an abuse of office or position, including but not limited to :

A. When a Legislator or a member of the Legislator's immediate family has a direct financial interest or an interest through a close economic associate in a contract for goods or services with the State, a state agency or state authority , unless the contract is awarded through competitive bidding or is exempt from competitive bidding pursuant to state purchasing laws or the payment provisions are based on uniform rates established by the State, a state agency, a state authority or other governmental entity;

B. Granting or obtaining special privilege, exemption or preferential treatment to or for oneself or another, which privilege, exemption or treatment is not readily available to members of the general community or class to which the beneficiary belongs; and

C. Use or disclosure of confidential information obtained because of office or position for the benefit of self or another.

4. Contract with state governmental agency. It is a violation of legislative ethics for a Legislator or an associated organization to enter with a state agency into any contract that is to be paid in whole or in part out of governmental funds unless the contract has been awarded through a process of public notice and competitive bidding or is exempt from competitive bidding pursuant to state purchasing laws.

1 §1015. PROHIBITED CAMPAIGN CONTRIBUTIONS AND SOLICITATIONS.

1. Actions precluded.
2. Reports.
3. Campaign contributions and solicitations prohibited. The following provisions prohibit certain campaign contributions and solicitation of campaign contributions during a legislative session.

A. As used in this subsection, the terms "employer," "lobbyist" and "lobbyist associate" have the same meanings as in Title 3, section 312-A. As used in this subsection, "contribution" has the same meaning as in Title 21-A, section 1012 and includes seed money contributions as defined in Title 21-A, section 1122, subsection 9.

B. The Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment, except for a qualifying contribution as defined under Title 21-A, section 1122, subsection 7. A lobbyist, lobbyist associate or employer may not intentionally give, offer or promise a contribution, other than a qualifying contribution, to the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer during any time in which the Legislature is convened before final adjournment. These prohibitions apply to contributions directly and indirectly solicited or accepted by, or given, offered and promised to a political action committee, ballot question committee or party committee of which the Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials is a treasurer, officer or primary fund-raiser or decision maker.

C. This subsection does not apply to:

(1) Solicitations or contributions for bona fide social events hosted for nonpartisan, charitable purposes;

(2) Solicitations or contributions relating to a special election to fill a vacancy from the time of announcement of the election until the election; and

(4) Solicitations or contributions accepted by a member of the Legislature supporting that member's campaign for federal office.

C-1. This subsection does not prohibit the attendance of the Governor, a member of the Legislature or any constitutional officer or the staff or agent of the Governor, a member of the Legislature or any constitutional officer at fund-raising events held by a municipal, county, state or national political party organized pursuant to Title 21-A, chapter 5, nor the advertisement of the expected presence of any such official at any such event, as long as any such official has no involvement in soliciting attendance at the event and all proceeds are paid directly to the political party organization hosting the event or a nonprofit charitable organization.

D. A person who intentionally violates this subsection is subject to a civil penalty not to exceed \$1,000, payable to the State and recoverable in a civil action.

4. Contract with state governmental agency.

1 §1016-A. DISCLOSURE OF SPECIFIC SOURCES OF INCOME. Each Legislator shall file a statement of specific sources of income received in the preceding calendar year with the commission by 5:00 p.m. on February 15th of each year on forms provided by the commission. Prior to the end of the first week in January of each year, the commission shall deliver a form to each Senator and member of the House of Representatives. The statement of specific sources of income filed under this subchapter must be on a form prescribed by the commission and is a public record.

1. Disclosure of Legislator's income. The Legislator filing the statement shall name and give the address of each specific source of income received as follows.

A. A Legislator who is an employee of another shall name the employer and each other source of income of \$1,000 or more.

B. A Legislator who is self-employed shall state that fact and the name and address of the Legislator's business. The Legislator shall name each source of income derived from self-employment that represents more than 10% of the Legislator's gross income or \$1,000, whichever is greater, provided that if this form of disclosure is prohibited by law, rule or an established code of professional ethics, the Legislator shall only specify the principal type of economic activity from which the income is derived. With respect to all other sources of income, a self-employed Legislator shall name each source of income of \$1,000 or more. The Legislator shall also indicate major areas of economic activity and, if associated with a partnership, firm, professional association or similar business entity, the major areas of economic activity of that entity.

C. In identifying the source of income, it shall be sufficient to identify the name and address and the principal type of economic activity of the corporation, professional association, partnership, financial institution, nonprofit organization or other entity or person directly providing the income to the Legislator.

D. With respect to income from a law practice, it shall be sufficient for attorneys-at-law to indicate their major areas of practice and, if associated with a law firm, the major areas of practice of the firm, in such manner as the commission may require.

2. Campaign contributions. Campaign contributions duly recorded as required by law shall not be considered income.

3. Disclosure of gifts. The Legislator shall name the specific source of each gift that the Legislator receives.

4. Disclosure of income of immediate family. The Legislator shall disclose the type of economic activity representing each source of income of \$1,000 or more that any member of the

immediate family of the Legislator received and the name of the spouse or domestic partner of the Legislator. The disclosure must include the job title of the Legislator and the members of the Legislator's immediate family if the source of income is derived from employment or compensation.

5. Disclosure of honoraria. The Legislator shall disclose the name of each source of honoraria that the Legislator accepted.

6. Representation before state agencies. The Legislator shall identify each executive branch agency before which the Legislator has represented or assisted others for compensation.

7. Business with state agencies. The Legislator shall identify each executive branch agency to which the Legislator or the Legislator's immediate family has sold goods or services with a value in excess of \$1,000.

1 §1016-B. DISCLOSURE OF REPORTABLE LIABILITIES. Each Legislator shall include on the statement of income under section 1016-A all reportable liabilities incurred during the Legislator's term of office.

1. Definition. For the purposes of this section, "reportable liability" means any unsecured loan of \$3000 or more received from a person not a relative. "Reportable liability" does not include:

A. A credit card liability;

B. An educational loan made or guaranteed by a governmental entity, educational institution or nonprofit organization; or

C. A loan made from a state or federally regulated financial institution for business purposes.

2. Reporting. A Legislator shall make a supplementary statement to the commission of any reportable liability within 30 days after it is incurred. The report shall identify the creditor in the manner of section 1016-A, subsection 1, paragraph C.

3. Campaign contributions. Campaign contributions duly recorded as required by law are not required to be reported under this section.

1 §1016-C. REPORTS BY LEGISLATIVE CANDIDATES. A candidate, as defined in Title 21-A, section 1, subsection 5, for the Legislature who is not required to file a report under section 1016-A or 1016-B shall file a report containing the same information required of Legislators under sections 1016-A and 1016-B no later than 5 p.m. on the first Monday in August preceding the general election unless the candidate withdraws from the election in accordance with Title 21-A, section 374-A by that date.

1 §1016-D. DISCLOSURE OF BIDS ON GOVERNMENT CONTRACTS. When a Legislator or associated organization bids on a contract with a state governmental agency, the Legislator or associated organization shall file a statement with the commission no later than 5:00 p.m. on the day the bid is submitted that discloses the subject of the bid and the names of the Legislator, associated organization and state governmental agency as appropriate. The bid disclosure statement filed under this section must be on a form prescribed by the commission and is a public record as defined in section 402.

1 §1016-E. DISCLOSURE OF INTERESTS. Beginning in 2010, each Legislator shall file with the commission by 5:00 p.m. on February 15th of each year on the form provided by the commission a statement of those positions set forth in this section that were held in the preceding calendar year. Prior to the end of the first week in January of each year, the commission shall deliver a form to each Senator and member of the House of Representatives. The statement of positions is a public record.

1. Disclosure of officer or director position. A Legislator filing a statement under this section shall report:

- A. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the Legislator in the preceding calendar year with any for-profit or nonprofit firm, corporation, association, partnership or business; and
- B. Any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by a member of the immediate family of the Legislator with any for-profit or nonprofit firm, corporation, association, partnership or business and the name of that member of the Legislator's immediate family.

1 §1016-F. INTERNET DISCLOSURE. The commission shall publish on its publicly accessible website the completed forms submitted by Legislators pursuant to sections 1016-A, 1016-B, 1016-D, 1016-E and 1018 and by candidates for the Legislature pursuant to section 1016-C.

1 §1017. FORM; CONTENTS

1 §1017-A. CIVIL PENALTIES; LATE AND INCOMPLETE STATEMENTS; FAILURE TO FILE. A Legislator who fails to file a statement in accordance with this subchapter after being notified by the commission may be assessed a fine not to exceed \$100. A statement is not considered filed unless it substantially conforms to the requirements of this subchapter and is properly signed. The commission shall determine whether a statement substantially conforms to the requirements of this subchapter.

1 §1018. UPDATING STATEMENT. A Legislator shall file an updating statement with the commission on a form prescribed and prepared by the commission. The statement must be filed within 30 days of addition, deletion or change to the information relating to the preceding year supplied under this subchapter.

1 §1019. FALSE STATEMENT; FAILURE TO FILE. The intentional filing of a false statement shall be a Class E crime. If the commission concludes that it appears that a Legislator has willfully filed a false statement, it shall refer its findings of fact to the Attorney General.

If the commission determines that a Legislator has willfully failed to file a statement required by this subchapter or has willfully filed a false statement, the Legislator shall be presumed to have a conflict of interest on every question and shall be precluded or punished as provided in section 1015.

1 §1020. PENALTY FOR FALSE ACCUSATIONS. Any person who files a false charge of a conflict of interest with the commission or any member of the commission, which he does not believe to be true, or whoever induces another to file a false charge of a conflict of interest, which he does not believe to be true, shall be guilty of a Class E crime.

1 §1021. MEMBERSHIP ON BOARDS, AUTHORITIES OR COMMISSIONS. It shall not be a conflict of interest for a Legislator to serve on a public board, authority or commission created by the Legislature so long as there is no consideration paid to the Legislator other than his actual expenses.

1 §1022. DISCIPLINARY GUIDELINES. The Legislature shall adopt, publish, maintain and implement, as authorized in the Constitution of Maine, Article IV, Part Third, Section 4, disciplinary guidelines and procedures for Legislators, including the violations of ethical standards, penalties of reprimand, censure or expulsion and the procedures under which these or other penalties may be imposed.

1 §1023. CODE OF ETHICS. The Legislature by Joint Rule shall adopt and publish a code of ethics for Legislators and legislative employees.

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Legislative Code of Ethics, Adopted by the 100th Legislature

- Any public office holder is charged with responsible conduct commensurate with the trust placed in him/her by the electorate.
- In a free government the official is entrusted with the security, safety, health, prosperity, and general well-being of those whom he/she serves.
- With such a trust high moral and ethical standards producing the public's confidence, with the reduction to a minimum of any conflict between private interests and official duties, should be observed.
- No state legislator will accept any employment which can possibly impair his/her independence and integrity of judgement or will he/she exercise his/her position of trust to secure unwarranted privileges for themselves or for others.
- The Maine legislator will be ever mindful of the ordinary citizen who might otherwise be unrepresented, and will endeavor conscientiously to pursue the highest standards of legislative conduct.

Maryland – Applies generally to government officials and employees

Massachusetts – Applies generally to public officials and employees

Mississippi – Applies generally to public officers and employees

Missouri – Applies generally to state employees and elected and appointed public officials

Montana – Applies generally to public officers and employees and legislators

Nebraska – Applies generally to state employees

Nevada – Applies generally to public officers and employees

New Hampshire – Applies to legislators

N.H. Rev. Stat. Ann. § 14-B:1 et seq.

LEGISLATIVE ETHICS COMMITTEE

§ 14-B:1. Definitions. In this chapter:

I. "Jurisdiction of the committee" means those actions which allege a violation of law, guideline, rule or regulation and relate to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

(a) "Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or other verbal or physical conduct of a sexual nature, provided, that:

- (1) Submission to such conduct is made either explicitly or implicitly a term of the individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive working environment.

(b) As used in subparagraph (a), verbal or physical conduct of a sexual nature may include:

- (1) Verbal abuse of a sexual nature;
- (2) Unwelcome offensive sexual flirtation;
- (3) Unwelcome graphic verbal comments about an individual's body;
- (4) Sexually degrading words to describe an individual;
- (5) Unwelcome brushing, touching, patting, or pinching an individual's body;
- (6) Sexually explicit gestures;
- (7) The display in the state house complex of sexually suggestive, sexually demeaning, or pornographic objects, pictures, posters, or cartoons; or
- (8) Unwelcome inquiry or comment about sexual conduct, sexual orientation, or preference.

II. "Sworn complaint" means a statement of facts within the personal knowledge of the complainant alleging a violation of law, guideline, rule or regulation of the legislature and relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature.

III. "Family member" means any person related to and living in the same domicile as the representative, senator, and officer of the house of representatives or senate who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

§ 14-B:2. Committee Established; Membership.

I. There is hereby established a legislative ethics committee to develop standards for legislative ethics and resolve, through procedures established in this chapter, issues, questions or complaints involving legislators and legislative staff and officers. The committee shall have the power to investigate allegations of improper conduct as set forth in this chapter. The committee shall consist of the following members, at least one of whom shall be an attorney who is a member of the New Hampshire bar:

- (a) One house member, appointed by the speaker of the house.
- (b) One house member, appointed by the house minority leader.
- (c) One public member, appointed by the speaker of the house.
- (d) One senator, appointed by the senate president.
- (e) One senator, appointed by the senate minority leader.
- (f) One public member, appointed by the senate president.
- (h) One public member, appointed jointly by the speaker of the house, the house minority leader, the senate president, and the senate minority leader.

II. No person registered with the secretary of state as a lobbyist under RSA 15 shall serve as a member of the legislative ethics committee or for 6 months following the expiration of such registration.

III. Appointments to the committee shall be made by December 31 prior to the first legislative session of the biennium. A committee meeting shall be called no later than February 1 in the first legislative session of the biennium. Prior to the first committee meeting, the speaker of the house of representatives and the senate president shall jointly select from the members of the committee a chairperson and vice-chairperson. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.

§ 14-B:3. Duties.

I. The committee shall be authorized to:

- (a) Issue guidelines to elucidate proper and appropriate conduct for individuals relating to the performance of their duties as members, officers, or employees of the legislature. Such guidelines shall be consistent with statute.
- (b) Issue interpretative rulings explaining and clarifying any law, guideline, rule or regulation within the jurisdiction of the committee.
- (c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a member, officer, or employee, concerning the application of any law, guideline, rule, or regulation within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. Any advisory opinion concerning any person subject to the provisions of this chapter who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this chapter or prosecution under RSA 15-A or RSA 15-B that the person complained against acted in reliance upon such advisory opinion.
- (d) Receive sworn complaints, and investigate allegations of improper conduct, including sexual harassment against members or retaliation against employees who make good faith allegations of sexual harassment, which may reflect upon the legislature, relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the legislature, and make appropriate findings of fact and conclusions with respect to such conduct. Deliberations on such sworn complaints shall be conducted in nonpublic session and in accordance with procedures set forth in RSA 14-B:4 and established by the committee under RSA 14-B:5. The committee shall consider any sworn complaint and shall conduct its initial review of each complaint in a confidential manner, unless otherwise requested by the legislator, officer, or employee complained against.
- (e) Investigate any unauthorized disclosure of information by any committee member or employee of the committee and report to the legislature concerning any allegation which it finds to be substantiated.

II. Before guidelines or amendments thereto become effective, the committee shall distribute such guidelines or amendments to the members of the senate and the house of representatives. Specific guidelines or amendments shall be brought to a vote and approved by a majority vote of both houses within a period of 3 legislative days after distribution before they shall become effective.

III. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective.

IV. The committee shall review all financial disclosure forms required by RSA 14-B:8 and shall place the completed forms on file in the office of the secretary of state for purposes of the

requirements of RSA 15-A, in accordance with the filing deadlines established under RSA 14-B:8 and RSA 14-B:9. The filing of a financial disclosure form in accordance with RSA 14-B:8 by a representative, senator, or officer of the house of representatives or senate shall satisfy the requirement of filing a statement of financial interest pursuant to RSA 15-A.

§ 14-B:4. Complaints; Procedures.

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA 15-A and RSA 15-B. The committee shall promptly examine each sworn complaint and:

- (a) If by a unanimous affirmative vote it determines that a complaint is frivolous, scurrilous, or retaliatory in nature, the committee may discharge the complaint without the benefit of a meeting or further proceeding. The committee shall notify the respondent and complainant in writing of its action.
- (b) For any complaint not discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded.

II. Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the attorney general for prosecution.

III. Except as provided in this chapter, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work, shall be confidential. Any violation of these provisions relating to confidentiality may result in action by the committee, at the request of the non-violating party or on its own motion, to terminate the proceedings with or without public comment.

IV. Upon completion of its initial review of a complaint, the committee shall make available for public inspection all records, other than its work product and internal memoranda, relating to any complaint it does not dismiss, and shall conduct any subsequent proceedings, other than its deliberations, in public session.

IV-a. In the case of sexual harassment complaints, all work product and committee proceedings shall be nonpublic. Upon a finding that a member has engaged in sexual harassment, the committee shall make available for public inspection all records relating to the complaint. The committee shall not disclose its work product, internal memoranda, or any other documentation or information that would be considered confidential under RSA 91-A or any other law, except pursuant to a court order.

V. If, after receiving a sworn complaint, the committee concludes by a recorded vote that the

alleged conduct is not within the committee's jurisdiction or is without merit or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the legislator, the officer, or the employee of the legislature together with an explanation of the basis of such determination.

VI. If the committee concludes that the complaint is within its jurisdiction and has merit, then by recorded vote, the committee may conduct a preliminary investigation.

VII. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

- (a) No action is appropriate because no improper conduct occurred;
- (b) The violation is inadvertent, technical or of a de minimis nature and shall be addressed by informal methods; or
- (c) The conduct complained of is of a serious nature and formal proceedings should be instituted to inquire further into the complaint. The committee shall then make a statement of formal charges and hold a hearing on the complaint.

VIII. Upon completion of the hearing, the committee shall conclude by recorded vote that:

- (a) No action is appropriate because no improper conduct occurred; or
- (b) No action is appropriate because there is not clear and convincing evidence that improper conduct occurred; or
- (c) There was improper conduct based upon clear and convincing evidence, but such conduct does not justify formal disciplinary action and should be resolved by informal methods; or
- (d) (1) There was improper conduct based upon clear and convincing evidence, and the improper conduct was of a serious nature so as to warrant formal disciplinary action by the general court in the case of a legislator or officer of the legislature, or formal disciplinary action by the joint committee on legislative facilities in the case of an employee of the legislature, except in the case of an employee of the legislature employed by the legislative budget assistant, in which case the formal disciplinary action shall be taken by the fiscal committee of the general court. The committee shall submit to the speaker of the house and senate president in the case of a legislator or officer of the legislature, to the joint committee on legislative facilities in the case of an employee of the legislature, or to the fiscal committee of the general court in the case of an employee of the legislature employed by the legislative budget assistant, a summary report of the deliberations regarding the complaint and of its findings. The report shall contain any specific recommendations concerning disciplinary actions to be imposed. With respect to any recommendations for disciplinary actions against a legislator, the committee may recommend one or more of the following:

- (A) Reprimand.
 - (B) Censure.
 - (C) Expulsion from the senate or house of representatives.
 - (D) Denial or limitation of any right, power, privilege, or immunity of the legislator that the constitution of New Hampshire permits the general court to deny or limit.
- (2) Before any disciplinary action may be taken against a legislator or against an officer of the legislature, the report shall be ratified by the legislator's or by the officer's respective body of the general court. Such ratification need not occur during the biennium in which the complaint was submitted, but may be considered and acted upon by the general court in the next succeeding session; provided that no action shall be taken against an individual who is no longer a member of the general court.
- (3) In a case involving an employee of the legislature, the joint committee on legislative facilities shall determine what disciplinary action shall be taken against the employee. In a case involving an employee of the legislature who is employed by the legislative budget assistant, the fiscal committee of the general court shall determine what disciplinary action shall be taken against the employee. In making its determination, the joint committee on legislative facilities or the fiscal committee of the general court as appropriate may use any of the specific recommendations concerning disciplinary actions which are contained in the report which it receives.

IX. In processing complaints filed under this chapter, the committee shall have subpoena powers. If the legislator, the officer, or the employee of the legislature refuses to participate in the proceedings, the committee may refer the complaint to the attorney general for appropriate action.

X. Any member of the legislative ethics committee who is directly or indirectly involved in any complaint before the committee shall not participate in any proceedings regarding the complaint. In the event that a member does not participate in a particular case, the appointing authority shall designate an alternate to serve on the committee for that case only.

§ 14-B:4-a. Penalty for Unauthorized Disclosure. Any person who knowingly or willfully makes unauthorized disclosure of confidential matters or materials contrary to RSA 14-B:4, shall be guilty of a misdemeanor, and may be subject to disciplinary action as provided in this chapter and other applicable law.

§ 14-B:5. Rules; Procedures and Standards. The committee shall adopt, publish, and make available to the public rules governing its procedures, including rules specifically related to sexual harassment complaints, as well as guidelines referred to in RSA 14-B:3, II consistent with the procedures set forth in RSA 541-A.

§ 14-B:6. Retention of Records. All records required to be filed or placed on file with the secretary of state under the provisions of this chapter, or the rules or guidelines adopted in accordance with RSA 14-B:5, shall be maintained by the office of the secretary of state for a period of 6 years, after which time they may be destroyed.

§ 14-B:8. Financial Disclosure Form. Every representative, senator, and officer of the house of representatives and the senate, shall file with the legislative ethics committee a financial disclosure form annually no later than the third Friday of January. The financial disclosure form shall include the following information:

I. The name, address, office, county or district, and telephone number of the reporting individual.

II. The name, address, and type of any business, profession, or other organization (including any unit of government) in which the reporting individual or reporting individual's family member was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. If the individual filing the financial interest statement or that individual's family member has no qualifying income he or she shall report this by writing his or her initials following the statement: ""My or my family member's income does not qualify ____.""

III. A statement of whether the reporting individual or reporting individual's family member has a financial interest in any of the businesses, professions, occupations, groups, or matters listed in this paragraph and a place on the form where the nature of the financial interest shall be described for each matter, as applicable.

- (a) Any profession, occupation, or business licensed or certified by the state of New Hampshire, listing each such profession, occupation, or category of business.
- (b) Health care.
- (c) Insurance.
- (d) Real estate, including brokers, agents, developers, and landlords.
- (e) Banking or financial services.
- (f) State of New Hampshire, county, or municipal employment.
- (g) The New Hampshire retirement system.
- (h) The current use land assessment program.
- (i) Restaurants and lodging.

- (j) The sale and distribution of alcoholic beverages.
- (k) The practice of law.
- (l) Any business regulated by the public utilities commission.
- (m) Horse or dog racing, or other legal forms of gambling.
- (n) Education.
- (o) Water resources.
- (p) Agriculture.
- (q) New Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax.
- (r) A place where the reporting individual may, but is not required by this chapter to, specify any other area for which he or she or a family member has a financial interest.

IV. The following statement regarding the disclosure of financial interest: ""An individual has a reportable financial interest in a business, profession, occupation, group, or matter listed in this section if a change in law, administrative rule, or other official action by the general court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the individual reporting the financial interest or that individual's family member than it would on the general public."

V. The following statement regarding the filing of a declaration of intent form: ""If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have. Even if you disclose a financial interest on this form, you may still have to file a separate Declaration of Intent Form on a particular bill."

VI. The following statement followed by a line for the person filing the form to sign and date the form: ""I hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

VII. The full text of RSA 14-B:10.

§ 14-B:9 Filing With Secretary of State. All forms filed under RSA 14-B:8 shall be on file with the secretary of state on or before February 15.

§ 14-B:10 Penalty. Any representative, senator, or officer of the house of representatives or senate who knowingly fails to file the form required under RSA 14-B:8 or who knowingly files a false statement on such form shall be guilty of a misdemeanor.

Ethics Guidelines

More info available at <http://www.gencourt.state.nh.us/misc/ethics.pdf>

1 PRINCIPLES OF PUBLIC SERVICE.

- I. Public Office As A Public Trust. Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- II. Principle Of Independent Objective Judgment. Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.
- III. Principle Of Accountability. Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

2 DEFINITIONS.

- I. "Anything Of Value" includes but is not limited to the following:
 - (a) A pecuniary item, including money, or a bank bill or note;
 - (b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
 - (c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
 - (d) A stock, bond, note, or other investment interest in an entity;
 - (e) A receipt given for the payment of money or other property;
 - (f) A cause of action;
 - (g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
 - (h) A loan or forgiveness of indebtedness;
 - (i) A work of art, antique, or collectible;
 - (j) An automobile or other means of personal transportation;
 - (k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;

- (l) A promise of employment or continued employment;
 - (m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.
- II. "Conflict Of Interest" is the condition in which a legislator has a financial interest in any official activity.
- III. "Expense Reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar or educational or informational program, when the source of such reimbursement is other than the state, a county, or the United States of America.
- IV. "Family Member" shall mean any person related to and living in the same domicile as a legislator, legislative officer, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.
- V. "Financial Interest" is a reasonably foreseeable direct material financial effect which is greater on the legislator, legislative officer, legislative employee, or a family member than on the general public.
- VI. (a) "Gift" shall mean:
- (1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.
 - (2) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value.
- Any such item with a value of less than \$25 is presumed to be of insignificant economic value.
- (b) Notwithstanding subparagraph (a), "gift" shall not mean:
- (1) A political contribution as defined in RSA 664.
 - (2) A commercially reasonable loan, made in the ordinary course of business.
 - (3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.
 - (4) A ceremonial plaque, award, or other commemorative object, which is personally

inscribed to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of \$150 or less is presumed to be of inconsequential economic value.

- (5) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.
- (6) Money in any form, an object, or any tangible or intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.
- (7) Wages, salary, benefits, mileage, or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.
- (8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.
- (9) Tickets or free admission to a charitable, ceremonial, or political event provided that:
 - (A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or
 - (B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice, or which is a charitable organization pursuant to section 501(c)(3) of the federal tax code; or
 - (C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.
- (10) Meals, beverages, lodging, or transportation associated with attendance at:
 - (A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or
 - (B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.
- (11) Expense reimbursement or an honorarium.
- (12) Meals and beverages consumed at a meeting or event, the purpose of which is to discuss official business.

- VII. "Honorarium" means a payment in any form to a legislator, legislative officer, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.
- VIII. "Immediate Family" includes a spouse, guardian, parent, sibling, child or dependent.
- IX. "Legislation" is a bill, resolution or constitutional amendment.
- X. "Official Activities" is the conduct of activities which relate to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.
- XI. "Official Business" means, for legislators, legislative officers, and legislative employees, the discussion or transaction of legislative business, namely, any official action or non-action with regard to any potential pending or existing bill, resolution, amendment, report, or study, any other matter pending or proposed in a committee or in either house of the general court, or an issue of public policy which is or may be the subject of legislative attention, or any other matter which is within the official jurisdiction or cognizance of the general court.

3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM. Every representative, senator, and officer of the House and Senate, shall file with the Legislative Ethics Committee a financial disclosure form pursuant to RSA 14-B:8 annually no later than the third Friday in January.

**FINANCIAL DISCLOSURE FORM FOR STATE SENATORS,
STATE REPRESENTATIVES AND OFFICERS OF THE GENERAL COURT**

As prescribed by RSA 14-B:8
 Name of Legislator/Officer (circle one) (print name)
 Address (street) (town/city) (zip code)
 Office held County/District
 Telephone Number

I. Sources of Income. Identify below the name, address, and type of any business, profession, or other organization (including any unit of government) in which you or a family member was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity, from which you or a member family derived any income (including retirement benefits other than federal retirement and/or disability benefits) in excess of \$10,000 during the preceding calendar year.

For purposes of this form a "family member" means any person related to you and living in the same domicile as you and who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

- 1) a) Name of business, profession, or other organization
- b) Address of organization
- c) Type of organization

(attach additional sheets if necessary)

If you or a family member had no qualifying income, indicate by inserting your initials after the following statement.

My or my family member's income does not qualify.

II. Disclosure of Financial Interests. Identify and describe below any reportable financial interest you or a family member may have. You have a reportable financial interest in a business, profession, occupation, group or matter listed in this section if a change in law, administrative rule, or other official action by the General Court affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public.

Please note: If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have. Even if you disclose a financial interest on this form, you may still have to file a separate Declaration of Intent Form on a particular bill.

Do you or a family member have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? Check any of the following which apply and describe the nature of your or your family member's financial interest:

- (a) Any profession, occupation, or business licensed or certified by the State of New Hampshire. List each such profession, occupation, or category of business.
- (b) Health Care
- (c) Insurance
- (d) Real estate, including brokers, agents, developers, and landlords
- (e) Banking or financial services
- (f) State of New Hampshire, county or municipal employment
- (g) New Hampshire Retirement System

- (h) Current use land assessment program
- (i) Restaurants and lodging
- (j) Sale and distribution of alcoholic beverages
- (k) Practice of law
- (l) Any business regulated by the Public Utilities Commission
- (m) Horse or dog racing, or other legal forms of gambling
- (n) Lottery or other sources
- (o) Agriculture
- (p) Profits Tax, Business Enterprise Tax, Interest and Dividends Tax
- (q) Other

I swear that the foregoing information is true and complete to the best of my knowledge.

RSA 14-B:8. Penalty. Any representative, senator, or officer of the House of Representatives or Senate who knowingly fails to file the form required under RSA 14-B:8 or who knowingly files a false statement on such form shall be guilty of a misdemeanor.

Signature of Legislator/Officer _____ Date _____

Complete and return to the Legislative Ethics Committee no later than the third Friday in January.

4 PROHIBITED ACTIVITIES.

I. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

- (a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.
- (b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court.

- (c) In return for advice or other assistance relating to a legislator's official activities.
- (d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.
- (e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of, a public servant.
- (f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.
- (g) In violation of RSA 15-B.

II. Legislators shall not:

- (a) Reveal information which the legislator has obtained confidentially in the course of his official activities.
- (b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.
- (c) Threaten reprisals or promise inducements of any kind to influence another so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.
- (d) Conduct private negotiations with any governmental agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.

III. Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

IV. Legislators shall not use state-provided services or facilities for private gain.

V. Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.

VI. Legislators shall not engage in conduct that constitutes sexual harassment as defined in RSA 14-B:1.

VII. Nothing in this section on prohibited activities should be construed to prohibit the following:

- (a) The giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.

- (b) Assistance to constituents in their dealings with state agencies.
- (c) Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.
- (d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified to be a suitable public employee.
- (e) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational or informational program related to the legislator's office so long as disclosure of any such reimbursement is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.
- (f) Acceptance of an honorarium so long as disclosure is made no later than the last day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (g) Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed. This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.
- (h) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (g) shall be limited to \$250 in the aggregate from any single source during any calendar year.

5 CONFLICT OF INTEREST PROCEDURE.

I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator or the legislator's family member as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's or family member's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.

II. When a legislator becomes aware that a conflict of interest exists or may exist and the

conditions set forth in paragraph I are not met, the legislator shall proceed in accordance with either subparagraph (a) or (b):

- (a) Declare that the legislator will not participate in any official activity associated with the issue.
- (b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:
 - (1) names of all entities, both public and private, which might be affected;
 - (2) the nature of any benefit which may accrue to the legislator or legislator's family member;
 - (3) the nature of any financial interest in the issue;
 - (4) the nature of any relationship which existed, exists or may exist between the legislator and
 - (5) any person or entity which might be affected;
 - (6) such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

III. The declaration required in subparagraphs II (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

6 LEGISLATIVE EMPLOYEE CODE OF CONDUCT.

I. General Principles of Conduct.

- (a) A legislative employee or officer should view his or her work for the General Court as a public service and should strive to promote the common good of the citizens of the State of New Hampshire through the devotion of his or her professional talents and energies to the support of the General Court in its mission as the representative of the citizens of this state.
- (b) A legislative employee or officer should act in a way that makes him or her worthy of the trust the General Court places in staff members and officers.
- (c) A legislative employee or officer should provide objective advice, information, and alternatives to legislators, independent of the employee's or officer's personal beliefs or interests or the interests of third parties. A legislative employee or officer should avoid activities that conflict with this objectivity or give the appearance of conflict.

- (d) A legislative employee or officer should treat all legislators with dignity and respect, and provide services of equal quality to the employee's or officer's appropriate legislative clientele.

II. Definitions.

- (a) "Legislative Employee" includes all house, senate, and joint staff whether employed on a part-time, full-time, permanent or temporary basis.
- (b) "Legislative Officer" includes those employees of the House and Senate who are elected by members of the General Court.

III. Prohibited Activities.

- (a) A legislative employee or officer shall not violate the provisions of RSA 15-B.
- (b) A legislative employee or officer shall not accept any gift from givers who wish to influence the work activities of the employee or officer.
- (c) A legislative employee or officer shall not accept any employment or serve in any position, in addition to legislative employment, which would impair the employee's or officer's independence of judgment.
- (d) Except within the scope of employment, a legislative employee or officer shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court.
- (e) Nothing in this paragraph should be construed to prohibit the following:
 - (1) Acceptance of awards, prizes, honors, or gifts of a minimal value.
 - (2) Acceptance of informational material relevant to the employee's or officer's official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
 - (3) Acceptance of expense reimbursement for the reasonable expenses for attendance, registration, travel, meals, and lodging related to a bona fide conference, meeting, seminar, or educational or informational program related to the legislative employee's or officer's employment so long as disclosure of any such reimbursement is made no later than the last day of the month following the month during which the expense reimbursement was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in a form prescribed in RSA 15-B. This provision shall not be construed to require reporting of an expense reimbursement made by an organization to which the general court pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.
 - (4) Acceptance of an honorarium so long as disclosure is made no later than the last

day of the month following the month during which the honorarium was received. This disclosure shall be filed in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

- (5) Acceptance of meals or beverages with a value of greater than \$25 consumed at a meeting or event the purpose of which is to discuss official business so long as disclosure is made no later than ten (10) days following the meeting or event at which the meals or beverages were consumed.

This disclosure shall be filed in a report in the Office of the Secretary of State and shall be in the form prescribed in RSA 15-B.

- (6) Acceptance of anything permitted to be accepted pursuant to RSA 15-B, except that acceptance of meals or beverages as permitted by subparagraph (e)(5) shall be limited to \$250 in the aggregate from any single source during any calendar year.
- (f) A legislative employee or officer shall not use or attempt to use the employee's or officer's official position to (a) personally obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of employment.
- (g) A legislative employee or officer shall not accept or solicit anything of value for the private benefit of the employee or officer or the employee's or officer's immediate family under circumstances in which it can be reasonably inferred that the legislative employee's or officer's independence of judgment is impaired or is intended as a reward for any official action.
- (h) A legislative employee or officer shall not use state-provided services or facilities for private gain.
- (i) A legislative employee or officer shall not disclose confidential information acquired by reason of the employee's or officer's official position to any person or group not entitled to receive such information, nor shall the employee or officer use such information for personal gain or benefit or for the benefit of others.
- (j) A legislative employee or officer shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the employee's or officer's supervisory officer.

IV. Disclosure Procedure. When a legislative employee or officer becomes aware that his or her participation in a particular activity presents a conflict of interest or conflicts with his or her objectivity or gives the appearance of a conflict, the employee or officer shall immediately make disclosure of this fact to his or her supervisory officer. All such reports shall be forwarded to the Chief of Staff of the House, the Chief of Staff of the Senate, the Director of the Office of Legislative Services, or Legislative Budget Assistant, as appropriate.

FILING PROCEDURE FOR DECLARATION OF INTENT

- 1) The requirement for filing a declaration of intent is triggered when a Representative or Senator makes a "public announcement" either prior to or at the time the legislator undertakes any "official activity." An official activity is defined as the conduct of a legislator during the performance of his/her duties. This includes, but is not limited to, introducing legislation, testifying before a committee, voting in committee or in the House or Senate, supporting or opposing legislation, etc. Such a public announcement could be the simple act of telling a newspaper reporter or telling the House or Senate clerk, or making a public statement to someone else about the official activity.
- 2) Each declaration of intent HAS TO BE FILED with the House clerk or Senate clerk within 24 hours of the announcement. The forms are available from each clerk, either in the clerk's office or in the respective chambers.
- 3) Each clerk keeps a file of all signed declaration of intent forms.
- 4) Declarations of intent will be recorded in the House Journal or Senate Journal on roll call votes only, unless otherwise requested.

New Jersey – Applies generally to state government, departments, and officers

New Mexico – Applies generally to legislators, public officers, and state employees

- Legislative Ethics Guide summarizes how various sections of the N.M. Stat. Ann. apply to legislators
<http://www.nmlegis.gov/lcs/lcsdocs/170416A%20-%20Ethics%20Guide%20for%20web.pdf>

New York – Applies generally to officers and employees of a state agency, legislators, and legislative employees

North Carolina – Applies to legislators

N.C. Gen. Stat. Ann. § 120-85.1 et seq.

§ 120-85.1. Definitions. As used in this Article, the following terms mean:

- (1) Business with which associated. - As defined in G.S. 138A 3.
- (2) Confidential information. - As defined in G.S. 138A 3.
- (3) Economic interest. - As defined in G.S. 138A 3.
- (4) Immediate family. - As defined in G.S. 138A 3.

(5) Legislator. - As defined in G.S. 138A 3.

(6) Nonprofit corporation or organization with which associated. - As defined in G.S. 138A 3.

(7) Vested trust. - As defined in G.S. 138A 3.

§ 120-86. Bribery, etc.

(a) No person shall offer or give to a legislator or a member of a legislator's immediate family, or to a business with which the legislator is associated, and no legislator shall solicit or receive, anything of monetary value, including a gift, favor or service or a promise of future employment, based on any understanding that the legislator's vote, official actions or judgment would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence the legislator in the discharge of the legislator's duties.

(b) It shall be unlawful for the partner, client, customer, or employer of a legislator or the agent of that partner, client, customer, or employer, directly or indirectly, to threaten economically that legislator with the intent to influence the legislator in the discharge of the legislator's duties.

(b1) It shall be unlawful for any person, directly or indirectly, to threaten economically another person in order to compel the threatened person to attempt to influence a legislator in the discharge of the legislator's duties.

(c) It shall be unethical for a legislator to contact the partner, client, customer, or employer of another legislator if the purpose of the contact is to cause the partner, client, customer, or employer, directly or indirectly, to threaten economically that legislator with the intent to influence that legislator in the discharge of the legislator's duties.

(d) Repealed by Session Laws 2006 201, s. 6, effective January 1, 2007.

(e) Violation of subsection (a), (b), or (b1) is a Class F felony. Violation of subsection (c) is not a crime but is punishable under G.S. 120 103.1.

§ 120-86.1. Personnel related action unethical. It shall be unethical for a legislator to take, promise, or threaten any legislative action, as defined in G.S. 120C 100(5), for the purpose of influencing or in retaliation for any action regarding State employee hirings, promotions, grievances, or disciplinary actions subject to Chapter 126 of the General Statutes.

§ 120-87. Disclosure of confidential information.

(a) No legislator shall use or disclose in any way confidential information gained in the course of the legislator's official activities or by reason of the legislator's official position that could result in financial gain for: (i) the legislator; (ii) a business with which the legislator is associated; (iii) a nonprofit corporation or organization with which the legislator is associated; (iv) a member of the legislator's immediate family; or (v) any other person.

(b) Repealed by Session Laws 2006 201, s. 4, effective January 1, 2007. (1975, c. 564, s. 1; 2004 199, s. 31(b); 2006 201, s. 4; 2007 347, s. 1; 2007 484, s. 16.)

§ 120-99. Creation; composition.

(a) The Legislative Ethics Committee is created and shall consist of 12 members, six Senators appointed by the President Pro Tempore of the Senate, and six members of the House of Representatives appointed by the Speaker of the House. The President Pro Tempore of the Senate shall appoint three members from a list of nominees submitted by the majority leader of the Senate and three members from a list of nominees submitted by the minority leader of the Senate. The Speaker of the House shall appoint three members from a list of nominees submitted by the majority leader of the House and three members from a list of nominees submitted by the minority leader of the House. The nominating majority or minority leader shall submit to the person making the appointment a list of twice the number of vacancies on the Committee that are to be filled from that leader's nominees.

(b) The President Pro Tempore of the Senate and the Speaker of the House as the appointing officers shall each designate a cochair of the Legislative Ethics Committee from the respective officer's appointees to serve as cochair for the current General Assembly, and until the cochair's successor is designated. The cochair appointed by the President Pro Tempore of the Senate shall preside over the Legislative Ethics Committee during the odd numbered year, and the cochair appointed by the Speaker of the House shall preside in the even numbered year. A cochair may preside at anytime during the absence of the presiding cochair or upon the presiding cochair's designation. In the event a cochair is unable to act as cochair on a specific matter before the Legislative Ethics Committee, and so indicates in writing to the appointing officer and the Legislative Ethics Committee, the respective officer shall designate from that officer's appointees a member to serve as cochair for that specific matter.

(c) Repealed by Session Laws 2006 201, s. 8, effective January 1, 2007.

(d) The appointments of the President Pro Tempore of the Senate and the Speaker of the House shall ensure that the composition of the Legislative Ethics Committee is bipartisan in equal numbers.

§ 120-100. Term of office; vacancies.

(a) Appointments to the Legislative Ethics Committee shall be made immediately after the convening of the regular session of the General Assembly in odd numbered years. The term of office for members of the Legislative Ethics Committee shall be four years from the date of the convening of the General Assembly in which the member is appointed to the Committee. Members shall not serve two consecutive full terms.

(b) A vacancy occurs on the Legislative Ethics Committee when a member resigns or is no longer a member of the General Assembly. A vacancy occurring for any reason during a term shall be filled for the unexpired term by the authority making the appointment which caused the vacancy, and the person appointed to fill the vacancy shall, if possible, be a member of the

same political party as the member who caused the vacancy, from a list of two nominees submitted by that party's leader.

(c) In the event a member of the Legislative Ethics Committee is unable to act on a specific matter before the Legislative Ethics Committee, and so indicates in writing to the appointing officer and the Legislative Ethics Committee, the appointing officer may appoint another member of the respective chamber from a list of two members submitted by the majority leader or minority leader who nominated the member who is unable to act on the matter to serve as a member of the Legislative Ethics Committee for the specific matter only. If on any specific matter, the number of members of the Legislative Ethics Committee who are unable to act on a specific matter exceeds four members, the appropriate appointing officer shall appoint other members of the General Assembly to serve as members of the Legislative Ethics Committee for that specific matter only.

§ 120-101. Quorum; expenses of members.

(a) Eight members constitute a quorum of the Committee. A vacancy on the Committee does not impair the right of the remaining members to exercise all the powers of the Committee.

(b) The members of the Committee, while serving on the business of the Committee, are performing legislative duties and are entitled to the subsistence and travel allowances to which members of the General Assembly are entitled when performing legislative duties.

§ 120-102. Powers and duties of Committee.

(a) In addition to the other powers and duties specified in this Article, the Committee may:

(1) through (4) Repealed by Session Laws 2006 201, s. 10, effective January 1, 2007.

(5) Prepare a list of ethical principles and guidelines to be used by legislators and legislative employees to identify potential conflicts of interest and prohibited behavior, prepare advisory memoranda to legislators and legislative employees on specific ethical concerns, and suggest rules of conduct that shall be adhered to by legislators and legislative employees.

(5a) Advise each General Assembly committee of specific danger areas where conflicts of interest may exist and to suggest rules of conduct that should be adhered to by committee members in order to avoid conflict.

(6) Advise General Assembly members or render written opinions if so requested by the member about questions of ethics or possible points of conflict and suggested standards of conduct of members upon ethical points raised.

(6a) Review, modify, or overrule advisory opinions issued to legislators by the State Ethics Commission under G.S. 138A 13.

- (7) Propose rules of legislative ethics and conduct. The rules, when adopted by the House of Representatives and the Senate, shall be the standards adopted for that term.
- (8) Upon receipt of information that a legislator owes money to the State and is delinquent in making repayment of such obligation, investigate and dispose of the matter according to the terms of this Article.
- (9) Investigate alleged violations in accordance with G.S. 120 103.1 and hire separate legal counsel, through the Legislative Services Commission, for these purposes.
- (10) Adopt procedures to implement this Article.
- (11) Perform other duties as may be necessary to accomplish the purposes of this Article.

(b) G.S. 120 19.1 through G.S. 120 19.8 shall apply to the proceedings of the Legislative Ethics Committee as if it were a joint committee of the General Assembly, except that both cochairs shall sign all subpoenas on behalf of the Committee. Notwithstanding any other law, every State agency, local governmental agency, and units and subdivisions thereof shall make available to the Committee any documents, records, data, statements or other information, except tax returns or information relating thereto, which the Committee designates as being necessary for the exercise of its powers and duties.

§ 120-103: Repealed by Session Laws 2006 201, s. 11, effective January 1, 2007.

§ 120-103.1. Investigations by the Committee.

(a) Institution of Proceedings. - On its own motion, or upon receipt of a referral of a complaint from the State Ethics Commission under Chapter 138A of the General Statutes, the Committee shall conduct an investigation into any of the following:

- (1) The application or alleged violation of Chapter 138A of the General Statutes and of this Article.
- (2) Repealed by Session Laws 2007 348, s. 2, effective August 9, 2007.
- (3) The alleged violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process.

(a1) Complaints on Its Own Motion. - An investigation initiated by the Committee on its own motion instituted under subsection (a) of this section shall be treated as a complaint for purposes of this section and need not be sworn or verified. Any requirements under this section that require the Committee to notify the complainant shall not apply to complaints taken up by the Committee on its own motion. If the Committee is acting on a complaint referred to the Committee by the Commission where the Commission was acting on its own motion, the Committee shall be deemed to have satisfied the notice requirements by providing notice to the Commission. Any notice provided to the Commission under this section is confidential and shall not be disclosed by the Commission.

(b) Initial Consideration of a Complaint. - All of the following shall apply to the Committee's initial consideration of a complaint:

- (1) The Committee may, in its sole discretion, request additional information to be provided by the complainant within a specified period of time of no less than seven business days.
- (2) The Committee may decline to accept or further investigate a complaint if it determines that any of the following apply:
 - a. The complaint is frivolous or brought in bad faith.
 - b. The individuals and conduct complained of have already been the subject of a prior complaint.
 - c. The conduct complained of is primarily a matter more appropriately and adequately addressed and handled by other federal, State, or local agencies or authorities, including law enforcement authorities. If other agencies or authorities are conducting an investigation of the same actions or conduct involved in a complaint filed under this section, the Committee may stay its complaint investigation pending final resolution of the other investigation.
- (3) Repealed by Session Laws 2009 549, s. 1, effective August 28, 2009.
- (4) Notwithstanding any other provisions of this section, complaints filed with the Committee concerning the conduct of the Lieutenant Governor shall be referred to the State Ethics Commission under Chapter 138A of the General Statutes without investigation by the Committee.

(c) Investigation of Complaints. - The Committee shall investigate all complaints properly before the Committee in a timely manner. Within 60 days of receiving a complaint or a referral of a complaint to the Committee, the Committee shall do at least one of the following:

- (1) Dismiss the complaint.
- (2) Initiate a preliminary investigation of the complaint.
- (3) Refer the complaint for further investigation and a hearing in accordance with subsection (i) of this section.
- (4) Make recommendations to the house in which the legislator who is the subject of the complaint is a member without further investigation, if the referral is from the State Ethics Commission.

(c1) Preliminary Investigation. - The Committee may initiate a preliminary investigation if it determines that the complaint alleges facts sufficient to constitute a violation of matters over which the Committee has jurisdiction as set forth in subsection (a) of this section. In determining whether there is reason to believe that a violation has or may have occurred, a

member of the Committee may take general notice of available information even if not formally provided to the Committee in the form of a complaint. The Committee may utilize the services of a hired investigator when conducting investigations. The Committee shall provide written notification of the initiation of an investigation under this section to the legislator who is the subject of the complaint within 10 days of the date of the Committee's decision to initiate an investigation.

(d) Repealed by Session Laws 2009 549, s. 1, effective August 28, 2009.

(e) Investigation by the Committee of Matters Other Than Complaints. - The Committee may investigate matters other than complaints properly before the Committee under subsection (a) of this section. For any investigation initiated under this subsection, the Committee may take any action it deems necessary or appropriate to further compliance with this Article, including the initiation of a complaint, the issuance of an advisory opinion under G.S. 120 104, or referral to appropriate law enforcement or other authorities pursuant to subdivision (j)(2) of this section.

(f) Legislator Cooperation with Investigation. - Legislators shall promptly and fully cooperate with the Committee in any Committee related investigation. Failure to cooperate fully with the Committee in any investigation shall be grounds for sanctions under this section.

(g) Dismissal of Complaint After Preliminary Investigation. - If the Committee determines at the end of its preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of matters over which the Committee has jurisdiction as set forth in subsection (a) of this section, the Committee shall dismiss the complaint and provide written notice of the dismissal to the individual who filed the complaint and to the legislator against whom the complaint was filed.

(h) Probable Cause Determination. - If at the end of its preliminary investigation, the Committee determines that probable cause exists to proceed with further investigation into the conduct of a legislator, the Committee shall determine the charges that will be the basis for further investigation of the complaint and provide written notice to the individual who filed the complaint and the legislator that the Committee will conduct further investigation and the charges against the legislator. The legislator shall be given an opportunity to file a written response to the charges with the Committee.

(h1) Consideration of Response and Notice of Hearing. - The Committee shall give full and fair consideration to the complaint and to the legislator's response to the complaint. If the Committee determines that the complaint cannot be resolved without further investigation and a hearing, or if the legislator requests a public hearing, the Committee shall hold a hearing on the charges against the legislator. The Committee shall send a notice of the hearing to the complainant and to the legislator. The notice shall contain the charges against the legislator and the time and place for the hearing. The Committee shall begin the hearing no sooner than 15 days and no later than 90 days after the date of the notice of hearing.

(i) Hearing. - All the following shall apply to any hearing on a complaint held by the Committee:

(1) (3) Repealed by Session Laws 2009 549, s. 1, effective August 28, 2009.

- (4) Oral evidence shall be taken only on oath or affirmation.
- (5) The hearing shall be open to the public, except for matters that could otherwise be considered in closed session under G.S. 143 318.11, matters involving minors, or matters involving a personnel record. In any event, the deliberations by the Commission on a complaint may be held in closed session.
- (6) The legislator being investigated shall have the right to present evidence, call and examine witnesses, cross examine witnesses, introduce exhibits, and be represented by counsel.
- (j) Disposition of Investigations. - Except as permitted under subsections (b) and (g) of this section, after the hearing, the Committee shall dispose of the matter before the Committee under this section, in any of the following ways:
- (1) If the Committee finds that the alleged violation is not established by clear and convincing evidence, the Committee shall dismiss the complaint.
 - (2) If the Committee finds that the alleged violation is established by clear and convincing evidence, the Committee shall do one or more of the following:
 - a. Issue a public or private admonishment to the legislator.
 - b. Refer the matter to the Attorney General for investigation and referral to the district attorney for possible prosecution or the appropriate house for appropriate action, or both, if the Committee finds substantial evidence of a violation of a criminal statute.
 - c. Refer the matter to the appropriate house for appropriate action, which may include censure and expulsion.
 - (3) If the Committee issues an admonishment as provided in subdivision (2)a. of this subsection, the legislator affected may, upon written request to the Committee, have the matter referred as provided under subdivision (2)c. of this subsection.
- (k) Effect of Dismissal or Private Admonishment. - If the Committee dismisses a complaint or issues a private admonishment prior to commencing a hearing under subsection (i) of this section, the Committee shall retain its records or findings in confidence, unless the legislator under inquiry requests in writing that the records and findings be made public. If the Committee later finds that a legislator's subsequent unethical activities were similar to and the subject of an earlier private admonishment, then the Committee may make public the earlier admonishment and the records and findings related to it.
- (l) Confidentiality. - Except as provided under subsection (k) of this section, the complaint, response, records, and findings of the Committee connected to an inquiry under this section shall be confidential and not matters of public record, except as otherwise provided in this section or when the legislator under inquiry requests in writing that the complaint, response, and findings be made public. Once a hearing under subsection (i) of this section commences the complaint, response, Committee's report to the house, and all other documents offered at

the hearing in conjunction with the complaint, that are not otherwise privileged or confidential under law, shall be public records. If no hearing is held, at such time as the Committee recommends sanctions to the house of which the legislator is a member, the complaint, response, and Committee's report to the house shall be made public.

(m) Concurrent Jurisdiction. - Any action or lack of action by the Committee under this section shall not limit the right of each house of the General Assembly to discipline or to expel its members.

(n) Reports. - The Committee shall publish annual statistics on complaints filed with or considered by the Committee, including the number of complaints filed, the number of complaints dismissed, the number of complaints resulting in admonishment, the number of complaints referred to the appropriate house for appropriate action, the number of complaints referred for criminal prosecution, and the number and age of complaints pending action by the Committee.

§ 120 104. Advisory opinions.

(a) At the request of any member of the General Assembly, the Committee shall render formal advisory opinions on specific questions involving legislative ethics.

(b) The Committee shall receive and review recommended advisory opinions issued to legislators, except the Lieutenant Governor, by the State Ethics Commission under G.S. 138A 13. The opinion shall not be considered a formal advisory opinion until the advisory opinion is adopted by the Committee. The Committee may modify or overrule the recommended advisory opinions issued to legislators by the State Ethics Commission, and the final action on the opinion by the Committee shall control.

(c) A legislator who acts in reliance on a formal advisory opinion issued by the Committee under this section shall be entitled to the immunity granted under G.S. 138A 13(b).

(d) Staff to the Committee may issue informal, nonbinding advisory opinions under procedures adopted by the Committee.

(e) The Committee may interpret Chapter 138A of the General Statutes as it applies to legislators, except the Lieutenant Governor, and these interpretations are binding on all legislators upon publication.

(f) The Committee shall submit its formal advisory opinions to the State Ethics Commission, and the State Ethics Commission shall publish the Committee's opinions under G.S. 138A 13(d). The Committee shall edit for publication purposes as necessary to protect the identities of the individuals requesting opinions prior to submission to the State Ethics Commission. The Committee may distribute the edited formal advisory opinion to members of the General Assembly prior to publication by the State Ethics Commission.

(g) Except as provided under subsection (f) of this section, a request made by a legislator to the Committee for an advisory opinion, advisory opinions issued under this section, recommended

advisory opinions received from the State Ethics Commission, and any supporting documents submitted or caused to be submitted to the Committee in connection with requests for advisory opinions or recommended advisory opinions are confidential. Neither the identity of the legislator making the request nor the existence of the request may be revealed to any person without the consent of the legislator. A legislator requesting or receiving an advisory opinion may authorize the release to any other person, the State, or any governmental unit of the request, the recommended advisory opinion, the advisory opinion, or any supporting documents.

For purposes of this section, "document" is as defined in G.S. 120 129. Requests for advisory opinions, recommended advisory opinions, advisory opinions issued by the Committee, and any supporting documents are not "public records" as defined in G.S. 132 1.

(h) Requests for advisory opinions may be withdrawn by the requestor at any time prior to the issuance of an advisory opinion.

§ 120 105. Continuing study of ethical questions. The Committee shall conduct continuing studies of questions of legislative ethics including revisions and improvements of this Article and Chapter 138A and Chapter 120C of the General Statutes. The Committee shall report to the General Assembly from time to time recommendations for amendments to the statutes and legislative rules which the Committee deems desirable in promoting, maintaining and effectuating high standards of ethics in the legislative branch of State government.

§ 120 106. Article applicable to presiding officers. The provisions of this Article shall apply to the presiding officers of the General Assembly.

North Dakota – No specific code of ethics

Ohio – Applies generally to any public official or employee

Oklahoma – Applies generally to state officers and employees

Oregon – Applies generally to public officers and employees

Pennsylvania – Applies generally to public officers

Rhode Island – Applies generally to public officers and employees

South Carolina – Applies generally to public officers and employees

Tennessee – Applies generally to the legislative and executive branches

Texas – Applies generally to state officers and employees

Utah

Joint Rule 6: Legislative Ethics and Adjudication of Ethics Complaints

JR § 6-1-101

1. The Utah Legislature consists of people who work part-time and must necessarily earn their living in other jobs and professions.
2. It is necessary to reconcile the functions of privately employed legislators who have their own private interests with the maintenance of high ethical standards and public confidence.
3. In seeking to balance these interests, it is necessary to avoid controls that might be so strict that they discourage capable and honorable persons from entering legislative service.
4. It is recognized that public confidence in the Legislature should be promoted and that competent members should serve in the Legislature even though most of them have private interests of various types.
5. It is also recognized that a citizen legislator is in a different position in doing business with the state and its political subdivisions than a public servant whose chief source of livelihood is derived from public funds.

JR § 6-1-102

1. Each legislator shall comply with the guidelines established in Subsection (2) .
2. In judging members of its house charged with an ethical violation, the Senate and House Ethics Committees shall consider whether or not the member has violated any of the following guidelines:
 - a. Members of the Senate and House shall not engage in any employment or other activity that would destroy or impair their independence of judgment.
 - b. Members of the Senate and House shall not be paid by a person, as defined in JR § 6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.
 - c. Members of the Senate and House shall not exercise any undue influence on any governmental entity.

- d. Members of the Senate and House shall not engage in any activity that would be an abuse of official position or a violation of trust.
 - e. Members of the Senate and House may engage in business or professional activity in competition with others, but shall not use any information obtained by reason of their official position to gain advantage over any competition for activities with the state and its political subdivisions.
 - f. Members of the Senate and House shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official position.
 - g. Members of the Senate and House shall not use their official position to secure privileges for themselves or others.
 - h. While in session, members of the Senate and House shall disclose any conflict of interest on any legislation or legislative matter as provided in JR § 6-1-201 .
 - i. Members of the Senate and House may accept small gifts, awards, or contributions if these favors do not influence them in the discharge of official duties.
 - j. Except as provided in Subsection (3) , members of the Senate and the House may engage in business or professional activities with the state or its political subdivisions if the activities are entered into under the same conditions and in the same manner applicable to any private citizen or company engaged in similar activities.
 - k. Legislators may enter into transactions with the state by contract by following the procedures and requirements of null
- 3.a. As also required by Section 36-19-1 , a legislator, member of the legislator's household, or client may not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator, unless the contract is let in compliance with state procurement policies and is open to the general public.
- b. Besides the penalties authorized by these rules, Section 36-19-1 also provides that any person violating this section is guilty of a class B misdemeanor.

JR § 6-1-201

- 1. As used in this section, "conflict of interest" is as defined in Section 76-8-109 .
- 2. A legislator shall file a financial disclosure form in compliance with Section 76-8-109 and according to the requirements of this section:
 - a. on the first day of each general session of the Legislature; and

- b. each time the legislator changes employment.
3. The financial disclosure form shall include the disclosures required by Section 76-8-109 .
- 4.a. The financial disclosure form shall be filed with:
- i. the Secretary of the Senate, for a legislator that is a Senator; or
 - ii. the Chief Clerk of the House of Representatives, for a legislator that is a Representative.
- b. The Secretary of the Senate and the Chief Clerk of the House of Representatives shall ensure that:
- i. blank financial disclosure forms are made available on the Internet and at the offices of the Senate and the House of Representatives; and
 - ii. financial disclosure forms filed under this rule are made available to the public on the Internet and at the offices of the Senate or the House of Representatives.
- 5.a. Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest which is not stated on the financial disclosure form, that legislator shall orally declare to the committee or body before which the matter is pending:
- i. that the legislator may have a conflict of interest; and
 - ii. what that conflict is.
- b. The Secretary of the Senate or the Chief Clerk of the House of Representatives shall:
- i. direct committee secretaries to note the declaration of conflict of interest in the minutes of any committee meeting; and
 - ii. ensure that each declaration of conflict declared on the floor is noted in the Senate Journal or House Journal.
6. This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.

JR § 6-1-202

1. As used in this section:
- a. "Person" includes an individual, partnership, association, organization, company, and bodies politic and corporate or a lobbyist from any of these.

b. "Person" does not include a person who provides the legislator's primary source of income.

2. If any person provides remuneration to a legislator to compensate that legislator for a loss of salary or income while the Legislature is in session, that legislator shall file a written disclosure identifying:

a. that the legislator receives remuneration; and

b. the name of the person who provides the remuneration.

3.a. The legislator shall file the disclosure by February 1 of each year with:

i. the Secretary of the Senate, if the legislator is a Senator; or

ii. the Chief Clerk of the House of Representatives, if the legislator is a Representative.

b. This disclosure is available to the public.

JR § 6-1-301

1. The Office of Legislative Research and General Counsel shall develop and maintain an ethics training course for members of the Legislature and lobbyists.

2. The ethics training course shall include training materials and exercises that are available on the Internet to legislators, lobbyists, and to the public.

3. The ethics training course shall be designed to assist legislators and lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.

4. The ethics training course shall include provisions for verifying when a legislator or lobbyist has successfully completed key training exercises.

5. A legislator or lobbyist shall successfully complete the key training exercises of the ethics training course once each year or as directed by the Legislative Management Committee.

6. A lobbyist who does not complete the training required by this rule is subject to an ethics complaint under Senate or House rule.

JR § 6-2-101

1. There is established a Senate Ethics Committee and a House Ethics Committee.

2. The Senate Ethics Committee shall be composed of:

- a. the chair and three additional Senators appointed by the President of the Senate; and
 - b. the vice chair and three additional Senators appointed by the Senate minority leader.
3. The House Ethics Committee shall be composed of:
- a. the chair and three additional Representatives appointed by the Speaker of the House of Representatives; and
 - b. the vice chair and three additional Representatives appointed by the House minority leader.
4. A committee member shall serve a two-year term.
- 5.a. If a member of an ethics committee is accused of wrongdoing in a complaint to be reviewed by the committee, or if a member of an ethics committee determines that he or she has a conflict of interest in relation to a complaint to be reviewed by the ethics committee, a member of the Senate or House shall be appointed to temporarily serve in that member's place while the complaint is under review as follows:
- i. except as provided in Subsection (5)(a)(ii) , the member shall be appointed by the person who appointed the member who is being temporarily replaced, consistent with Subsection (2) , for a member of the Senate Ethics Committee, or Subsection (3) , for the House Ethics Committee; or
 - ii. if the person designated to make the appointment under Subsection (5)(a)(i) is accused of wrongdoing in the complaint or determines that he or she has a conflict of interest in relation to the complaint, the appointment shall be made by:
 - A. the Senate majority leader, if the person designated is the President of the Senate;
 - B. the Senate minority whip, if the person designated is the Senate minority leader;
 - C. the House majority leader, if the person designated is the Speaker of the House; or
 - D. the House minority whip, if the person designated is the House minority leader.
- b. The temporary committee member's term ends when the committee has concluded its review of the complaint.

JR § 6-2-102

1. The Senate and House Ethics Committees shall operate as both standing and interim committees.

2. The committees shall meet as necessary, either as called at:
 - a. the discretion of the chair; or
 - b. by a majority vote of the committee.
3. A majority of the committee is a quorum.
4. The staff of each committee consists of:
 - a. the director of the Office of Legislative Research and General Counsel;
 - b. the Legislative General Counsel; and
 - c. any other staff designated by the director or the Legislative General Counsel.

JR § 6-2-201

1. Subject to the requirements of this chapter, the Senate Ethics Committee, the House Ethics Committee, and the Independent Legislative Ethics Commission are authorized to review an ethics complaint against a legislator if the complaint alleges:

- a. a violation of the Code of Official Conduct as provided in JR § 6-1-102 ;
- b. a conviction of, or a plea of guilty to, a crime involving moral turpitude; or
- c. a plea of no contest or a plea in abeyance to a crime involving moral turpitude.

2.a. For an alleged violation under Subsection (1)(a) , the complaint must be filed within two years of the date that the action or omission that forms the basis of the alleged violation occurred or within two years of the date that the action or omission would have been discovered by a reasonable person.

b. For an alleged violation under Subsection (1)(b) or (c) , the complaint shall be filed within two years of the date that the plea or conviction that forms the basis of the allegation was entered.

3.a. A complaint may not contain an allegation if that allegation and the general facts and circumstances supporting that allegation have been previously reviewed by the commission or an ethics committee unless:

- i. the allegation was previously reviewed by the commission and dismissed without being referred to an ethics committee for review;
- ii. the allegation is accompanied by material facts or circumstances supporting the allegation that were not raised or pled to the commission when the allegation was previously reviewed; and

- iii. the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the commission on one previous occasion.
- b. If an allegation in the complaint does not comply with the requirements of Subsection (3)(a) , the allegation shall be summarily dismissed with prejudice by:
 - i. the chair of the Independent Legislative Ethics Commission, when reviewing the complaint under JR § 6-4-101 ; or
 - ii. the commission, when reviewing the complaint under JR § 6-4-201 .

JR § 6-2-202

1. The commission and the committees have jurisdiction only over an individual who is currently serving in the Legislature.
2. The commission and the committees shall dismiss an ethics complaint if the respondent legislator resigns from the Legislature.

JR § 6-2-301

1. In conducting a hearing on a complaint, the Independent Legislative Ethics Commission or the Senate or House Ethics Committee shall comply with the following process in the order specified:
 - a. introduction and instructions for procedure and process, at the discretion of the chair;
 - b. complainants' opening argument, to be presented by a complainant or complainants' counsel;
 - c. complainants' presentation of evidence and witnesses in support of allegations in the complaint;
 - d. consideration of motions to dismiss the complaint or motions for a directed verdict, as applicable;
 - e. respondent's opening argument, to be presented by the respondent or respondent's counsel;
 - f. respondent's presentation of evidence and witnesses refuting allegations in the complaint;
 - g. presentation of rebuttal evidence and witnesses by the complainants, at the discretion of the chair;
 - h. presentation of rebuttal evidence and witnesses by the respondent, at the discretion of the chair;

- i. complainants' closing argument, to be presented by a complainant or complainants' counsel;
 - j. respondent's closing argument, to be presented by the respondent or respondent's counsel;
 - k. deliberations by the commission or committee; and
 - l. adoption of the commission's or committee's findings.
2. The commission or an ethics committee may, in extraordinary circumstances, vary the order contained in Subsection (1) by majority vote and by providing notice to the parties.
3. The chair may schedule the examination of a witness or evidence subpoenaed at the request of the chair or the committee under JR § 6-2-303 at the chair's discretion.

JR § 6-2-302

1. Except as expressly provided otherwise in this title, the chair of the Independent Legislative Ethics Commission and the chair of the Senate or House Ethics Committee is vested with the power to direct the commission or committee during meetings authorized by this title.
2. Unless expressly prohibited from doing so under this title, the commission or committee may overrule a decision of the chair by using the following procedure:
- a. If a member objects to a decision of the chair, that member may appeal the decision by stating:
 - i. "I appeal the decision of the chair."; and
 - ii. the basis for the objection.
 - b. This motion is nondebatable.
 - c. The chair shall direct a roll call vote to determine if the commission or committee supports the decision of the chair.
 - d. A majority vote of the commission or committee is necessary to overrule the decision of the chair.
3. The chair may set time limitations on any part of a meeting or hearing authorized by this title.

JR § 6-2-303

1. For all proceedings authorized by this title, the Independent Legislative Ethics Commission or the Senate or House Ethics Committee may issue a subpoena to:

- a. require the attendance of a witness;
 - b. direct the production of evidence; or
 - c. require both the attendance of a witness and the production of evidence.
2. The commission shall issue a subpoena under this rule:
- a. as required under JR § 6-2-305 ;
 - b. at the direction of the commission chair, if the chair determines that the testimony or evidence is relevant to the review of a complaint under null
 - c. upon a vote of a majority of the commission members.
3. An ethics committee shall issue a subpoena under this rule:
- a. as required under JR § 6-2-305 ;
 - b. at the direction of the committee chair or vice chair, if the chair or vice chair determines that the testimony or evidence is relevant to review of a complaint under null
 - c. upon a vote of a majority of the committee members.
4. The Director of the Office of Legislative Research and General Counsel shall issue a subpoena on behalf of an ethics committee when requested to do so by one of the persons or entities authorized to do so under Subsection (3) .

JR § 6-2-304

- 1.a. The following actions constitute contempt of the Legislature in relation to actions and proceedings under this title:
- i. disobedience to a direction of the commission chair;
 - ii. disobedience to a direction of an ethics committee chair;
 - iii. failure to answer a question during a hearing when directed to do so by:
 - A. the commission chair, unless the direction is overridden by the commission under JR § 6-2-302 ;
 - B. an ethics committee chair, unless the direction is overridden by the committee under JR § 6-2-302 ; or
 - C. a majority of the commission or committee;

- iv. failure to comply with a subpoena or other order issued under authority of this title;
- v. violation of privacy provisions established by JR § 6-3-102 ;
- vi. violation of the communication provisions established by JR § 6-2-306 ;
- vii. violation of a request to comply with a provision of this title by a chair or a majority of the members of the commission or committee; or
- viii. any other ground that is specified in statute or recognized at common law.

b. Because the purpose of the Fifth Amendment privilege not to incriminate oneself is to prevent prosecution for criminal action, it is improper for a witness to invoke the Fifth Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's testimony relates.

2.a. The following persons may authorize an enforcement action against a person in contempt of the Legislature under the provisions of this title:

- i. the commission chair, subject to the provisions of JR § 6-2-302 ;
- ii. members of the commission, by means of a majority vote;
- iii. an ethics committee chair, subject to the provisions of JR § 6-2-302 ; or
- iv. members of an ethics committee, by means of a majority vote.

b. In initiating and pursuing an action against an individual for contempt of the Legislature, the plaintiff shall comply with the procedures and requirements of Section 36-14-5 .

JR § 6-2-305

1.a. The chair shall ensure that each witness listed in the complaint and response is subpoenaed for appearance at the hearing unless:

- i. the witness is unable to be properly identified or located; or
- ii. service is otherwise determined to be impracticable.

b. The chair shall determine the scheduling and order of witnesses and presentation of evidence.

c. The commission or committee may, by majority vote:

- i. overrule the chair's decision not to subpoena a witness under Subsection (1)(a) ;
- ii. modify the chair's determination on the scheduling and order of witnesses under

Subsection (1)(b) ;

- iii. decline to hear or call a witness that has been requested by the complainant or respondent;
- iv. decline to review or consider evidence submitted in relation to an ethics complaint; or
- v. request and subpoena witnesses or evidence according to the procedures of JR § 6-2-303 .

2.a. Each witness shall testify under oath.

b. The chair or the chair's designee shall administer the oath to each witness.

3. After the oath has been administered to the witness, the chair shall direct testimony as follows:

- a. allow the party that has called the witness, or that party's counsel, to question the witness;
- b. allow the opposing party, or that party's counsel, to cross-examine the witness;
- c. allow additional questioning by a party or a party's counsel as appropriate;
- d. give commission or committee members the opportunity to question the witness; and
- e. as appropriate, allow further examination of the witness by the commission or committee, or the parties or their counsel.

4.a. If the witness, a party, or a party's counsel objects to a question, the chair shall:

- i. direct the witness to answer; or
- ii. rule that the witness is not required to answer the question.

b. If the witness declines to answer a question after the chair or a majority of the commission or committee determines that the witness is required to answer the question, the witness may be held in contempt as provided in JR § 6-2-304 .

5.a. The chair or a majority of the members of the commission or committee may direct a witness to furnish any relevant evidence for consideration if the witness has brought the material voluntarily or has been required to bring it by subpoena.

b. If the witness declines to provide evidence in response to a subpoena, the witness may be held in contempt as provided in JR § 6-2-304 .

JR § 6-2-306

1. As used in this section, "third party" means:
 - a. for a member of the Independent Legislative Ethics Commission, a person who is not a member of the commission or staff to the commission; or
 - b. for a member of an ethics committee, a person who is not a member of the committee or staff to the committee.
2. While a complaint is under review by the commission or an ethics committee, a member of that commission or committee may not initiate or consider any communications concerning the complaint with a third party unless:
 - a. the communication is expressly permitted under the procedures established by this title;
or
 - b. the communication is made by the third party, in writing, simultaneously to:
 - i. all members of the commission or committee; and
 - ii. a staff member of the commission or committee.
- 3.a. While the commission is reviewing a complaint under this title, a commission member may communicate outside of the meetings, hearing, or deliberations with another member of, or staff to, the commission, only if the member's communication does not materially compromise the member's responsibility to independently review and make decisions in relation to the complaint.
- b. While a committee is reviewing a complaint under this title, a committee member may communicate outside of the meeting, hearing, or deliberations with another member of, or staff to, the committee, only if the member's communication does not materially compromise the member's responsibility to independently review and make decisions in relation to the complaint.
4. While a complaint is under review by an ethics committee, a member of the commission may not comment publicly or privately about the commission's decision, reasoning, or other matters relating to the ethics complaint, but may provide or refer a questioner to the commission's written recommendation.

JR § 6-2-307

1. A person filing a complaint under this title:
 - a. may, but is not required to, retain legal representation during the complaint review process; and

- b. is responsible for payment of complainants' attorney fees and costs incurred.
- 2.a. A legislator against whom a complaint is filed under this title:
- i. may, but is not required to, retain legal representation during the complaint review process; and
 - ii. is responsible for that legislator's own attorney fees and costs involved, except as provided in Subsection (2)(b) .
- b. The Senate, for a Senator, or the House of Representatives, for a Representative, shall pay the reasonable attorney fees and costs incurred by a legislator against whom a complaint is filed under this title if:
- i. the commission declines to recommend that any allegation in the complaint be reviewed by an ethics committee; or
 - ii. an ethics committee determines that none of the allegations in the complaint that were recommended for review by the commission have been proved.
- 3.a. An attorney participating in a hearing before the commission or an ethics committee shall comply with:
- i. the Rules of Professional Conduct established by the Utah Supreme Court;
 - ii. the procedures and requirements of this title; and
 - iii. the directions of the chairs, commission, and ethics committees.
- b. Violations of Subsection (3)(a) may constitute:
- i. contempt of the Legislature under JR § 6-2-304 ; or
 - ii. a violation of the Rules of Professional Conduct subject to enforcement by the Utah State Bar.

JR § 6-3-101

- 1.a. The following individuals, who shall be referred to as the complainants, may file a complaint against an individual legislator if the complaint meets the requirements of JR § 6-2-201 and Subsection (1)(b) :
- i. two or more members of the House of Representatives, for a complaint against a Representative, provided that the complaint contains evidence or sworn testimony that:
 - A. sets forth facts and circumstances supporting the alleged violation; and

- B. is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence;
 - ii. two or more members of the Senate, for a complaint against a Senator, provided that the complaint contains evidence or sworn testimony that:
 - A. sets forth facts and circumstances supporting the alleged violation; and
 - B. is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence; or
 - iii. two or more registered voters currently residing within Utah, if, for each alleged violation pled in the complaint, at least one of those registered voters has actual knowledge of the facts and circumstances supporting the alleged violation.
 - b. A complainant may file a complaint only against an individual who is serving as a member of the Legislature on the date that the complaint is filed.
- 2. a. Complainants shall file a complaint with the chair of the Independent Legislative Ethics Commission.
 - b. An individual may not file a complaint during the 60 calendar days immediately preceding:
 - i. a regular primary election, if the accused legislator is a candidate in the primary election; or
 - ii. a regular general election in which the accused legislator is a candidate, unless the accused legislator is unopposed in the election.
- 3. The complainants shall ensure that each complaint filed under this rule is in writing and contains the following information:
 - a. the name and position or title of the legislator alleged to be in violation, who shall be referred to as the respondent;
 - b. the name, address, and telephone number of each individual who is filing the complaint;
 - c. a description of each alleged violation, including for each alleged violation:
 - i. a reference to:
 - A. the section of the code of conduct alleged to have been violated; or
 - B. the criminal provision violated and the docket number of the case involving the legislator;
 - ii. the name of the complainant or complainants who have actual knowledge of the facts and circumstances supporting each allegation;

- iii. the facts and circumstances supporting each allegation, which shall be provided by:
 - A. copies of official records or documentary evidence; or
 - B. one or more affidavits, each of which shall comply with the following format:
 - I. the name, address, and telephone number of the signer;
 - II. a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - III. the facts and circumstances testified to by the signer;
 - IV. a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - V. the signature of the signer;
- d. a list of the witnesses that the complainants wish to have called, including for each witness:
 - i. the name, address, and, if available, one or more telephone numbers of the witness;
 - ii. a brief summary of the testimony to be provided by the witness; and
 - iii. a specific description of any documents or evidence complainants desire the witness to produce;
- e. a statement that each complainant:
 - i. has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
 - ii. believes that the complaint is submitted in good faith and not for any improper purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the respondent's reputation, or causing unnecessary expenditure of public funds; and
 - iii. believes the allegations contained in the complaint to be true and accurate; and
- f. the signature of each complainant.

JR § 6-3-102

1.a. Except as provided in Subsection (1)(b) or (c) , a person, including the complainants, the respondent, commission members, a committee chair or vice chair, or staff to the commission

or a committee, may not disclose the existence of a complaint, a response, nor any information concerning any alleged violation that is the subject of a complaint.

b. The restrictions in Subsection (1)(a) do not apply to:

- i. a complaint or response that is publicly released by the commission and referred to an ethics committee for review under the procedures and requirements of JR § 6-4-204 , and the allegations contained in the publicly released complaint or response; or
- ii. the respondent's voluntary disclosure of a finding by the commission that no allegations in a complaint were proved, after that finding is issued by the commission under the procedures and requirements of JR § 6-4-204 .

c. Nothing in this rule prevents a person from disclosing facts or allegations about potential criminal violations to law enforcement authorities.

2. A person who violates the provisions of Subsection (1)(a) is in contempt of the Legislature and proceedings may be initiated to enforce the finding of contempt using the procedures provided in JR § 6-2-304 and Section 36-14-5 .

3. If the existence of an ethics complaint is publicly disclosed during the period that the Independent Legislative Ethics Commission is reviewing the complaint, the complaint shall be summarily dismissed without prejudice.

JR § 6-4-101

1. Within five business days after receipt of a complaint, the staff of the Independent Legislative Ethics Commission, in consultation with the chair of the commission, shall examine the complaint to determine if it is in compliance with JR § 6-2-201 or JR § 6-3-101 .

2.a. If the chair determines that the complaint does not comply with JR § 6-2-201 or JR § 6-3-101 , the chair shall:

i. return the complaint to the first complainant named on the complaint with:

A. a statement detailing the reason for the non-compliance; and

B. a copy of the applicable legislative rules; and

ii. notify the President of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a Senator, or the Speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a Representative, that:

A. a complaint was filed against a member of the Senate or House, respectively, but was returned for non-compliance with legislative rule; and

- B. the fact that a complaint was filed and returned shall be kept confidential until the commission submits its annual summary data report as required by JR § 6-2-104
- b. If a complaint is returned for non-compliance with the requirements of this title, the complainants may file another complaint if the new complaint independently meets the requirements of JR § 6-3-101 , including any requirements for timely filing.
3. If the chair determines that the complaint complies with the requirements of this rule, the chair shall:
- a. accept the complaint;
 - b. notify the President of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a Senator, or the Speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a Representative, that:
 - i. a complaint has been filed against an unidentified member of the Senate or House, respectively;
 - ii. the identity of the legislator and the allegations raised in the complaint are confidential pending the commission's review of the complaint; and
 - iii. the fact that a complaint was filed shall be kept confidential until the commission publicly discloses the existence of the complaint via:
 - A. a recommendation that an allegation in the complaint be heard by a legislative ethics committee; or
 - B. submission of the commission's annual summary data report as required by JR § 6-2-104 ;
 - c. notify each member of the Independent Legislative Ethics Commission that the complaint has been filed and accepted; and
 - d. promptly forward the complaint to the legislator who is the subject of the ethics complaint via personal delivery or a delivery method that provides verification of receipt, together with a copy of the applicable legislative rules and notice of the legislator's deadline for filing a response to the complaint.

JR § 6-4-102. By no later than 10 calendar days after the day on which the complaint is accepted under JR § 6-4-101 , the commission chair shall:

- 1. schedule a commission meeting on a date no later than 60 calendar days after the date on which the committee chair and vice chair accept the complaint;
- 2. place the complaint on the agenda for consideration at that meeting;

3. provide notice of the date, time, and location of the meeting to:
 - a. the members of the commission;
 - b. the first complainant named in the complaint; and
 - c. the respondent; and
4. provide a copy of the complaint to each member of the commission.

JR § 6-4-103

1. The legislator that is the subject of the complaint may file a response to the complaint no later than 30 days after the day on which the legislator receives delivery of the complaint.
2. The respondent shall file the response with the commission and shall ensure that the response is in writing and contains the following information:
 - a. the name, address, and telephone number of the respondent;
 - b. for each alleged violation in the complaint:
 - i. each affirmative defense asserted in response to the allegation, including a general description of each affirmative defense and the facts and circumstances supporting the defense to be provided by one or more affidavits, each of which shall comply with the following format:
 - A. the name, address, and telephone number of the signer;
 - B. a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
 - C. the facts and circumstances testified to by the signer;
 - D. a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - E. the signature of the signer;
 - ii. the facts and circumstances refuting the allegation, which shall be provided by:
 - A. copies of official records or documentary evidence; or
 - B. one or more affidavits, each of which shall comply with the following format:
 - I. the name, address, and telephone number of the signer;
 - II. a statement that the signer has actual knowledge of the facts and

- circumstances alleged in the affidavit;
 - III. the facts and circumstances testified to by the signer;
 - IV. a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
 - V. the signature of the signer;
- c. a list of the witnesses that the respondent wishes to have called, including for each witness:
 - i. the name, address, and, if available, telephone number of the witness;
 - ii. a brief summary of the testimony to be provided by the witness; and
 - iii. a specific description of any documents or evidence the respondent desires the witness to produce;
 - d. a statement that the respondent:
 - i. has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the response; and
 - ii. believes the contents of the response to be true and accurate; and
 - e. the signature of the respondent.
3. Promptly after receiving the response, the commission shall provide copies of the response to:
- a. each member of the commission; and
 - b. the first named complainant on the complaint.

JR § 6-4-201

1. The scope of the Independent Legislative Ethics Commission's review is limited to the alleged violations stated in the complaint.
- 2.a. Before holding the meeting for review of the complaint, the commission chair may schedule a separate meeting of the commission for the purposes of:
 - i. hearing motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures;
 - ii. holding a vote of the commission, with or without the attendance of the parties, on

procedural or commission business matters relating to a complaint; or

iii. reviewing a complaint, with or without the attendance of the parties, to determine if the complaint should be dismissed in whole or in part, by means of a majority vote of the commission, because it pleads facts or circumstances against a legislator that have already been reviewed by the commission or an ethics committee as provided in JR § 6-2-201 .

b. Notwithstanding JR § 6-4-102 , the commission may, by a majority vote, change the date of the meeting for review of the complaint in order to accommodate:

i. a meeting authorized under Subsection (2)(a) ; or

ii. necessary scheduling requirements.

3.a. The commission shall comply with the Utah Rules of Evidence except where the commission determines, by majority vote, that a rule is not compatible with the requirements of this title.

b. The chair shall make rulings on admissibility of evidence consistent with the provisions of JR § 6-2-302 .

4.a. All meetings and hearings authorized in this part are closed to the public.

b. The following individuals may be present during the presentation of testimony and evidence to the commission:

i. the complainants, except that no more than three complainants may be present at one time;

ii. complainants' counsel, if applicable;

iii. the respondent;

iv. the respondent's counsel, if applicable;

v. members of the commission;

vi. staff to the commission;

vii. a witness, while testifying before the commission; and

viii. necessary security personnel.

c. The complainants, respondent, and their respective counsel may be excluded from a portion of the meeting when the commission discusses administrative, procedural, legal, or evidentiary issues by:

i. the order of the chair, subject to override as provided in JR § 6-2-302 ; or

ii. a majority vote of the commission.

d. When the commission deliberates at the conclusion of presentation of testimony and evidence, the commission shall ensure that those deliberations are closed to all persons except for the members of the commission and commission staff.

5. If a majority of the commission determines that a continuance is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of commission members, witnesses, or a party, the commission shall:

a. adjourn and continue the meeting to a future date and time after notice to the parties; and

b. establish that future date and time by majority vote.

JR § 6-4-202

1.a. Except as provided in Subsection (1)(b) , an individual may not use a camera or other recording device in any meeting authorized by this part.

b.i. The commission shall keep an audio or video recording of all portions of each meeting authorized by this part.

ii. If the commission elects, by a majority vote, to release the commission's recommendation in a public meeting, the meeting may, upon a majority vote of the commission, be opened to cameras or other recording devices.

2. In addition to the recording required in Subsection (1) , the chair shall ensure that a record of the meeting or hearing is made, which shall include:

a. official minutes taken during the meeting or hearing, if any;

b. copies of all documents or other items admitted into evidence by the commission;

c. copies of any documents or written orders or rulings issued by the chair or the commission; and

d. any other information that a majority of the commission or the chair directs.

3. Except for the recommendation prepared by the commission, which shall be either a private or public record as determined in JR § 6-4-204 , any recording, testimony, evidence, or other record of a meeting authorized by this part is a private record under Section 63G-2-302 and may not be disclosed.

JR § 6-4-203

1. After each party has presented a closing argument, the commission shall, at the direction of the chair, begin its private deliberations:

- a. immediately after conclusion of the closing arguments; or
 - b. at a future meeting of the commission, on a date and time determined by a majority of the members of the commission.
- 2.a. The chair of the commission shall conduct the deliberations.
- b. Upon a motion made by a commission member, the commission may exclude commission staff from all or a portion of the deliberations by a majority vote of the commission.
- 3.a. During deliberations, for each allegation reviewed by the commission, each member shall determine and cast a vote stating whether the allegation is:
- i. proven by a preponderance of the evidence; or
 - ii. not proven.
- b. A verbal roll call vote shall be taken on each allegation and each member's vote shall be recorded.
- 4.a. A count is not considered to be proven unless four of the five members of the commission vote that the count is proven.
- b. A count that is not considered to be proven is dismissed.
 - c.i. Before the commission issues its recommendation under JR § 6-4-204 , the commission may, upon a majority vote, reconsider and hold a new vote on an allegation.
 - ii. A motion to reconsider a vote may only be made by a member of the commission who voted that the allegation was not proved.
5. At the conclusion of deliberations, the commission shall prepare its recommendations as provided in JR § 6-4-204 .

JR § 6-4-204

1. If the commission determines that no allegations in the complaint were proved, the commission shall:
 - a. issue and enter into the record an order that the complaint is dismissed because no allegations in the complaint were found to have been proved;
 - b. classify all recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings authorized by this part as private records under Section 63G-2-302 ;
 - c. provide notice of the determination, in a manner determined by a majority vote of the

commission, to:

i. the respondent; and

ii. the first complainant named on the complaint; and

d. provide notice to each person named in Subsection (1)(c) that, under the provisions of JR § 6-3-102 and other provisions of this title, a person who discloses the findings of the commission in violation of any provision of this chapter is in contempt of the Legislature and is subject to penalties for contempt.

2. If the commission determines that one or more of the allegations in the complaint were proved, the commission shall:

a. if one or more allegations were not found to have been proven, enter into the record an order dismissing those unproven allegations;

b. prepare a written recommendation to the Senate Ethics Committee, if the respondent is a Senator, or to the House Ethics Committee, if the respondent is a Representative, that:

i. lists the name of each complainant;

ii. lists the name of the respondent;

iii. states the date of the recommendation;

iv. for each allegation that was found to be proven:

A. provides a reference to the code of conduct or criminal provision allegedly violated;

B. states the number and names of commission members voting that the allegation was proved and the number and names of commission members voting that the allegation was not proved;

C. at the option of those members voting that the allegation was proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses; and

D. at the option of those members voting that the allegation was not proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was not proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses;

v. contains any general statement that is adopted for inclusion in the recommendation by a majority of the members of the commission;

vi. contains a statement referring the allegations found to have been proved to the

- appropriate ethics committee for review;
- vii. states the name of each member of the commission; and
- viii. is signed by each commission member;
- c. direct staff to publicly release the recommendation, the complaint, and the response, subject to the redaction of any allegations that were dismissed by the commission; and
- d. classify all other recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings and hearings authorized by this part as private records under Section 63G-2-302 .
3. The commission shall ensure that a copy of the recommendation is made publicly available and promptly provided to:
- a. the respondent, together with notice that the respondent may amend the respondent's witness list as provided in JR § 6-4-301 ;
- b. the first complainant named on the complaint, together with notice that the complainants may amend their witness list as provided in JR § 6-4-301 ; and
- c. the chair and vice chair of the Senate Ethics Committee, if the respondent is a Senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a Representative.
4. The commission shall ensure that, within five business days of the date of issuance of the recommendation:
- a. the complaint and the response are redacted to remove references to those allegations found not to have been proven by the commission, if one or more allegations were found not to have been proven; and
- b. the following documents are made publicly available and are provided to the chair and vice chair of the Senate Ethics Committee, if the respondent is a Senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a Representative:
- i. a cover letter referring the allegations contained in the edited complaint to the ethics committee for the committee's review;
- ii. a copy of the edited complaint;
- iii. a copy of the edited response; and
- iv. a copy of the recommendation.

JR § 6-4-301

1. Within five calendar days of the date that the chair of the Senate Ethics or House Ethics Committee receives the commission's recommendation as provided under JR § 6-4-204 , the chair and vice chair of the committee shall:

- a. schedule a committee hearing to review the complaint on a date no later than 30 days after the day on which the committee receives the recommendation; and
 - b. place the ethics complaint on the agenda for consideration at that hearing.
- 2.a. The complainants may not amend the complaint.
- b. The respondent may not amend the response.
 - c. The complainant and respondent may file with the committee, within 10 days of the date of issuance of the commission's recommendations, an amended list of witnesses and evidence that they wish to have subpoenaed by the committee.

JR § 6-4-302

1. The scope of the committee's review is limited to the alleged violations found to have been proven by the commission, as pled in the edited complaint and the edited response provided by the commission.

2.a. Before holding the hearing for review of the complaint as scheduled in JR § 6-4-301 , the chair may schedule a separate meeting of the committee to:

- i. hear motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures; or
 - ii. hold a vote of the committee, with or without the attendance of the parties, on procedural or committee business matters relating to a complaint.
- b. Notwithstanding JR § 6-4-301 , the committee may, by a majority vote, change the date of the hearing scheduled in JR § 6-4-301 in order to accommodate:
- i. a meeting authorized under Subsection (2)(a) ; or
 - ii. necessary scheduling requirements.

3.a. The committee shall comply with the Utah Rules of Evidence, except where the committee determines, by majority vote, that a rule is not compatible with the requirements of this title.

b. The chair shall make rulings on admissibility of evidence consistent with the provisions of JR § 6-4-202 .

4.a. A meeting or hearing held under this null

b. Only committee members, committee staff, and necessary security personnel may attend a closed meeting.

5. If a majority of the committee determines that a continuance of a meeting or hearing is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of committee members, witnesses, or a party, the chair or committee shall:

- a. adjourn and continue the hearing or meeting to a future date and time; and
- b. establish that future date and time by majority vote.

JR § 6-4-303

1.a. Except as provided in Subsection (1)(b) , an individual may not use a camera or other recording device in any meeting authorized by this part.

b.i. The committee shall keep an audio or video recording of all portions of each meeting authorized by this part.

ii. If the committee elects, by a majority vote, to release the committee's finding and order in a public meeting, that meeting may, upon a majority vote of the committee, be opened to cameras or other recording devices.

2. In addition to the recording required in Subsection (1) , the chair shall ensure that a record of each hearing or meeting is made, which shall include:

- a. official minutes taken during the meeting or hearing, if any;
- b. copies of all documents or other items admitted into evidence;
- c. copies of any documents, written orders, or written rulings issued by the chair or the committee; and
- d. any other information that a majority of the committee or the chair directs.

3.a. Except as provided in Subsection (3)(b) , all recordings, testimony, evidence, and other records of meetings and hearings authorized by this part are public records.

b. All recordings, minutes, and other records produced during a closed meeting authorized under this part are classified as private records under Section 63G-2-302 .

JR § 6-4-304

1. After each party has presented a closing argument, the committee shall deliberate in a closed meeting:

- a. immediately after conclusion of the closing arguments; or
 - b. at a future meeting of the committee, on a date and time determined by a majority of the members of the committee.
2. The chair of the committee shall conduct the deliberations.
3. During the deliberations, committee members may:
 - a. discuss evidence and testimony;
 - b. discuss and debate whether an allegation was proven or not proven;
 - c. discuss and debate what actions should be taken or not taken against the respondent in relation to each allegation;
 - d. discuss and debate any other matter related to the allegations in the complaint that is before the committee; and
 - e. conduct, at the call of the chair or a majority of the members of the committee, a non-binding straw poll on any matter related to the complaint.
- 4.a. Notwithstanding JR § 6-2-306 , and except as provided in Subsection (4)(b) , from the time of completion of closing arguments through the time that the written finding and order are publicly issued, a committee member may not discuss any of the following matters with any other person outside of official committee deliberations:
 - i. the substance or specifics of the allegations, testimony, or evidence of the complaint under review;
 - ii. a committee member's intended vote;
 - iii. a committee member's recommendation for actions to be taken or not taken against the respondent in relation to the complaint; or
 - iv. any other non-administrative matter related to the complaint.
- b. During deliberations, committee members may privately consult with staff for the purpose of discussing legal, evidentiary, or procedural matters.
5. Deliberations shall continue until they are concluded or continued to another date and time:
 - a. at the direction of the chair, subject to JR § 6-2-302 ; or
 - b. upon a motion approved by a majority of the committee members.

JR § 6-4-305

1. After conclusion of the deliberations, the committee shall meet in public and, for each allegation reviewed by the committee, vote on whether the allegation is:
 - a. proven by clear and convincing evidence; or
 - b. not proven.
2. For any count that has been voted as proven, the committee shall, by a motion approved by a majority of the members of the committee, recommend one or more of the following actions:
 - a. censure;
 - b. expulsion;
 - c. denial or limitation of any right, power, or privilege of the respondent, if, under the Utah Constitution, the Senate or House may impose that denial or limitation, and if the violation bears upon the exercise or holding of any right, power, or privilege; or
 - d. any other action that the committee determines is appropriate.
3. Votes shall be taken by verbal roll call and each member's vote shall be recorded.
4. A count is not considered to be proven unless a majority of the committee votes that the count is proven.
5. The committee, by a motion for reconsideration that is approved by a majority of the committee, may reconsider and hold a new vote provided that:
 - a. a motion to reconsider a vote on whether an allegation was proven or not proven may only be made by a member of the committee who voted that the allegation was not proven; and
 - b. a motion to reconsider a vote recommending an action against the respondent may only be made by a member of the committee who voted against the recommendation.
6. A count that is not voted as "proven" by a majority of the members of the committee is dismissed.
7. The committee may close the meeting for the purposes of further deliberations, subject to the requirements of JR § 6-4-304:
 - a. at the direction of the chair, subject to override by the committee as provided in JR § 6-2-302; or
 - b. upon a motion approved by a majority of the members of the committee.
8. After a final vote has been cast on each allegation and recommendation, the committee shall

prepare the finding and order as provided in JR § 6-4-306 .

JR § 6-4-306

1.a. If the committee determines that no allegations in the complaint were proved, the committee shall prepare a finding and order that:

- i. lists the name of each complainant;
- ii. lists the name of the respondent;
- iii. states the date of the finding and order;
- iv. for each allegation contained in the complaint:
 - A. provides a reference to the code of conduct or criminal provision alleged to have been violated; and
 - B. states the number and names of committee members voting that the allegation was proved and the number and names of committee members voting that the allegation was not proved;
- v. order that the complaint is dismissed because no allegations in the complaint were found to have been proved;
- vi. provide any general statement that is adopted for inclusion in the recommendation by a majority of the committee members; and
- vii. states the name of each committee member.

b. Each committee member shall sign the finding and order.

2.a. If the committee determines that one or more allegations in the complaint were proved, the committee shall issue a finding and order that:

- i. lists the name of each complainant;
- ii. lists the name of the respondent;
- iii. states the date of the finding and order;
- iv. for each allegation contained in the complaint:
 - A. provides a reference to the code of conduct or criminal provision alleged to have been violated;
 - B. states the number and names of committee members voting that the allegation was proved and the number and names of committee members voting that the

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allegation was not proved;

C. if the allegation was not found to have been proven, orders that the allegation be dismissed; and

D. if the allegation was found to have been proven, contains:

I. a description of any actions that the committee recommended be taken;

II. the number and names of committee members voting in favor of each recommendation and the number and names of committee members voting against each recommendation;

III. at the option of those members voting in favor of a recommendation, a statement by one or all of those members stating the reasons for making the recommendation; and

IV. at the option of those members against a recommendation, a statement by one or all of those members stating the reasons for opposing the recommendation;

v. contains any general statement that is adopted for inclusion in the finding and order by a majority of the committee members;

vi. contains a statement directing that the finding be delivered to:

A. for the Senate Ethics Committee, to the President of the Senate, the Senate majority leader, and the Senate minority leader; or

B. for the House Ethics Committee, to the Speaker of the House of Representatives, the House majority leader, and the House minority leader; and

vii. states the name of each committee member.

b. Each committee member shall sign the finding and order.

3. A copy of the finding and order shall be made publicly available.

4. A written copy of the finding and order shall be provided to:

a. the respondent;

b. the first complainant named on the complaint; and

c. any individuals required to receive a copy as stated in the finding and order.

JR § 6-5-101

1. The Senate or House shall:
 - a. consider the recommendations of the ethics committee; and
 - b. by a majority vote of that house, either accept, dismiss, or alter these recommendations.
2. If the committee recommends expulsion of a Senator or Representative, acceptance of this recommendation requires a two-thirds vote of all the members elected to the Senate or to the House.

JR § 6-6-101

1. As used in this section, "final decision or order" means a decision or order that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.
 - 2.a. A legislator may not communicate, either verbally or in writing, with a judge in reference to a particular judicial case or proceeding until a final decision or order has been made on the matter.
 - b. Inquiries to the judiciary that are merely technical or logistical in nature should be made with the Administrative Office of the Courts or a clerk of the court.

JR § 6-6-102. The restrictions in this chapter shall not apply to a communication that a legislator makes with the judiciary in the normal course of the legislator's private employment, provided that the legislator does not use his or her status as a legislator in an attempt to unduly influence the judiciary.

Vermont – No specific code of ethics

Virginia – Applies to members of the legislative assembly

Va. Code Ann. § 30-100 et seq.

§ 30-100. Declaration of legislative policy; construction. The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers, finds and declares that the citizens are entitled to be assured that the judgment of the members of the General Assembly will not be compromised or affected by inappropriate conflicts.

This chapter shall apply to the members of the General Assembly.

This chapter shall be liberally construed to accomplish its purpose.

§ 30-101. Definitions. As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency which involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth of Virginia, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from relatives. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the legislator, who is a dependent of the legislator or of whom the legislator is a dependent. "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the legislator, or provides to the legislator, more than one-half of his financial support.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income

that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually; (iv) ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; or (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business.

"Personal interest in a contract" means a personal interest which a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business which is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents any individual or business and such property, business or represented individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

§ 30-102. Application. This article applies to generally prohibited conduct which shall be unlawful.

§ 30-103. Prohibited conduct. No legislator shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid to him by the General Assembly. This prohibition shall not apply to the acceptance of special benefits which may be authorized by law;
2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information which he has acquired by reason of his public position and which is not available to the public;
5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;
7. During the one year after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly or any agency of the legislative branch of government. The prohibitions of this subdivision shall apply only to persons engaged in activities that would require registration as a lobbyist under § 2.2-422. Any person subject to the provisions of this subdivision may apply to the Attorney General, as provided in § 30-122, for an advisory opinion as to the application of the restriction imposed by this subdivision on any post-public employment position or opportunity;
8. Accept any honoraria for any appearance, speech, or article in which the legislator provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time;
9. Accept appointment to serve on a body or board of any corporation, company or other legal entity, vested with the management of the corporation, company or entity, and on which two other members of the General Assembly already serve, which is operated for profit and regulated by the State Corporation Commission as (i) a financial institution, (ii) a mortgage lender or broker, (iii) any business under Chapter 5 (§ 13.1-501 et seq.) of Title 13.1, (iv) any business under Title 38.2, or (v) any business under Title 56;
10. Accept a gift from a person who has interests that may be substantially affected by the performance of the legislator's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the legislator's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties;
or
11. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties.

§ 30-104. Application. This article proscribes certain conduct relating to contracts.

§ 30-105. Prohibited contracts by legislators.

- A. No legislator shall have a personal interest in a contract with the legislative branch of state government.
- B. No legislator shall have a personal interest in a contract with any governmental agency of the executive or judicial branches of state government, other than in a contract of regular employment, unless such contract is awarded as a result of competitive sealed bidding or competitive negotiation as defined in § 2.2-4301.
- C. No legislator shall have a personal interest in a contract with any governmental agency of local government, other than in a contract of regular employment, unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as defined in § 2.2-4301 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision 10 or 11 of § 2.2-4343, or (ii) is awarded after a finding, in writing, by the administrative head of the local governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.
- D. The provisions of this section shall not apply to contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public.
- E. The provisions of this section shall not apply to a legislator's personal interest in a contract between a public institution of higher education in Virginia and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials.

§ 30-106. Further exceptions.

- A. The provisions of § 30-105 shall not apply to:
1. The sale, lease or exchange of real property between a legislator and a governmental agency, provided the legislator does not participate in any way as a legislator in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof. The legislator shall disclose any lease with a state governmental agency in his statement of economic interests as provided in § 30-111;
 2. The publication of official notices;
 3. A legislator whose sole personal interest in a contract with an agency of the legislative branch is by reason of income from the contracting firm or General Assembly in excess of \$10,000 per year, provided the legislator or member of his immediate family does not participate and has no authority to participate in the procurement or letting of the contract on behalf of the contracting firm and the legislator either does not have authority to participate in the procurement or letting of the contract on behalf of the agency or he disqualifies himself as a matter of public record and does not participate on behalf of the agency in negotiating the contract or in approving the contract;

4. Contracts between a legislator's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the legislator has a personal interest, provided he disqualifies himself as a matter of public record and does not participate on behalf of the agency in negotiating the contract or in approving the contract;
5. Contracts for the purchase of goods or services when the contract does not exceed \$500;
or
6. Grants or other payments under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f) (4) of former § 2.1-348 of Chapter 22 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of a legislator and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household, and the annual salary of such subordinate is \$15,000 or more.

§ 30-107. Application. This article relates to conduct by legislators having a personal interest in a transaction.

§ 30-108. Prohibited conduct concerning personal interest in a transaction. A legislator who has a personal interest in a transaction shall disqualify himself from participating in the transaction.

Unless otherwise prohibited by the rules of his house, the disqualification requirement of this section shall not prevent any legislator from participating in discussions and debates, provided (i) he verbally discloses the fact of his personal interest in the transaction at the outset of the discussion or debate or as soon as practicable thereafter and (ii) he does not vote on the transaction in which he has a personal interest.

§ 30-109. Application. This article requires disclosure of certain personal and financial interests by legislators.

§ 30-110. Disclosure.

A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is specified on the form set forth in § 30-111 and thereafter shall file such a statement annually on or before January 8. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided by the clerk of the appropriate house to each legislator and legislator-elect not later than November 30 of each year. Members of the Senate shall file their disclosure forms with the Clerk of the Senate and members of the House of Delegates shall file their disclosure forms with the Clerk of the House of Delegates. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the clerk of the appropriate house.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

§ 30-111. Disclosure form.

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name

Office or position held or sought

Home address

Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity before any state

governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the legislator, or provides to the legislator, more than one-half of his financial support.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from relatives. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the legislator, who is a dependent of the legislator or of whom the legislator is a dependent.

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (i) constitute a waiver of any attorney-client or other privilege, (ii) require a waiver of any attorney-client or other privilege for a third party, or (iii) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships. Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO / / OR check YES / / and complete Schedule A.

2. Personal Liabilities. Do you or a member of your immediate family owe more than \$10,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO / / OR check YES / / and complete Schedule B.

3. Securities. Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO / / OR check YES / / and complete Schedule C.

4. Payments for Talks, Meetings, and Publications. During the past 12 months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO / / OR check YES / / and complete Schedule D.

5. Gifts. During the past 12 months did a business, government, or individual other than a relative or personal friend (i) furnish you with any gift or entertainment at a single event, and the value received by you exceeded \$50 in value or (ii) furnish you with gifts or entertainment in any combination and the value received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50 in value. Account for all business entertainment (except if related to your private profession or occupation) even if unrelated to your official duties.

EITHER check NO / / OR check YES / / and complete Schedule E.

6. Salary and Wages. List each employer that pays you or a member of your immediate family salary or wages in excess of \$10,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here / / .

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7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$10,000 in a business?

EITHER check NO / / OR check YES / / and complete Schedule F-1.

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO / / OR check YES / / and complete Schedule F-2.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past 12 months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO / / OR check YES / / and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past 12 months in excess of \$1,000?

EITHER check NO / / OR check YES / / and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past 12 months? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

EITHER check NO / / OR check YES / / and complete Schedule G-3.

9. Real Estate. Do you or a member of your immediate family hold an interest, including a partnership interest, valued at \$10,000 or more in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H.

10. Real Estate Contracts with State Governmental Agencies. Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past 12 months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO / / OR check YES / / and complete Schedule I.

11. Payments by the Commonwealth for Meetings. During the past 12 months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 from the Commonwealth for a single meeting attended out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for meetings attended in the Commonwealth.

EITHER check NO / / OR check YES / / and complete Schedule D-2.

Statements of Economic Interests are open for public inspection.

AFFIRMATION. In accordance with the rules of the house in which I serve, if I receive a request that this disclosure statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond promptly to the request. I understand that if a determination is made that the statement is insufficient, I will satisfy such request or be subjected to disciplinary action of my house.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____

Commonwealth of Virginia

_____ of _____ to wit:

The foregoing disclosure form was acknowledged before me

This _____ day of _____, 20____, by _____

Notary Public

My commission expires _____

(Return only if needed to complete Statement.)

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SCHEDULES TO STATEMENT OF ECONOMIC INTERESTS

NAME _____

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$10,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one	
	\$10,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor.)	_____	_____
_____	_____	_____
Individual creditors: (State principal business or occupation of each creditor.)	_____	_____
_____	_____	_____

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2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one	
	\$10,001 to \$50,000	More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses: (State principal business activity for each creditor.)	_____	_____
Individual creditors: (State principal business or occupation of each creditor.)	_____	_____
	_____	_____
	_____	_____

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts. "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000. Name each entity and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / / .

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Name of Issuer	Type of Entity	Check one Type of Security (stocks, bonds, mutual funds, etc.)	\$10,001	\$50,001	More
			to	to	than
			\$50,000	\$250,000	\$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past 12 months lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / / .

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Honoraria, Travel reimburse- ment, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past 12 months to you for lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

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If no payment must be listed, check here / / .

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past 12 months, (i) furnished you with any gift or entertainment at a single event and the value received by you exceeded \$50 in value, or (ii) furnished you with gifts or entertainment in any combination and the value received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50 in value. Do not list business entertainment related to your private profession or occupation. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Business, Organization, or Individual	City or County and State	Gift or Event	Approximate Value
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 6

SCHEDULE F-1 - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$10,000.

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If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business Corporation, Partnership, Farm; Address of Rental Property	Nature of Enterprise City or County and State	Gross income (farming, law, rental property, etc.)			
			\$50,000 or less	\$50,001 to \$250,000	More than \$250,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RETURN TO ITEM 8

SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.

Complete this Schedule for each lobbyist relationship with the following:

- (i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or
- (ii) any business in which you have a greater than three percent ownership interest and that business employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

List each person or business	Describe each relationship	Payments to Lobbyist Dates of relationship		
			\$10,000 or less	More than \$10,0001
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE

REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP.

SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past 12 months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received:

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past 12 months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

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Type of Business

Name of State Governmental Agency

_____	_____
_____	_____
_____	_____
_____	_____

SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past 12 months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

	Check if ser- vices were ren- dered	Type of ser- vice ren- dered	Value of Compensation				
			\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
Electric utilities	_____	_____	_____	_____	_____	_____	_____
Gas utilities	_____	_____	_____	_____	_____	_____	_____
Telephone utilities	_____	_____	_____	_____	_____	_____	_____
Water utilities	_____	_____	_____	_____	_____	_____	_____
Cable television companies	_____	_____	_____	_____	_____	_____	_____
Interstate transportation companies	_____	_____	_____	_____	_____	_____	_____
Intrastate transportation companies	_____	_____	_____	_____	_____	_____	_____
Oil or gas retail companies	_____	_____	_____	_____	_____	_____	_____
Banks	_____	_____	_____	_____	_____	_____	_____
Savings institutions	_____	_____	_____	_____	_____	_____	_____

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Loan or finance companies	_____	_____	_____	_____	_____
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	_____	_____	_____	_____	_____
Mining companies	_____	_____	_____	_____	_____
Life insurance companies	_____	_____	_____	_____	_____
Casualty insurance companies	_____	_____	_____	_____	_____
Other insurance companies	_____	_____	_____	_____	_____
Retail companies	_____	_____	_____	_____	_____
Beer, wine or liquor companies or distributors	_____	_____	_____	_____	_____
Trade associations	_____	_____	_____	_____	_____
Professional associations	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H - REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$10,000 or more. Each parcel must be listed individually.

List the location (state, and county or city where you own real estate	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name
_____	_____	_____
_____	_____	_____
_____	_____	_____

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RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past 12 months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at \$10,000 or more. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at \$1,000 or more. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
<hr/>	<hr/>	<hr/>
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B. Any legislator who makes a knowing misstatement of a material fact on the Statement of Economic Interests shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. In accordance with the rules of each house, the Statement of Economic Interests of all members of each house shall be reviewed. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found

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to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

§ 30-112. Senate and House Ethics Advisory Panels; membership; terms; quorum; compensation and expenses.

A. The Senate Ethics Advisory Panel and the House Ethics Advisory Panel are established in the legislative branch of state government. The provisions of §§ 30-112 through 30-119 shall be applicable to each panel.

B. The Senate Ethics Advisory Panel shall be composed of five nonlegislative citizen members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth at large who have not previously held such office. All members of the Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel.

The members shall be nominated by the Committee on Rules of the Senate and confirmed by the Senate. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

C. The House Ethics Advisory Panel shall be composed of five nonlegislative citizen members: one of whom shall be a retired justice or judge of a court of record; two of whom shall be former members of the House of Delegates; and two of whom shall be citizens of the Commonwealth at large, at least one of whom shall not have previously held such office. All members of the Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel.

The members shall be nominated by the Speaker of the House of Delegates and confirmed by the House of Delegates. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

D. Each panel shall elect its own chairman and vice-chairman from among its membership.

E. No member shall serve more than three successive four-year terms. Vacancies shall be filled only for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. Three members shall constitute a quorum on each panel. A vacancy shall not impair the right of the remaining members to exercise all powers of the Panel. Meetings of each panel shall be held at the call of the chairman or whenever the majority of the members so request.

G. The members of each panel, while serving on the business of the Panel, are performing legislative duties and shall be entitled to the compensation and reimbursement of expenses to which members of the General Assembly are entitled when performing legislative duties pursuant to §§ 30-19.12, 2.2-2813 and 2.2-2825. Funding for the cost of compensation and expenses of the members of the Senate Ethics Advisory Panel shall be provided by the Office of the Clerk of the Senate and the funding for the cost of compensation and expenses of the House Ethics Advisory Panel shall be provided by the Office of the Clerk of the House of Delegates.

§ 30-113. Powers and duties of Panel. The powers and duties of the Panel shall be applied and used only in relation to members of the respective house of the General Assembly for which it is created. The Panel shall establish its rules of procedure, including rules for the conduct of open meetings and hearings.

§ 30-113.1. Records. If a complaint is dismissed during the preliminary investigation, such records shall remain confidential and be retained for a period of five years and then destroyed. Records related to a complaint that has proceeded to an inquiry beyond a preliminary investigation shall be made available to the public and retained in a manner prescribed by the Virginia Public Records Act (§ 42.1-76 et seq.).

§ 30-114. Filing of complaints; procedures; disposition.

A. In response to the signed and sworn complaint of any citizen of the Commonwealth, which is subscribed by the maker as true under penalty of perjury, submitted to the Panel, the Panel shall inquire into any alleged violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) of this chapter by any member of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the Director of the Division of Legislative Services, who shall promptly (i) submit the complaint to the chairman of the appropriate Panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The chairman shall promptly notify the Panel of the complaint. No complaint shall be filed with the Panel 60 or fewer days before a primary election or other nominating event or before a general election in which the cited legislator is running for office, and the Panel shall not accept or act on any complaint received during this period.

B. The Panel shall determine, during its preliminary investigation, whether the facts stated in the complaint taken as true are sufficient to show a violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) of this chapter. If the facts, as stated in the complaint, fail to give rise to such a violation, then the Panel shall dismiss the complaint. If the facts, as stated in the complaint, give rise to such a violation, then the Panel shall request that the complainant appear and testify under oath as to the complaint and the allegations therein. After hearing the testimony and reviewing any other evidence provided by the complainant, the Panel shall dismiss the complaint if the Panel fails to find by a preponderance of the evidence that such violation has occurred. If the Panel finds otherwise, it shall proceed with the inquiry.

C. If after such preliminary investigation, the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel (i) shall immediately notify in writing the individual who filed the complaint and the cited legislator as to the fact of the inquiry and the charges against the legislator and (ii) shall schedule one or more hearings on the matter. The legislator shall have the right to present evidence, cross-examine witnesses, face and examine the accuser, and be represented by counsel at any hearings. In its discretion, the Panel may grant the legislator any other rights or privileges not specifically enumerated in this subsection. Once the Panel has determined to proceed with an inquiry, its meetings and hearings shall be open to the public.

D. Once the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel shall complete its investigations and dispose of the matter as provided in § 30-116 notwithstanding the resignation of the legislator during the course of the Panel's proceedings.

§ 30-115. Subpoenas. The Panel may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records. The Panel may apply to the Circuit Court of the City of Richmond to compel obedience to the subpoenas of the Panel. Notwithstanding any other provisions of law, every state and local governmental agency, and units and subdivisions thereof shall make available to the Panel any documents, records, data, statements or other information, except tax returns or information relating thereto, which the Panel designates as being necessary for the exercise of its powers and duties.

§ 30-116. Disposition of cases. Within 120 days of the chairman's forwarding the signed and sworn complaint to the Panel, the Panel, or a majority of its members acting in its name, shall dispose of the matter in one of the following ways:

1. a. If the Panel determines in its preliminary investigation that the complaint is without merit, the Panel shall dismiss the complaint, so advise the complainant and legislator, and take no further action. In such case, the Panel shall retain its records and findings in confidence unless the legislator under inquiry requests in writing that the records and findings be made public.

b. If the Panel determines in the course of its proceedings that the facts and evidence show that the complaint is without merit, the Panel shall dismiss the complaint, so advise the complainant and legislator, and report its action to the Clerk of the appropriate house, for the information of the House or Senate.

2. If the Panel determines that there is a reasonable basis to conclude that the legislator has violated the provisions of this chapter but that the violation was not made knowingly, the Panel shall refer the matter by a written report setting forth its findings and the reasons therefor to the appropriate house of the General Assembly for appropriate action. All Panel reports, which are advisory only, shall be delivered to the Clerk of the appropriate house, who shall refer the report to the Committee on Privileges and Elections in accordance with the rules of the appropriate house. Said Committee shall in all cases report, after due hearings and consideration, its determination of the matter and its recommendations and reasons for its resolves to the appropriate house. If the Committee deems disciplinary action warranted, it shall report a resolution to express such action. The appropriate house as a whole shall then consider the resolution, and if it finds the legislator in violation of any provision of this chapter, it may by recorded vote take such disciplinary action as it deems warranted.

3. If the Panel determines that there is a reasonable basis to conclude that the legislator knowingly violated any provision of Article 2 (§ 30-102 et seq.), 3 (§ 30-104 et seq.), 4 (§ 30-107 et seq.) or 5 (§ 30-109 et seq.) of this chapter, except § 30-108 or subsection C of § 30-110, it shall refer the matter by a written report setting forth its findings and the reasons therefor to the Attorney General for such action he deems appropriate. The Panel shall also file its report with the Clerk of the appropriate house, who shall refer the report in accordance with the rules of his house. In the event the Attorney General determines not to prosecute the alleged violation, he shall notify the Clerk of the appropriate house of his determination and the Clerk shall send the report to the Committee on Privileges and Elections. The matter shall thereafter be handled in accordance with the provisions of subdivision 2.

4. If the Panel determines that there is a reasonable basis to conclude that the legislator has violated § 30-108 or subsection C of § 30-110, it shall refer the matter by a written report to the appropriate house pursuant to subdivision 2. As its first order of business other than organizational matters and committee work, the house in which the member sits shall immediately upon the convening of the next regular or special session take up and dispose of the matter by taking one or more of the following actions: (i) dismiss the complaint; (ii) sustain the complaint and reprimand the member; (iii) sustain the complaint, censure the member, and strip the member of his seniority; (iv) sustain the complaint and expel the member by a two-thirds vote of the elected members; (v) in the event the house finds a knowing violation, it shall refer the matter to the Attorney General pursuant to subdivision 3.

5. The Panel shall make public any report that it makes pursuant to the provisions of subdivision 1 b, 2, 3 or 4 on the date it refers its report.

§ 30-117. Confidentiality of proceedings. All proceedings during the investigation of any complaint by the Panel shall be confidential. This rule of confidentiality shall apply to Panel members and their staff, the Committee on Privileges and Elections and its staff and the Division of Legislative Services.

§ 30-118. Staff for Panel. The Panel may hire staff and outside counsel to assist the Panel and to conduct examinations of witnesses, subject to the approval of the President Pro Tempore of the Senate for the Senate Ethics Advisory Panel and subject to the approval of the Speaker of the House of Delegates for the House Ethics Advisory Panel. The Panel may have the Director

of the Division of Legislative Services, and such additional staff as he may assign, assist the Panel during its preliminary investigation and during its proceedings.

§ 30-119. Jurisdiction of Panel. The Senate and House Ethics Advisory Panels shall have jurisdiction over any complaint alleging a violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) of this chapter that occurs on or after August 1, 1987, and over any complaint alleging a violation of the Comprehensive Conflict of Interests Act occurring after July 1, 1984, and prior to August 1, 1987.

§ 30-120. Senate and House Committees on Standards of Conduct. Either house of the General Assembly may establish, in its rules, a Committee on Standards of Conduct to be appointed as provided in its rules and consisting of three members, one of whom shall be a member of the minority party. The Committee shall consider any request by a member of its house for an advisory opinion as to whether the facts in a particular case would constitute a violation of the provisions of this chapter and may consider other matters assigned to it pursuant to the rules of its house.

§ 30-121. Adoption of rules governing procedures and disciplinary sanctions. Each house of the General Assembly shall adopt rules governing procedures and disciplinary sanctions for members who have committed alleged violations of this chapter.

§ 30-122. Enforcement. The provisions of this chapter shall be enforced by the Attorney General. In addition to any other powers and duties prescribed by law, the Attorney General shall have the following powers and duties:

1. If he determines that any legislator has knowingly violated any provision of this chapter, he shall designate an attorney for the Commonwealth who shall have complete and independent discretion in the prosecution of the legislator; and
2. He shall render advisory opinions to any legislator who seeks advice as to whether the facts in a particular case would constitute a violation of the provisions of this chapter. He shall determine which of his opinions or portions thereof are of general interest to the public and which may, from time to time, be published.

Irrespective of whether an opinion of the Attorney General has been requested and rendered, any legislator has the right to seek a declaratory judgment or other judicial relief as provided by law.

§ 30-123. Knowing violation of chapter a misdemeanor. Any legislator who knowingly violates any of the provisions of Articles 2 through 5 (§§ 30-102 through 30-111) of this chapter shall be guilty of a Class 1 misdemeanor. A knowing violation under this section is one in which the person engages in conduct, performs an act or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter. There shall be no prosecution for a

violation of § 30-108 or subsection C of § 30-110 unless the house in which the member sits has referred the matter to the Attorney General as provided in subdivision 4 of § 30-116.

§ 30-124. Advisory opinions. A legislator shall not be prosecuted or disciplined for a violation of this chapter if his alleged violation resulted from his good faith reliance on a written opinion of a committee on standards of conduct established pursuant to § 30-120, or an opinion of the Attorney General as provided in § 30-122, and the opinion was made after his full disclosure of the facts.

§ 30-125. Invalidation of contract; rescision of sales.

A. Any contract made in violation of § 30-103 or § 30-105 may be declared void and may be rescinded by the contracting or selling governmental authority within five years of the date of the contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of rescision of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase made in violation of § 30-103 or § 30-105 may be rescinded by the contracting or selling governmental agency within five years of the date of the purchase.

§ 30-126. Forfeiture of money, etc., derived from violation of this chapter. In addition to any other fine or penalty provided by law, any money or other thing of value derived by a legislator from a violation of §§ 30-103 through 30-108 shall be forfeited and, in the event of a knowing violation, there may also be imposed a civil penalty in an amount equal to the amount of money or thing of value forfeited to the Commonwealth. If the thing of value received by the legislator in violation of this chapter should enhance in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of forfeiture.

§ 30-127. Criminal prosecutions.

A. Violations of this chapter may be prosecuted notwithstanding the jurisdiction of, or any pending proceeding before, the House or Senate Ethics Advisory Panel.

B. Nothing in this chapter shall limit or affect the application of other criminal statutes and penalties as provided in the Code of Virginia, including but not limited to bribery, embezzlement, perjury, conspiracy, fraud, and violations of the Campaign Finance Disclosure Act Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

§ 30-128. Limitation of actions. The statute of limitations for the criminal prosecution of a legislator for violation of any provision of this chapter shall be one year from the time the Attorney General has actual knowledge of the violation or five years from the date of the violation, whichever event first occurs.

§ 30-129. Venue. Any prosecution for a violation of this chapter shall be brought in the circuit court of the jurisdiction in which the legislator resides, or the jurisdiction in which he resided at the time of the alleged violation if he is no longer a resident of the Commonwealth.

Washington – Applies generally to state officers and employees

West Virginia – Applies generally to public officers and employees

Wisconsin – Applies generally to public officers and state employees

Wyoming – Applies generally to public officials, members, and employees

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Alaska	Statute	Yes (24.60.130 et seq.)	None found.	Shall disclose to the committee close economic association with a registered lobbyist. If married to the lobbyist, additional info. is required. (24.60.070[(a) and (c)])	Yes (24.60.040)	Yes (24.60.050)
Arizona	Both; ARS 38-519 requires each chamber to adopt code within 30 days of session's start	Yes (ARS 38-519)	<u>HOUSE AND SENATE</u> : Shall not intentionally solicit any personal financial benefit with the understanding that official action will be influenced (H.Rules A.1 and S. Rules A.1); shall not knowingly disclose or use information gained in official capacity for personal benefit (H.Rules A.3 and S. Rules A.3). <u>SENATE</u> : Shall not participate in any Senate action if member has a substantial interest (S. Rules A.6)	None found.	Yes (H. Rules A.4; S. Rules A.4)	None found.
Delaware	Statute; defines limitations of Delaware Constitution Art. II, § 20. (29-1001[c])	Yes (29-1003)	Shall disclose to the chamber a personal or private interest in pending legislation and shall not participate in debate nor vote thereon, but may respond to questions. (29-1002)	None found.	None found.	None found.

Attachment 3
HRJC 9-14-10

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Alaska	Shall disclose to the committee name of person represented, subject matter of the representation, and the body/agency involved. Deadlines established. May not represent another for compensation before the legislative branch. (24.60.100)	No unauthorized disclosure of that which is made confidential by law; subject to prosecution (24.60.060)	Shall disclose to the committee close economic associations with a non-legislative supervisor, legislators, public officials required to file financial disclosure statements, lobbyists, legislative employees (24.60.070)	Yes (24.60.080)
Arizona	Shall not appear for a fee on behalf of another person/entity before any public agency for the purpose of influencing agency by use of threat to initiate or take official action adversely against agency. (H. Rules A.5; S. Rules A.5)	No unauthorized disclosure of that which is made confidential by law (H.Rules A.2; S. Rules A.2)	None found.	None found.
Delaware	None found.	None found.	None found.	None found.

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COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Alaska	Yes (24.60.085)	Relatives may not be employed for compensation during Session in the legislator's chamber, by a legislative agency in either chamber, by either chamber during Interim, or by the committee whether or not for compensation. (24.60.090)	None found.	See Representation Cases - Column J	Discrimination (24.60.033) Whistle blower protections (24.60.035) Employee candidacies (24.60.033) Fundraising during Session (24.60.031); Open Meetings (24.60.037)
Arizona	None found.	None found.	None found.	None found.	
Delaware	None found.	None found.	None found.	None found.	

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COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Illinois	Statute (Note: Some sections intended only as a guide. Ch. 127, 3- 206)		May not accept economic opportunity when there is substantial possibility of the intent to influence official conduct; should consider possibility of eliminating the interest creating a conflict situation; others (Ch. 127, 3-102; 3- 103; 3-201; 3-202; 3-303)	May not engage in lobbying for compensation, "other than that provided by law for members of the General Assembly." (Ch. 127, 2-101)	None found.	None found.
Indiana	Statute	Yes (IC 2-2.1-3-5 through IC 2-2.1-3- 7)	May not receive compensation for sale or lease of property or service which substantially exceeds what the member would charge in the ordinary course of business from any person who has an economic interest in a legislative matter (IC 2-2.1-3-10)	Shall file a statement with any lobbyist who has provided more than one-third of the nonlegislative income of the member. (IC 2- 2.1-3-3.5) Statements filed with Lobby Registration Commission, who furnishes them to the House Clerk and Senate Secretary; copies available to members and candidates. (IC 2-2.1-3-4)	None found.	None found.

3-4

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Illinois	May not participate in representation of a case before Court of Claims or Workers' Compensation Commission, when the State is the respondent (exception provided). Should not accept a case unless legislator believes there is merit to the position he/she is asked to represent. Shall, wherever feasible, arrange for others to make appearances before the agency. (Ch. 127, 3-105; 3-106; 3-204; 3-205)	No disclosure of confidential information to further own or other's economic interests (Ch. 127, 3-104)	Guidelines exist for "conflict situations" created by a personal, family, or client legislative interests. Disclosure is not required. (See 3-201 through 3-206.)	Yes (Ch. 127, 2-103)
Indiana	None found.	No member shall accept any compensation ... entered into or made as a result of material, confidential information (IC 2-2.1-3-9)	Must file a statement with Clerk of House or Secretary of Senate (IC 2-2.1-3-2, Version a and Version b: two versions depending on effective date.) Penalty for knowing failure to file or filing false statements. (IC 2-2.1-3-12)	Yes (IC 2-2.1-3-10)

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COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Illinois	Yes (Ch. 127, 2-110)	Guidelines exist for "conflict situations" created by a personal, family, or client legislative interests. Disclosure is not required. (See 3-201 through 3-206.)	Yes (Ch. 127, 3-0107)	Guidelines for conflicts created by personal, family, or client legislative interests. Disclosure not required. (3-201 to 3-206.)	
Indiana	Yes (IC 2-2.1-3-9.5; IC 2-2.1-3-12)	None found.	None found.	None found.	

3-6

2-7
M

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Iowa	Rule (Law requires each chamber to adopt its own ethics code within 30 days of session's start. One resolution/ chamber is included.)	Implied (S. Res. #11; H. Rules #12-17) (NOTE: Contained in generally applied ethics statute)	<u>SENATE</u> : Shall not accept economic or investment opportunity when there is a reasonable possibility it comes with the intent to influence member's official conduct; shall take steps to divest any such previously accepted opportunity and report to the ethics committee; shall not charge to or accept from anyone with a legislative interest a fee or compensation for the sale or lease of any property or services in excess of what the senator would charge another. (S. Res. #1., 2. and 3.) <u>HOUSE</u> : Shall not accept economic/investment opportunity when member knows or should know that the opportunity is offered with intent to influence member's conduct in performance of official duties. Restrictions on excessive charges. (H. Rules #2)	<u>SENATE</u> : With exception of exercising unfettered discretion in supporting/opposing proposed legislation, shall not take action intended to affect economic interests of a lobbyist or citizen supporting or opposing legislation. (S. Res. #7) <u>HOUSE</u> : Shall not act as a paid lobbyist for any organization (exceptions provided). (H. Rules #2[c]) Shall not solicit employment on behalf of the member or another legislator or employee as a lobbyist while the General Assembly is in session. (H. Rules #2[e])	None found.	None found.

3-8

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Iowa	<p><u>SENATE</u>: May appear but shall not act as a lobbyist. Shall carefully avoid all conduct which might lead public to conclude Senator is using their position to further their professional success or personal financial interest. (S. Res. #8) <u>HOUSE</u>: May appear but shall not act as lobbyist re: action on any legislation, rule or executive order. When appearing, shall avoid any conduct which might lead public to conclude member is using official position to further member's professional success or personal financial interest. (H. Rules #3)</p>	<p><u>SENATE</u>: Shall not disclose confidential information to further own or other interests (S. Res. #4) <u>HOUSE</u>: Member shall not disclose or use confidential information acquired in course of official duties in order to further member's own economic interests or those of any other person. (H. Rules #2[c])</p>	<p><u>SENATE</u>: (a) Shall file with Sec. of Senate (within deadline) a financial interest statement, specified in detail. If not filed within deadline, Ethics Committee shall require member to appear before Committee. (S. Res. #11) Shall not accept employment from a PAC. May accept but must disclose employment from political party. (S. Res. #6) <u>HOUSE</u>: Shall file statements required under Section 68B.35 of the Code by Feb. 15 for the prior calendar year. (H. Rules #10)</p>	<p><u>SENATE</u>: Shall not accept employment from a PAC. May accept but must disclose employment from political party. (S. Res. #6) (Also S. Res. #10) <u>HOUSE</u>: Shall not accept employment from a PAC, with exceptions. (H. Rules #2[d]) <u>HOUSE</u>: Shall comply with gift restrictions in Section 68B.22 of the Code. (H. Rules #8) (SEE ATTACHMENT 2)</p>

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Iowa	<p><u>SENATE</u>: Senator shall not accept an honorarium from a restricted donor for a speech, writing for publication, or other similar activity, except as otherwise provided in 68B.23 (S. Res. #5)</p> <p><u>HOUSE</u>: Members and employees shall comply with the restrictions relating to the receipt of honoraria contained in 68B.23 (H. Rules #9)</p> <p>(SEE ATTACHMENT 3)</p>	None found.	<p><u>SENATE AND HOUSE</u>: Factors are provided to guide member in considering conflicts of interest issues, including whether a substantial threat to the member's independence has been created, and the effect on public confidence. (S. Res. #9; H. Rules #4)</p>	<p><u>SENATE</u>: Shall not accept employment from a PAC. May accept but must disclose employment from political party. (S. Res. #6) (Also S. Res. #10) <u>HOUSE</u>: Shall not accept employment from a PAC, with exceptions. (H. Rules #2[d])</p>	<p><u>SENATE AND HOUSE</u>: Factors provided to consider in conflict of interest issues, including whether a substantial threat to the member's independence exists, and the effect on public confidence. (S. Res. #9 and H. Res. #4. Additional factors in House.)</p> <p><u>SENATE AND/OR HOUSE</u>: Travel expense limitations (S. Res. #14 and H. Rules #7). Complaints procedures (S. Res. #15 through #21; H. Rules #12-17) Sexual Harassment (H. Rules #11)</p>

3-10

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**
 (See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Kentucky	Statute (NOTE: Penalties included for most violations.)	Yes (6.651 through 6.716)	Shall not: (1) intentionally use/attempt to use influence as member in any matter involving conflict between personal interest and public duties; (2) use official position/office to obtain financial gain for self, family or business associate; (3) use/attempt to use official position to secure privileges etc. for self or others in direct contravention of the public interest; (4) use public funds, time, personnel for private gain or that of another unless authorized by law; others (6.731) Additional conflict of interest provisions contained in 6.761.	A former legislator shall not be a legislative agent, other than for a public agency, until after 2 years have elapsed since legislator left office. A legislator shall not be a legislative agent. (6.757; definition in 6.611) Nothing in this code shall preclude a legislator's spouse who was employed as a registered lobbyist on Feb. 16, 1993, from continuing this employment. (6.626) Shall not accept a campaign contribution from a legislative agent (6.767)	Yes (6.737 and 6.741); None found.	none greater than \$100 with some exceptions

3-11

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Kentucky	Shall not use or attempt to use any means to influence an agency in direct contravention of public interest. Exceptions included. Shall not appear for compensation before an agency as an expert witness. May, if properly licensed, represent a client before an agency in certain functions and proceedings. Legislator who is licensed who has a licensed partner and whose partner practices cases which legislator is precluded from handling shall report to the Commission. Shall not receive or enter into agreement to receive compensation for services to be rendered in relation to any case before any agency in which compensation is dependent upon action by agency. (6.744)	Shall not intentionally disclose or use confidential information acquired in course of official duties, if primary purpose is to further own economic interest of that of another person. (6.734)	None found.	Yes (6.751; 6.764)

3-12

<u>COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES</u>					
STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Kentucky	Yes (6.747)	Family member shall not be employed/appointed to office or position in Legislative branch and member shall not advocate or cause employment, appointment, transfer, promotion or advancement of family member to position in executive branch. Member shall not participate in any disciplinary action of family member in legislative or executive branch. (6.754) Nothing precludes a legislator's spouse from being employed in some other capacity than a legislative agent by the employer of a legislative agent, or a legislator's spouse who was employed as a registered lobbyist on Feb. 16, 1993, from continuing this employment. (6.626)	None found.	Attorney legislator shall not for compensation maintain an action for the purpose of receiving money damages against the State when the State or a State agency is the principal defendant (6.744 #7)	Extraterritorial application of code (6.621) Ancillary to criminal or penal laws of the State. (6.631) Ethics education, orientation, and current issues seminars (6.701 through 6.716); Restrictions on fundraising (6.731)

3-13

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Maine	Statute; jointly adopted rules (1 § 1023)	Yes (1 § 1002, 1013)	Violation of legislative ethics to vote on a question in connection with a conflict of interest (definition included in statute - legislator or immediate family has direct substantial personal financial interest distinct from that of general public....) (1 § 1014[A], 1016-A, 1016-D)	During the session, legislator cannot intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, or employer; lobbyist cannot give, offer, or promise a contribution (1 § 1015)	Violation of legislative ethics when legislator/family member has direct financial interest or one through a close economic associate in contract with the State..., unless awarded through competitive bidding or exempt therefrom. (1 § 1014(3)[A], 1014(4), 1016-D)	None found.

3-14

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Maine	Violation of legislative ethics to appear for, represent, or advocate on behalf of another before the Legislature unless without compensation and for the benefit of a citizen (1 § 1014(1)[D]); to engage in conduct that constitutes the exertion of undue influence, including representing another person in a matter before a state agency for compensation other than compensation as a legislator, under certain circumstances (1 § 1014(2))	Violation of legislative ethics to use or disclose confidential information obtained because of office or position for the benefit of self or other (1 § 1014(3)[C])	Shall file a statement re: specific sources of income - detail specified; campaign contributions; gifts disclosure; family income; honoraria; representation before state agencies; business with state agencies (1 § 1016-A); liabilities (1 § 11016-B); reports by candidates (1 § 1016-C); bids on government contracts (1 § 1016-D); and interests in offices, trusteeships, directorships etc. (1 § 1016-E).	Violation of legislative ethics if legislator or immediate family member accepts gifts from persons affected by legislation or who have interest in an entity affected by proposed legislation and legislator knows...; if legislator receives compensation not authorized by law for services, advice or assistance as a legislator (1 § 1014(1)[B] and [C]); when member/family accept employment that could impair legislator's judgment.... (re: legislation) (1 § 1014(1)[E]); or member/family has interest in legislation re: personal profession trade, business, etc. (1 § 1014(1)[F])

3-13

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Maine	None found.	None found.	None found.	None found.	May not solicit or accept campaign contributions from lobbyists during Session (1 § 1015[3])

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
New Hampshire	Statute; Ethics Guidelines	Yes (14-B:2)	It is a conflict of interest to have a financial interest in any official activity; must either abstain from participation on the matter or describe the nature of the interest prior to initial participation in the official activity (Guidelines 5); Shall not use or attempt to use official position to obtain a personal privilege, exemption, special treatment, or anything of value (Guidelines 6)	Except within the scope of employment, shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court (Guidelines 6)	None found.	None found.
North Carolina	Statute	Yes (120-99)	None found.	None found.	None found.	None found.

3-16

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
New Hampshire	None found.	Shall not disclose information obtained in the course of official activities or information about agency operations or decisions that would not be available to a member of the general public requesting such information (Guidelines 4). Shall not disclose information acquired in official position to any person or group not entitled to receive such information, nor use such information for personal gain or benefit or the benefit of others (Guidelines 6)	Shall file a financial disclosure form annually with information for any business, profession, or other organization in which the legislator/legislator's family was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity and from which any income in excess of \$10,000 was derived; statement of any additional financial interests (14-B:8)	Yes (Guidelines 4, 6)
North Carolina	None found.	Shall not use or disclose any confidential information gained in the course of official activities or by reason of the position that could result in financial gain for the legislator, a business with which the legislator is associated, a member of the legislator's immediate family, or any other person (120-87)	None found.	Yes (120-86)

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COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
New Hampshire	Yes (Guidelines 6)	None found.	None found.	None found.	
North Carolina	None found.	None found.	None found.	None found.	

3-18

3-19

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Utah	Statute and Joint Rule	None found.	Conflict of interest when action may create a direct personal financial benefit or detriment; must file a financial disclosure form annually and for any unlisted interests, must declare a conflict before or during any vote on legislation or any legislative matter in which legislator has actual knowlege of a conflict of interest (6-1-201)	Shall not be paid to lobby, consult, or to further the interests of any legislation or legislative matter (6-1-102)	Yes (6-1-102)	None found.
Virginia	Statute	Yes (30-112)	None found.	None found.	Yes (30-105)	None found.

3-20

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Utah	None found.	Shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official positions (6-1-102)	Shall file a financial disclosure form (6-1-201)	Yes (6-1-102)
Virginia	During the one year after termination of service as a legislator, shall not represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the legislature or any agency of the legislative branch (30-103)	Shall not use for his own economic benefit or that of another party confidential information acquired by reason of public position and which is not available to the public (30-103)	Shall file a disclosure statement of personal economic interests (30-110)	Yes (30-103)

<u>COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES</u>					
STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Utah	None found.	None found.	Yes (6-1-102)	None found.	
Virginia	Yes (30-103)	None found.	None found.	None found.	

ATTACHMENT 1

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES
Spreadsheet Parameters

- (1.) Contains only those states that have *statutorily required* ethics codes *specific to legislators*.

- (2.) Each legislator-only ethics code may not contain all ethics requirements for legislators in that state. "None found" in a cell for a particular state means a requirement or limitation is not contained in the legislator-only ethics code for that state, but it may be contained in a general public officials ethics code.
* Example: Arizona's generally applied ethics code, not the rules pertaining only to legislators, contains the nepotism statute.

- (3.) Other states may have ethics codes that apply generally to public agencies and officials.
* Example: Kansas' ethics code applies to state agencies and officials in general, including legislators.

- (4.) Some columns contain more detailed information than others. All columns contain references to the relevant statutes or rules, which are printed in the accompanying booklet.

- (5.) Columns containing information are summaries only of the statutes or rules.

- (6.) Detailed information may not include existing limitations or restrictions regarding legislative employees.

68B.22 Gifts accepted or received.

1. Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

2. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or a series of gifts to a public official, public employee, or candidate.

3. A restricted donor may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale. A person subject to section 8.7 that receives a gift pursuant to this subsection shall file a report pursuant to section 8.7.

4. Notwithstanding subsections 1 and 2, the following gifts may be received by public officials, public employees, candidates, or members of the immediate family of public officials, public employees, or candidates:

- a. Contributions to a candidate or a candidate's committee.
- b. Informational material relevant to a public official's or public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
- c. Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
- d. An inheritance.
- e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to functions described under paragraph "s".
- f. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.
- g. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.
- h. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.
- i. Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service.
- j. Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- k. Items or services solicited by or given to a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.
- l. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.
- m. Funeral flowers or memorials to a church or nonprofit organization.

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Statutes (Code Chapters & Sections)/2009 Merged Iowa Code and Supplement/TITLE II ELECTIONS AND OFFICIAL DUTIES/SUBTITLE 2 PUBLIC OFFICERS AND EMPLOYEES/CHAPTER 68B GOVERNMENT ETHICS AND LOBBYING/68B.23 Honoraria — banned.

68B.23 Honoraria — banned.

1. Except as provided in subsection 2, a public official or public employee shall not seek or accept an honorarium from a restricted donor.

2. A public official or public employee may accept an honorarium from any person under the following circumstances:

a. The honorarium consists of payment of actual expenses of a donee for registration, food, beverages, travel, and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the recipient has participation or presentation responsibilities.

b. The honorarium consists of a nonmonetary item or series of nonmonetary items that the public official or public employee donates within thirty days to a public body, a bona fide educational or charitable organization, or the department of administrative services as provided in section 68B.22, subsection 3.

c. The honorarium consists of a payment made to a public official or public employee for services rendered as part of a bona fide private business, trade, or profession in which the public official or public employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee, but, rather, because of some special expertise or other qualification.

92 Acts, ch 1228, §10; 93 Acts, ch 163, §7; 2003 Acts, ch 145, §28c.

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Alaska	Statute	Yes (24.60.130 et seq.)	None found.	Shall disclose to the committee close economic association with a registered lobbyist. If married to the lobbyist, additional info. is required. (24.60.070[(a) and (c)])	Yes (24.60.040)	Yes (24.60.050)
Arizona	Both; ARS 38-519 requires each chamber to adopt code within 30 days of session's start	Yes (ARS 38-519)	<u>HOUSE AND SENATE</u> : Shall not intentionally solicit any personal financial benefit with the understanding that official action will be influenced (H.Rules A.1 and S. Rules A.1); shall not knowingly disclose or use information gained in official capacity for personal benefit (H.Rules A.3 and S. Rules A.3). <u>SENATE</u> : Shall not participate in any Senate action if member has a substantial interest (S. Rules A.6)	None found.	Yes (H. Rules A.4; S. Rules A.4)	None found.
Delaware	Statute; defines limitations of Delaware Constitution Art. II, § 20. (29-1001(c))	Yes (29-1003)	Shall disclose to the chamber a personal or private interest in pending legislation and shall not participate in debate nor vote thereon, but may respond to questions. (29-1002)	None found.	None found.	None found.

*cut in state
with in provisions*

*Attachment 4
HRJC 9-14-10*

4-2

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**
 (See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Illinois	Statute (Note: Some sections intended only as a guide. Ch. 127, 3-206)		May not accept economic opportunity when there is substantial possibility of the intent to influence official conduct; should consider possibility of eliminating the interest creating a conflict situation; others (Ch. 127, 3-102; 3-103; 3-201; 3-202; 3-303)	May not engage in lobbying for compensation, "other than that provided by law for members of the General Assembly." (Ch. 127, 2-101)	None found.	None found.
Indiana	Statute	Yes (IC 2-2.1-3-5 through IC 2-2.1-3-7)	May not receive compensation for sale or lease of property or service which substantially exceeds what the member would charge in the ordinary course of business from any person who has an economic interest in a legislative matter (IC 2-2.1-3-10)	Shall file a statement with any lobbyist who has provided more than one-third of the nonlegislative income of the member. (IC 2-2.1-3-3.5) Statements filed with Lobby Registration Commission, who furnishes them to the House Clerk and Senate Secretary; copies available to members and candidates. (IC 2-2.1-3-4)	None found.	None found.

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Iowa	Rule (Law requires each chamber to adopt its own ethics code within 30 days of session's start. One resolution/ chamber is included.)	Implied (S. Res. #11; H. Rules #12-17) (NOTE: Contained in generally applied ethics statute)	<u>SENATE:</u> Shall not accept economic or investment opportunity when there is a reasonable possibility it comes with the intent to influence member's official conduct; shall take steps to divest any such previously accepted opportunity and report to the ethics committee; shall not charge to or accept from anyone with a legislative interest a fee or compensation for the sale or lease of any property or services in excess of what the senator would charge another. (S. Res. #1, 2, and 3.) <u>HOUSE:</u> Shall not accept economic/investment opportunity when member knows or should know that the opportunity is offered with intent to influence member's conduct in performance of official duties. Restrictions on excessive charges. (H. Rules #2)	<u>SENATE:</u> With exception of exercising unfettered discretion in supporting/opposing proposed legislation, shall not take action intended to affect economic interests of a lobbyist or citizen supporting or opposing legislation. (S. Res. #7) <u>HOUSE:</u> Shall not act as a paid lobbyist for any organization (exceptions provided). (H. Rules #2[c]) Shall not solicit employment on behalf of the member or another legislator or employee as a lobbyist while the General Assembly is in session. (H. Rules #2[e])	None found.	None found.

4-4

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Kentucky	Statute (NOTE: Penalties included for most violations.)	Yes (6.651 through 6.716)	Shall not: (1) intentionally use/attempt to use influence as member in any matter involving conflict between personal interest and public duties; (2) use official position/office to obtain financial gain for self, family or business associate; (3) use/attempt to use official position to secure privileges etc. for self or others in direct contravention of the public interest; (4) use public funds, time, personnel for private gain or that of another unless authorized by law; others (6.731) Additional conflict of interest provisions contained in 6.761.	A former legislator shall not be a legislative agent, other than for a public agency, until after 2 years have elapsed since legislator left office. A legislator shall not be a legislative agent. (6.757; definition in 6.611) Nothing in this code shall preclude a legislator's spouse who was employed as a registered lobbyist on Feb. 16, 1993, from continuing this employment. (6.626) Shall not accept a campaign contribution from a legislative agent (6.767)	Yes (6.737 and 6.741); None found. none greater than \$100 with some exceptions	None found.

4-5

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Maine	Statute; jointly adopted rules (1 § 1023)	Yes (1 § 1002, 1013)	Violation of legislative ethics to vote on a question in connection with a conflict of interest (definition included in statute - legislator or immediate family has direct substantial personal financial interest distinct from that of general public....) (1 § 1014[A], 1016-A, 1016-D)	During the session, legislator cannot intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, or employer; lobbyist cannot give, offer, or promise a contribution (1 § 1015)	Violation of legislative ethics when legislator/family member has direct financial interest or one through a close economic associate in contract with the State..., unless awarded through competitive bidding or exempt therefrom. (1 § 1014(3)[A], 1014(4), 1016-D)	None found.

4-6

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
New Hampshire	Statute; Ethics Guidelines	Yes (14-B:2)	It is a conflict of interest to have a financial interest in any official activity; must either abstain from participation on the matter or describe the nature of the interest prior to initial participation in the official activity (Guidelines 5); Shall not use or attempt to use official position to obtain a personal privilege, exemption, special treatment, or anything of value (Guidelines 6)	Except within the scope of employment, shall not provide any service to a lobbyist or any other person with a direct personal interest in any matter or action pending before the General Court (Guidelines 6)	None found.	None found.
North Carolina	Statute	Yes (120-99)	None found.	None found.	None found.	None found.

4-7

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

(See Attachment 1 for Spreadsheet Parameters)

STATE	CONTAINED IN RULE/ STATUTE	LEGISLATIVE ETHICS COMMITTEE(S) REQUIRED	PERSONAL OR PRIVATE FINANCIAL INTERESTS	LOBBYISTS/ LOBBYING RESTRICTIONS	PARTICIPATING/ HAVING INTEREST IN PUBLIC LEASES OR CONTRACTS	PARTICIPATING IN STATE BENEFIT PROGRAMS/ LOANS
Utah	Statute and Joint Rule	None found.	Conflict of interest when action may create a direct personal financial benefit or detriment; must file a financial disclosure form annually and for any unlisted interests, must declare a conflict before or during any vote on legislation or any legislative matter in which legislator has actual knowlege of a conflict of interest (6-1-201)	Shall not be paid to lobby, consult, or to further the interests of any legislation or legislative matter (6-1-102)	Yes (6-1-102)	None found.
Virginia	Statute	Yes (30-112)	None found.	None found.	Yes (30-105)	None found.

4-8

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Alaska	Shall disclose to the committee name of person represented, subject matter of the representation, and the body/agency involved. Deadlines established. May not represent another for compensation before the legislative branch. (24.60.100)	No unauthorized disclosure of that which is made confidential by law; subject to prosecution (24.60.060)	Shall disclose to the committee close economic associations with a non-legislative supervisor, legislators, public officials required to file financial disclosure statements, lobbyists, legislative employees (24.60.070)	Yes (24.60.080)
Arizona	Shall not appear for a fee on behalf of another person/entity before any public agency for the purpose of influencing agency by use of threat to initiate or take official action adversely against agency. (H. Rules A.5; S. Rules A.5)	No unauthorized disclosure of that which is made confidential by law (H.Rules A.2; S. Rules A.2)	None found.	None found.
Delaware	None found.	None found.	None found.	None found.

4-9

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Illinois	May not participate in representation of a case before Court of Claims or Workers' Compensation Commission, when the State is the respondent (exception provided). Should not accept a case unless legislator believes there is merit to the position he/she is asked to represent. Shall, wherever feasible, arrange for others to make appearances before the agency. (Ch. 127, 3-105; 3-106; 3-204; 3-205)	No disclosure of confidential information to further own or other's economic interests (Ch. 127, 3-104)	Guidelines exist for "conflict situations" created by a personal, family, or client legislative interests. Disclosure is not required. (See 3-201 through 3-206.)	Yes (Ch. 127, 2-103)
Indiana	None found.	No member shall accept any compensation ... entered into or made as a result of material, confidential information (IC 2-2.1-3-9)	Must file a statement with Clerk of House or Secretary of Senate (IC 2-2.1-3-2, Version a and Version b: two versions depending on effective date.) Penalty for knowing failure to file or filing false statements. (IC 2-2.1-3-12)	Yes (IC 2-2.1-3-10)

4-10

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Iowa	<p><u>SENATE:</u> May appear but shall not act as a lobbyist. Shall carefully avoid all conduct which might lead public to conclude Senator is using their position to further their professional success or personal financial interest. (S. Res. #8) <u>HOUSE:</u> May appear but shall not act as lobbyist re: action on any legislation, rule or executive order. When appearing, shall avoid any conduct which might lead public to conclude member is using official position to further member's professional success or personal financial interest. (H. Rules #3)</p>	<p><u>SENATE:</u> Shall not disclose confidential information to further own or other interests (S. Res. #4) <u>HOUSE:</u> Member shall not disclose or use confidential information acquired in course of official duties in order to further member's own economic interests or those of any other person. (H. Rules #2[c])</p>	<p><u>SENATE:</u> (a) Shall file with Sec. of Senate (within deadline) a financial interest statement, specified in detail. If not filed within deadline, Ethics Committee shall require member to appear before Committee. (S. Res. #11) Shall not accept employment from a PAC. May accept but must disclose employment from political party. (S. Res. #6) <u>HOUSE:</u> Shall file statements required under Section 68B.35 of the Code by Feb. 15 for the prior calendar year. (H. Rules #10)</p>	<p><u>SENATE:</u> Shall not accept employment from a PAC. May accept but must disclose employment from political party. (S. Res. #6) (Also S. Res. #10) <u>HOUSE:</u> Shall not accept employment from a PAC, with exceptions. (H. Rules #2[d]) <u>HOUSE:</u> Shall comply with gift restrictions in Section 68B.22 of the Code. (H. Rules #8) (SEE ATTACHMENT 2)</p>

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COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Kentucky	Shall not use or attempt to use any means to influence an agency in direct contravention of public interest. Exceptions included. Shall not appear for compensation before an agency as an expert witness. May, if properly licensed, represent a client before an agency in certain functions and proceedings. Legislator who is licensed who has a licensed partner and whose partner practices cases which legislator is precluded from handling shall report to the Commission. Shall not receive or enter into agreement to receive compensation for services to be rendered in relation to any case before any agency in which compensation is dependent upon action by agency. (6.744)	Shall not intentionally disclose or use confidential information acquired in course of official duties, if primary purpose is to further own economic interest of that of another person. (6.734)	None found.	Yes (6.751; 6.764)

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COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Maine	Violation of legislative ethics to appear for, represent, or advocate on behalf of another before the Legislature unless without compensation and for the benefit of a citizen (1 § 1014(1)[D]); to engage in conduct that constitutes the exertion of undue influence, including representing another person in a matter before a state agency for compensation other than compensation as a legislator, under certain circumstances (1 § 1014(2))	Violation of legislative ethics to use or disclose confidential information obtained because of office or position for the benefit of self or other (1 § 1014(3)[C])	Shall file a statement re: specific sources of income - detail specified; campaign contributions; gifts disclosure; family income; honoraria; representation before state agencies; business with state agencies (1 § 1016-A); liabilities (1 § 11016-B); reports by candidates (1 § 1016-C); bids on government contracts (1 § 1016-D); and interests in offices, trusteeships, directorships etc. (1 § 1016-E).	Violation of legislative ethics if legislator or immediate family member accepts gifts from persons affected by legislation or who have interest in an entity affected by proposed legislation and legislator knows...; if legislator receives compensation not authorized by law for services, advice or assistance as a legislator (1 § 1014(1)[B] and [C]); when member/family accept employment that could impair legislator's judgment.... (re: legislation) (1 § 1014(1)[E]); or member/family has interest in legislation re: personal profession trade, business, etc. (1 § 1014(1)[F])

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
New Hampshire	None found.	Shall not disclose information obtained in the course of official activities or information about agency operations or decisions that would not be available to a member of the general public requesting such information (Guidelines 4). Shall not disclose information acquired in official position to any person or group not entitled to receive such information, nor use such information for personal gain or benefit or the benefit of others (Guidelines 6)	Shall file a financial disclosure form annually with information for any business, profession, or other organization in which the legislator/legislator's family was an employee, officer, director, associate, partner, or proprietor, or served in any other professional or advisory capacity and from which any income in excess of \$10,000 was derived; statement of any additional financial interests (14-B:8)	Yes (Guidelines 4, 6)
North Carolina	None found.	Shall not use or disclose any confidential information gained in the course of official activities or by reason of the position that could result in financial gain for the legislator, a business with which the legislator is associated, a member of the legislator's immediate family, or any other person (120-87)	None found.	Yes (120-86)

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COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	REPRESENTING CASES BEFORE STATE AGENCIES/ REPRESENTING ANOTHER PERSON	USE OF CONFIDENTIAL INFORMATION	DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS/ ECONOMIC INTERESTS	GIFTS, COMPENSATION
Utah	None found.	Shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official positions (6-1-102)	Shall file a financial disclosure form (6-1-201)	Yes (6-1-102)
Virginia	During the one year after termination of service as a legislator, shall not represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the legislature or any agency of the legislative branch (30-103)	Shall not use for his own economic benefit or that of another party confidential information acquired by reason of public position and which is not available to the public (30-103)	Shall file a disclosure statement of personal economic interests (30-110)	Yes (30-103)

4-15

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Alaska	Yes (24.60.085)	Relatives may not be employed for compensation during Session in the legislator's chamber, by a legislative agency in either chamber, by either chamber during Interim, or by the committee whether or not for compensation. (24.60.090)	None found.	See Representation Cases - Column J	Discrimination (24.60.033) Whistle blower protections (24.60.035) Employee candidacies (24.60.033) Fundraising during Session (24.60.031); Open Meetings (24.60.037)
Arizona	None found.	None found.	None found.	None found.	
Delaware	None found.	None found.	None found.	None found.	

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COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Illinois	Yes (Ch. 127, 2-110)	Guidelines exist for "conflict situations" created by a personal, family, or client legislative interests. Disclosure is not required. (See 3-201 through 3-206.)	Yes (Ch. 127, 3-0107)	Guidelines for conflicts created by personal, family, or client legislative interests. Disclosure not required. (3-201 to 3-206.)	
Indiana	Yes (IC 2-2.1-3-9.5; IC 2-2.1-3-12)	None found.	None found.	None found.	

4-17

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Iowa	<p><u>SENATE:</u> Senator shall not accept an honorarium from a restricted donor for a speech, writing for publication, or other similar activity, except as otherwise provided in 68B.23 (S. Res. #5)</p> <p><u>HOUSE:</u> Members and employees shall comply with the restrictions relating to the receipt of honoraria contained in 68B.23 (H. Rules #9)</p> <p>(SEE ATTACHMENT 3)</p>	None found.	<p><u>SENATE AND HOUSE:</u> Factors are provided to guide member in considering conflicts of interest issues, including whether a substantial threat to the member's independence has been created, and the effect on public confidence. (S. Res. #9; H. Rules #4)</p>	<p><u>SENATE:</u> Shall not accept employment from a PAC. May accept but must disclose employment from political party. (S. Res. #6) (Also S. Res. #10) <u>HOUSE:</u> Shall not accept employment from a PAC, with exceptions. (H. Rules #2[d])</p>	<p><u>SENATE AND HOUSE:</u> Factors provided to consider in conflict of interest issues, including whether a substantial threat to the member's independence exists, and the effect on public confidence. (S. Res. #9 and H. Res. #4. Additional factors in House.)</p> <p><u>SENATE AND/OR HOUSE:</u> Travel expense limitations (S. Res. #14 and H. Rules #7). Complaints procedures (S. Res. #15 through #21; H. Rules #12-17) Sexual Harassment (H. Rules #11)</p>

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COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Kentucky	Yes (6.747)	<p>Family member shall not be employed/appointed to office or position in Legislative branch and member shall not advocate or cause employment, appointment, transfer, promotion or advancement of family member to position in executive branch. Member shall not participate in any disciplinary action of family member in legislative or executive branch. (6.754) Nothing precludes a legislator's spouse from being employed in some other capacity than a legislative agent by the employer of a legislative agent, or a legislator's spouse who was employed as a registered lobbyist on Feb. 16, 1993, from continuing this employment. (6.626)</p>	None found.	<p>Attorney legislator shall not for compensation maintain an action for the purpose of receiving money damages against the State when the State or a State agency is the principal defendant (6.744 #7)</p>	<p>Extraterritorial application of code (6.621) Ancillary to criminal or penal laws of the State. (6.631) Ethics education, orientation and current issues seminars (6.701 through 6.716); Restrictions on fundraising (6.731)</p>

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COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Maine	None found.	None found.	None found.	None found.	May not solicit or accept campaign contributions from lobbyists during Session (1 § 1015[3])

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COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES					
STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
New Hampshire	Yes (Guidelines 6)	None found.	None found.	None found.	
North Carolina	None found.	None found.	None found.	None found.	

COMPARISON ACROSS STATES THAT HAVE ***LEGISLATOR-ONLY*** ETHICS CODES

STATE	EARNED INCOME AND HONORARIA	NEPOTISM RESTRICTIONS	CONDUCT UNBECOMING WHICH IS A BREACH OF PUBLIC TRUST	REPRESENTING ANOTHER FOR COMPENSATION	OTHER
Utah	None found.	None found.	Yes (6-1-102)	None found.	
Virginia	Yes (30-103)	None found.	None found.	None found.	

ATTACHMENT 1

COMPARISON ACROSS STATES THAT HAVE *LEGISLATOR-ONLY*** ETHICS CODES**
Spreadsheet Parameters

- (1.) Contains only those states that have *statutorily required* ethics codes *specific to legislators* .

- (2.) Each legislator-only ethics code may not contain all ethics requirements for legislators in that state. "None found" in a cell for a particular state means a requirement or limitation is not contained in the legislator-only ethics code for that state, but it may be contained in a general public officials ethics code.
* Example: Arizona's generally applied ethics code, not the rules pertaining only to legislators, contains the nepotism statute.

- (3.) Other states may have ethics codes that apply generally to public agencies and officials.
* Example: Kansas' ethics code applies to state agencies and officials in general, including legislators.

- (4.) Some columns contain more detailed information than others. All columns contain references to the relevant statutes or rules, which are printed in the accompanying booklet.

- (5.) Columns containing information are summaries only of the statutes or rules.

- (6.) Detailed information may not include existing limitations or restrictions regarding legislative employees.

68B.22 Gifts accepted or received.

1. Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

2. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or a series of gifts to a public official, public employee, or candidate.

3. A restricted donor may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale. A person subject to section 8.7 that receives a gift pursuant to this subsection shall file a report pursuant to section 8.7.

4. Notwithstanding subsections 1 and 2, the following gifts may be received by public officials, public employees, candidates, or members of the immediate family of public officials, public employees, or candidates:

- a. Contributions to a candidate or a candidate's committee.
- b. Informational material relevant to a public official's or public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
- c. Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
- d. An inheritance.
- e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to functions described under paragraph "s".
- f. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.
- g. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.
- h. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.
- i. Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service.
- j. Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- k. Items or services solicited by or given to a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.
- l. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.
- m. Funeral flowers or memorials to a church or nonprofit organization.

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Statutes (Code Chapters & Sections)/2009 Merged Iowa Code and Supplement/TITLE II ELECTIONS AND OFFICIAL DUTIES/SUBTITLE 2 PUBLIC OFFICERS AND EMPLOYEES/CHAPTER 68B GOVERNMENT ETHICS AND LOBBYING/68B.23 Honoraria " banned.

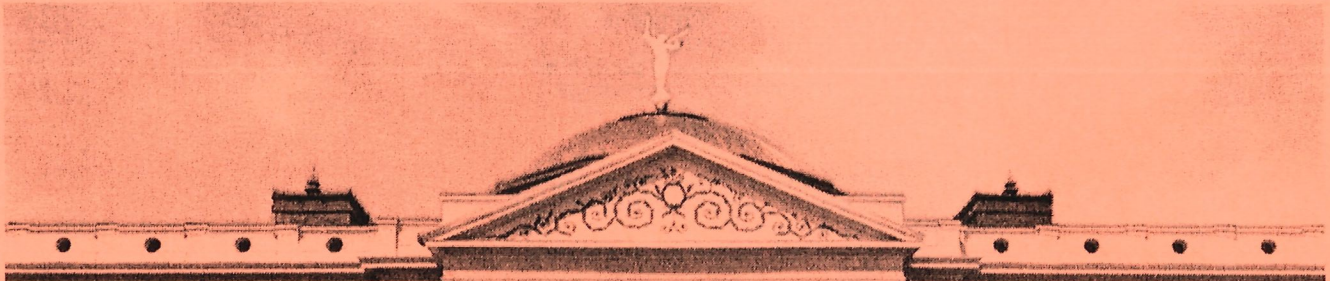
68B.23 Honoraria — banned.

1. Except as provided in subsection 2, a public official or public employee shall not seek or accept an honorarium from a restricted donor.
2. A public official or public employee may accept an honorarium from any person under the following circumstances:
 - a. The honorarium consists of payment of actual expenses of a donee for registration, food, beverages, travel, and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the recipient has participation or presentation responsibilities.
 - b. The honorarium consists of a nonmonetary item or series of nonmonetary items that the public official or public employee donates within thirty days to a public body, a bona fide educational or charitable organization, or the department of administrative services as provided in section 68B.22, subsection 3.
 - c. The honorarium consists of a payment made to a public official or public employee for services rendered as part of a bona fide private business, trade, or profession in which the public official or public employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee, but, rather, because of some special expertise or other qualification.

92 Acts, ch 1228, §10; 93 Acts, ch 103, §7; 2003 Acts, ch 145, §28a

Arizona State Legislature

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Attachment 5

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SUBCHAPTER I

TITLE AND DEFINITIONS

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68B.1 Short Title.

This chapter shall be known as the "Government Ethics and Lobbying Act".

68B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Agency" means a department, division, board, commission, bureau, authority, or office of the executive or legislative branch of state government, the office of attorney general, the state board of regents, community colleges, and the office of the governor, including a regulatory agency, or any department, division, board, commission, bureau, or office of a political subdivision of the state, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.
2. "Agency of state government" or "state agency" means a department, division, board, commission, bureau, authority, or office of the executive or legislative branch of state government, the office of attorney general, the state board of regents, community colleges, and the office of the governor, including a regulatory agency, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.
3. "Board" means the Iowa ethics and campaign disclosure board.
4. "Candidate" means a candidate under chapter 68A but does not include any judge standing for retention in a judicial election.
5. "Candidate's committee" means the committee designated by a candidate for a state, county, city, or school office, as provided under chapter 68A, to receive contributions in excess of seven hundred fifty dollars in the aggregate, expend funds in excess of seven hundred fifty dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of seven hundred fifty dollars in the aggregate in any calendar year.
6. "Client" means a private person or a state, federal, or local government entity that pays compensation to or designates an individual to be a lobbyist.
7. "Compensation" means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered.
8. "Contribution" means a loan, advance, deposit, rebate, refund, transfer of money, an in-kind transfer, or the payment of compensation for the personal services of another person.
9. "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.
10. "Honorarium" means anything of value that is accepted or given as consideration for an appearance, speech, or article.
11. "Immediate family members" means the spouse and dependent children of a public official or public employee.

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12. "Legislative employee" means a permanent full-time employee of the general assembly but does not include members of the general assembly.
13. a. "Lobbyist" means an individual who, by acting directly, does any of the following:
 - (1) Receives compensation to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by the members of the general assembly, a state agency, or any statewide elected official.
 - (2) Is a designated representative of an organization which has as one of its purposes the encouragement of the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order before the general assembly, a state agency, or any statewide elected official.
 - (3) Represents the position of a federal, state, or local government agency, in which the person serves or is employed as the designated representative, for purposes of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by members of the general assembly, a state agency, or any statewide elected official.
 - (4) Makes expenditures of more than one thousand dollars in a calendar year, other than to pay compensation to an individual who provides the services specified under subparagraph (1) or to communicate with only the members of the general assembly who represent the district in which the individual resides, to communicate in person with members of the general assembly, a state agency, or any statewide elected official for purposes of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order.

b. "Lobbyist" does not mean:

- (1) Officials and employees of a political party organized in the state of Iowa representing more than two percent of the total votes cast for governor in the last preceding general election, but only when representing the political party in an official capacity.
- (2) Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.
- (3) All federal, state, and local elected officials, while performing the duties and responsibilities of office.
- (4) Persons whose activities are limited to appearances to give testimony or provide information or assistance at sessions of committees of the general assembly or at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public officials or employees.
- (5) Members of the staff of the United States Congress or the Iowa general assembly.
- (6) Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed

or with another agency with which the official's or employee's agency is involved in a collaborative project.

(7) An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization who either is not paid compensation or is not specifically designated as provided in paragraph "a", subparagraph (1) or (2).

(8) Persons whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under section 17A.4, subsection 1.

14. "Local employee" means a person employed by a political subdivision of this state and does not include an independent contractor.
15. "Local official" means an officeholder of a political subdivision of this state.
16. "Member of the general assembly" means an individual duly elected to the senate or the house of representatives of the state of Iowa.
17. "Official" means all statewide elected officials, the executive or administrative head or heads of an agency of state government, the deputy executive or administrative head or heads of an agency of state government, members of boards or commissions as defined under section 7E.4, and heads of the major subunits of departments or independent state agencies whose positions involve a substantial exercise of administrative discretion or the expenditure of public funds as defined under rules of the board adopted in consultation with the department or agency and pursuant to chapter 17A. "Official" does not include officers or employees of political subdivisions of the state, members of the general assembly, legislative employees, officers or employees of the judicial branch of government who are not members or employees of the office of attorney general, members of state government entities which are or exercise the same type of authority that is exercised by councils or committees as defined under section 7E.4, or members of any agricultural commodity promotional board, if the board is subject to a producer referendum.
18. "Person" means, without limitation, any individual, corporation, business trust, estate, trust, partnership or association, labor union, or any other legal entity.
19. "Public disclosure" means a written report filed by a person as required by this chapter or required by rules adopted and issued pursuant to this chapter.
20. "Public employee" means state employees, legislative employees, and local employees.
21. "Public office" means any state, county, city, or school office or any other office of a political subdivision of the state that is filled by election.
22. "Public official" means officials, local officials, and members of the general assembly.

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23. "Regulatory agency" means the department of agriculture and land stewardship, department of workforce development, department of commerce, Iowa department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue, department of inspections and appeals, department of administrative services, public employment relations board, state department of transportation, civil rights commission, department of public defense, Iowa ethics and campaign disclosure board, and department of natural resources.
24. "Restricted donor" means a person who is in any of the following categories:
 - a. Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed.
 - b. Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.
 - c. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency and over which the donee has discretionary authority as part of the donee's official duties or employment within the regulatory agency subunit.
 - d. Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.
25. "State employee" means a person who is not an official and is a paid employee of the state of Iowa and does not include an independent contractor, an employee of the judicial branch who is not an employee of the office of attorney general, an employee of the general assembly, an employee of a political subdivision of the state, or an employee of any agricultural commodity promotional board, if the board is subject to a producer referendum.
26. "Statewide elected official" means the governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, and attorney general of the state of Iowa.

68B.2A Prohibited outside employment and activities-Conflicts of interest.

1. Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any of the following conduct:
 - a. Outside employment or an activity that involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment to give the person or member of the person's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. This paragraph does not apply to off-duty peace officers who provide private

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- duty security or fire fighters or emergency medical care providers certified under chapter 147A who provide private duty fire safety or emergency medical services while carrying their badge or wearing their official uniform, provided that the person has secured the prior approval of the agency or political subdivision in which the person is regularly employed to engage in the activity. For purposes of this subsection, a person is not "similarly situated" merely by being or being related to a person who serves or is employed by the state or a political subdivision of the state.
- b. Outside employment or an activity that involves the receipt of, promise of, or acceptance of money or other consideration by the person, or a member of the person's immediate family, from anyone other than the state or the political subdivision for the performance of any act that the person would be required or expected to perform as a part of the person's regular duties or during the hours during which the person performs service or work for the state or political subdivision of the state.
 - c. Outside employment or an activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment.
2. If the outside employment or activity is employment or activity described in subsection 1, paragraph "a" or "b", the person shall immediately cease the employment or activity. If the outside employment or activity is employment or activity described in subsection 1, paragraph "c", or constitutes outside employment or an activity prohibited under rules adopted pursuant to subsection 4 or under the senate or house codes of ethics, unless otherwise provided by law, the person shall take one of the following courses of action:
 - a. Cease the outside employment or activity.
 - b. Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. For purposes of this paragraph, "official action" or "official duty" includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, granting any license or permit, determining the facts or law in a contested case or rulemaking proceeding, conducting any inspection, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.
 3. Unless otherwise specifically provided the requirements of this section shall be in addition to, and shall not supersede, any other rights or remedies provided by law.
 4. The board shall adopt rules pursuant to chapter 17A further delineating particular situations where outside employment or activity of officials and state employees of the executive branch will be deemed to create an unacceptable conflict of interest.

68B.2B Executive Branch Compensation

1. Effective July 1, 2006, an official or state employee shall not receive

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- compensation simultaneously from more than one executive branch agency, unless the official or state employee provides notice to the board within twenty business days of accepting employment with a second executive branch agency. Notice under this section shall include all of the following:
- a. The name and contact information of the official or state employee and the name of the official's or employee's original executive branch agency.
 - b. The name of the second executive branch agency from which compensation may be received.
 - c. The amount of compensation to be received and a brief explanation of what services are to be performed for the second executive branch agency.
2. The board shall adopt rules pursuant to chapter 17A necessary for the administration of this section.
 3. This section shall not apply to service in the Iowa national guard or service in the general assembly.

68B.3 When public bids required -- disclosure of income from other sales.

1. Except as part of official state duties, an official, a state employee, a member of the general assembly, or a legislative employee shall not sell, in any one occurrence, any goods or services having a value in excess of two thousand dollars to any state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding.
2. This section does not apply to the publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated pursuant to law for the publication of legal propositions or notices and for which rates are fixed pursuant to law.
3. An official or member of the general assembly who sells goods or services to a political subdivision of the state shall disclose whether income has been received from commissions from the sales in the manner provided under section 68B.35.
4. For purposes of this section, "services" does not include instruction at an accredited education institution if the person providing the instruction meets the minimum education and licensing requirements established for instructors at the education institution.
5. Except when performing official state duties, an official or a state employee making a permissible sale under this section shall file a report with the board within twenty days of making the sale. The report shall include but not be limited to the parties to the sale, the date of the sale, the total amount of the sale, and the type of goods or services being sold.

68B.4 Sales or leases by regulatory agency officials and employees.

An official or employee of any regulatory agency shall not sell or lease, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the agency of which the person is an official or employee, except

when the official or employee has met all of the following conditions:

1. The consent of the regulatory agency for which the person is an official or employee is obtained and the person is not the official or employee with the authority to determine whether agency consent is to be given under this section.
2. The duties or functions performed by the official or employee for the regulatory agency are not related to the regulatory authority of the agency over the individual, association, or corporation, or the selling or leasing of goods or services by the official or employee to the individuals, associations, or corporations does not affect the official's or employee's duties or functions at the regulatory agency.
3. The selling or leasing of any goods or services by the official or employee to an individual, association, or corporation does not include advocacy on behalf of the individual, association, or corporation to the regulatory agency in which the person is an official or employee.
4. The selling or leasing of any goods or services by the official or employee to an individual, association, or corporation does not cause the official or employee to sell or lease goods or services to the regulatory agency on behalf of the individual, association, or corporation.

The board shall adopt rules specifying the method by which employees may obtain agency consent under this section. The board shall adopt rules specifying the method by which officials may obtain agency consent under this section, including situations when the person seeking to make the sale or lease is the executive or administrative head of the regulatory agency. A regulatory agency granting consent under this section shall file a copy of the consent with the board within twenty days of the consent being granted.

68B.4A Sales by legislative employees.

A permanent legislative employee shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the general assembly, except when the legislative employee has met all of the following conditions:

1. The consent of the person or persons responsible for hiring or approving the hiring of the legislative employee is obtained.
2. The duties and functions performed by the legislative employee for the general assembly are not related to the legislative authority of the general assembly over the individual, association, or corporation, or the selling of goods or services by the legislative employee to the individuals, associations, or corporations does not affect the employee's duties or functions at the general assembly.

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3. The selling of any goods or services by the legislative employee to an individual, association, or corporation does not include lobbying of the general assembly.
4. The selling of any goods or services by the legislative employee does not cause the employee to sell goods or services to the general assembly on behalf of the individual, association, or corporation.

68B.4B Sales or leases by members of the office of the governor.

A permanent full-time member of the office of the governor shall not sell or lease, either directly or indirectly, any goods or services to a registered lobbyist before the general assembly or the executive branch or to an individual, association, or corporation which employs a person who is a registered lobbyist before the general assembly or the executive branch, except when the member of the office of the governor has met all of the following conditions:

1. The consent of the person or persons responsible for hiring or approving the hiring of the member of the office of the governor is obtained. A copy of the consent shall be filed with the board within twenty days of the consent being granted.
2. The duties and functions performed by the member for the office of the governor are not related to the authority of the office of the governor over the individual, association, or corporation, or the selling or leasing of goods or services by the member of the office of the governor to the individuals, associations, or corporations does not affect the member's duties or functions at the office of the governor.
3. The selling or leasing of any goods or services by the member of the office of the governor to an individual, association, or corporation does not include lobbying of the office of the governor.
4. The selling or leasing of any goods or services by the member of the office of the governor does not cause the member to sell or lease goods or services to the office of the governor on behalf of the individual, association, or corporation.

68B.5A Ban on certain lobbying activities.

1. A person who serves as a statewide elected official, the executive or administrative head of an agency of state government, the deputy executive or administrative head of an agency of state government, or a member of the general assembly shall not act as a lobbyist during the time in which the person serves or is employed by the state unless the person is designated, by the agency in which the person serves or is employed, to represent the official position of the agency.

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2. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, during the time in which the person serves or is employed by the state, act as a lobbyist before the agency in which the person is employed or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated, by the agency in which the person serves or is employed, to represent the official position of the agency.
3. A state or legislative employee who is not subject to the requirements of subsection 2 shall not act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person is directly concerned and personally participates as part of the person's employment, unless the person is designated, by the agency in which the person is employed, to represent the official position of the agency.
4. A person who is subject to the requirements of subsection 1 shall not within two years after the termination of service or employment become a lobbyist.
5. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, within two years after termination of employment, become a lobbyist before the agency in which the person was employed or before state agencies or officials or employees with whom the person had substantial and regular contact as part of the person's former duties.
6. A state or legislative employee who is not subject to the requirements of subsection 2 shall not, within two years after termination of employment, act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person was directly concerned and personally participated as part of the person's employment.
7. This section shall not apply to a person who, within two years of leaving service or employment with the state, is elected to, appointed to, or employed by another office of the state, an office of a political subdivision of the state, or the federal government and appears or communicates on behalf or as part of the duties of that office or employment.

68B.6 Services against state prohibited.

1. Officials, except for members of boards or commissions as defined under section 7E.4, state employees, and legislative employees shall not receive,

directly or indirectly, or enter into any express or implied agreement for, any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.

2. A person who is an official, but who is not subject to the requirements of subsection 1, shall not receive, directly or indirectly, or enter into any agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before the subunit of a department or independent agency in which the person serves, is employed, or with which the person has substantial and regular contact as part of the person's duties.

68B.7 Prohibited use of influence.

1. A person who has served as an official, state employee of a state agency, member of the general assembly, or legislative employee shall not within a period of two years after the termination of such service or employment receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service or employment.
2. A person who has served as the head of or on a commission or board of a regulatory agency or as a deputy thereof, shall not, within a period of two years after the termination of such service do any of the following:
 - a. Accept employment with that commission, board, or agency.
 - b. Receive compensation for any services rendered on behalf of any person, firm, corporation, or association in any case, proceedings, or application before the department with which the person so served wherein the person's compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit, or in promoting or opposing, directly or indirectly, the passage of bills or resolutions before either house of the general assembly.
3. Notwithstanding the provisions of this section, a person who has served as the workers' compensation commissioner, or any deputy thereof, may represent a claimant in a contested case before the division of workers' compensation at any point subsequent to termination of such service, regardless of whether the person charges a contingent fee for such representation, provided such case was not pending before the division during the person's tenure as commissioner or deputy.

68B.8 Lobbying activities by state agencies.

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A state agency of the executive branch of state government shall not use or permit the use of its public funds for a paid advertisement or public service announcement thirty days prior to or during a legislative session for the purpose of encouraging the passage, defeat, approval, or modification of a bill that is being considered or was considered during the previous legislative session, by the general assembly.

68B.21 Legislative intent.

It is the goal of the general assembly that public officials and public employees of the state be extremely cautious and circumspect about accepting a gratuity or favor, especially from persons that have a substantial interest in the legislative, administrative, or political actions of the official or employee. Even where there is a genuine personal friendship, the acceptance of personal benefits from those who could gain advantage by influencing official actions raise suspicions that tend to undermine the public trust. It is therefore the intent of the general assembly that the provisions of this subchapter be construed to discourage all gratuities, but to prohibit only those that create unacceptable conflicts of interest or appearances of impropriety.

68B.22 Gifts accepted or received.

1. Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.
2. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or a series of gifts to a public official, public employee, or candidate.
3. A restricted donor may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale. A person subject to section 8.7 that receives a gift pursuant to this subsection shall file a report pursuant to section 8.7.
4. Notwithstanding subsections 1 and 2, the following gifts may be received by public officials, public employees, candidates, or members of the immediate

family of public officials, public employees, or candidates:

- a. Contributions to a candidate or a candidate's committee.
- b. Informational material relevant to a public official's or public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.
- c. Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
- d. An inheritance.
- e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to functions described under paragraph "s".
- f. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.
- g. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.
- h. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.
- i. Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service.
- j. Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- k. Items or services solicited by or given to a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.
- l. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or

regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.

m. Funeral flowers or memorials to a church or nonprofit organization.

n. Gifts which are given to a public official or public employee for the public official's or public employee's wedding or twenty-fifth or fiftieth wedding anniversary.

o. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the state or a political subdivision of the state for attending the meeting.

p. Gifts of food, beverages, travel, or lodging received by a public official or public employee if all of the following apply:

(1) The public official or public employee is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state, or to develop markets for Iowa businesses or products.

(2) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under section 68B.2, subsection 9, or this section.

(3) The public official or public employee plays a significant role in the presentation to the business or businesses on behalf of the public official's or public employee's agency.

q. Gifts other than food, beverages, travel, and lodging received by a public official or public employee which are received from a person who is a citizen of a country other than the United States and are given during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the donee.

r. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

s. Gifts of food, beverage, and entertainment received at a function where every member of the general assembly has been

invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration prior to the function taking place identifying the sponsor and the date, time, and location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within twenty-eight calendar days following the date of the function.

5. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.
6. A gift shall not be considered to be received by a public official or public employee if the state is the donee of the gift and the public official or public employee is required to receive the gift on behalf of the state as part of the performance of the person's duties of office or employment.
7. A person shall not request, and a member of the general assembly shall not agree, that a member of the general assembly sell tickets for a community-related social event that is to be held for members of the general assembly in Polk county during the legislative session. This section shall not apply to Polk county or city of Des Moines events that are open to the public generally or are held only for Polk county or city of Des Moines legislators.
8. Except as otherwise provided in subsection 4, an organization or association which has as one of its purposes the encouragement of the passage, defeat, introduction, or modification of legislation shall not give and a member of the general assembly shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars.

68B.23 Honoraria -- banned.

1. Except as provided in subsection 2, a public official or public employee shall not seek or accept an honorarium from a restricted donor.
2. A public official or public employee may accept an honorarium from any person under the following circumstances:
 - a. The honorarium consists of payment of actual expenses of a donee for registration, food, beverages, travel, and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the recipient has participation or presentation responsibilities.

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- b. The honorarium consists of a nonmonetary item or series of nonmonetary items that the public official or public employee donates within thirty days to a public body, a bona fide educational or charitable organization, or the department of administrative services as provided in section 68B.22, subsection 3.
- c. The honorarium consists of a payment made to a public official or public employee for services rendered as part of a bona fide private business, trade, or profession in which the public official or public employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee, but, rather, because of some special expertise or other qualification.

68B.24 Loans -- receipt from lobbyists prohibited.

1. An official, member of the general assembly, state employee, legislative employee, or candidate for state office shall not, directly or indirectly, seek or accept a loan or series of loans from a person who is a lobbyist.
2. A lobbyist shall not, directly or indirectly, offer or make a loan or series of loans to an official, member of the general assembly, state employee, legislative employee, or candidate for state office. A lobbyist shall also not, directly or indirectly, join with one or more persons to offer or make a loan or series of loans to an official, member of the general assembly, state employee, legislative employee, or candidate for state office.
3. This section shall not apply to loans made in the ordinary course of business. For purposes of this section, a loan is "made in the ordinary course of business" when it is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

68B.27 through 68B.30 Reserved

68B.31 Legislative ethics committee.

1. There shall be an ethics committee in the senate and an ethics committee in the house, each to consist of six members; three members to be appointed by the majority leader in each house, and three members by the minority leader in each house. A member of the ethics committee may disqualify himself or herself from participating in any proceeding upon submission of a written statement that the member cannot render an impartial and unbiased decision in a case. A member is ineligible to participate in committee meetings, as a member of the committee, in any proceeding relating to the member's own conduct. A member may be disqualified by a unanimous vote of the remaining eligible members of the committee. If a member of the ethics committee is disqualified from or is ineligible to participate in any committee

- proceedings, the authority responsible for the original appointment of the disqualified or ineligible member shall appoint a replacement member who shall serve during the period of the original member's disqualification or ineligibility.
2. Members shall receive a per diem and travel expenses at the same rate as paid members of interim committees for attending meetings held when the general assembly is not in session. The per diem and expenses shall be paid from funds appropriated by section 2.12.
 3. The majority leader of each house shall designate the chairperson and vice chairperson, and the minority leader of each house shall designate the ranking member, of each committee. The chairperson of each committee shall have the following powers, duties and functions:
 - a. Preside over meetings of the committee.
 - b. Call meetings of the committee upon receipt of findings from the independent special counsel that there is probable cause to believe that a member of the general assembly or a lobbyist has committed a violation of a provision of this chapter or of the rules relating to ethical conduct that are adopted pursuant to this chapter.
 - 4 a. The ethics committee of each house shall have the following powers, duties, and functions:
 - (1) Prepare a code of ethics within thirty days after the commencement of each general assembly.
 - (2) Prepare rules relating to lobbyists and lobbying activities in the general assembly.
 - (3) Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators, lobbyists, and clients as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the six members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator, lobbyist, or client.
 - (4) Receive and hear complaints and charges against members of its house, lobbyists, or clients of a lobbyist alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house or the independent special counsel.
The committee shall recommend rules for the receipt and processing of findings of probable cause relating to ethical violations of members of the general assembly, lobbyists, or clients of lobbyists during the legislative session and those received after the general assembly adjourns.
 - (5) Recommend legislation relating to legislative ethics and lobbying activities.
 - b. The ethics committee may employ independent legal counsel to assist the committee in carrying out the committee's duties under this chapter. Payment of costs for the independent legal counsel shall be made from funds appropriated pursuant to section 2.12.
5. Any person may file a complaint with the ethics committee of either house alleging that a member of the general assembly, a lobbyist, or client of a lobbyist before the general assembly has committed a violation of this

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- chapter. The ethics committee shall prescribe and provide forms for this purpose. The complaint shall include the name and address of the complainant and a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.
6. The ethics committee shall promptly notify any party alleged to have committed a violation of the code of ethics, rules governing lobbyists, or this chapter of the filing of a complaint by causing a copy of the complaint to be served or personally delivered to the party charged, unless service is waived by the party charged, and shall review the complaint to determine if the complaint meets the requirements for formal sufficiency. If the complaint is deficient as to form, the complaint shall be returned to the complainant with a statement of the nature of the deficiency and the party charged in the complaint shall be notified that the complaint has been returned. If a complaint, previously found to be deficient as to form, is refiled in different form, the party charged in the complaint shall be provided with a copy of the new document in the same manner as provided for service of the initial complaint. Any amendments to a complaint that are filed with the committee shall also be served or personally delivered, unless service is waived, to the party charged in the complaint. If the complaint is sufficient as to form, the ethics committee shall review the complaint to determine whether the complaint states a valid charge which may be investigated. A valid complaint must allege all of the following:
 - a. Facts, that if true, establish a violation of a provision of this chapter, the rules governing lobbyists, or the code of ethics for which penalties or other remedies are provided.
 - b. That the conduct providing the basis for the complaint occurred within three years of the filing of the complaint.
 - c. That the party charged with a violation is a party subject to the jurisdiction of the ethics committee.
 7.
 - a. If the ethics committee determines that a complaint is not valid, the complaint shall be dismissed and returned to the complainant with a notice of dismissal stating the reason or reasons for the dismissal. If the ethics committee determines that a complaint is valid and the ethics committee does not take action under rules adopted pursuant to paragraph "b", the ethics committee shall request that the chief justice of the supreme court appoint an independent special counsel to investigate the allegations contained in the complaint to determine whether there is probable cause to believe that a violation of this chapter has occurred and whether an evidentiary hearing on the complaint should be held. Payment of costs for the independent special counsel shall be made from section 2.12.
 - b. The ethics committee may adopt rules for purposes of taking action on valid complaints without requesting the appointment of an independent special counsel and without requiring action by the appropriate house pursuant to subsection 11. Such action may only be taken if the committee determines that no dispute exists between the parties regarding material facts

- that establish a violation.
8. If a hearing on the complaint is ordered the ethics committee shall receive all admissible evidence, determine any factual or legal issues presented during the hearing, and make findings of fact based upon evidence received. Hearings shall be conducted in the manner prescribed in section 17A.12. The rules of evidence applicable under section 17A.14 shall also apply in hearings before the ethics committee. Clear and convincing evidence shall be required to support a finding that the member of the general assembly, lobbyist, or client before the general assembly has committed a violation of this chapter. Parties to a complaint may, subject to the approval of the ethics committee, negotiate for settlement of disputes that are before the ethics committee. Terms of any negotiated settlements shall be publicly recorded. If a complaint is filed or initiated less than ninety days before the election for a state office, for which the person named in the complaint is the incumbent officeholder, the ethics committee shall, if possible, set the hearing at the earliest available date so as to allow the issue to be resolved before the election. An extension of time for a hearing may be granted when both parties mutually agree on an alternate date for the hearing. The ethics committee shall make every effort to hear all ethics complaints within three months of the date that the complaints are filed. However, after three months from the date of the filing of the complaint, extensions of time for purposes of preparing for hearing may only be granted by the ethics committee when the party charged in the complaint with the ethics violation consents to an extension. If the party charged does not consent to an extension, the ethics committee shall not grant any extensions of time for preparation prior to hearing. All complaints alleging a violation of this chapter or the code of ethics shall be heard within nine months of the filing of the complaint. Final dispositions of violations, which the ethics committee has found to have been established by clear and convincing evidence, shall be made within thirty days of the conclusion of the hearing on the complaint.
 9. The ethics committee of each house shall recommend rules for adoption by the respective house relating to the confidentiality of a complaint or information which has been filed or provided to the committee. Rules adopted shall provide for initial confidentiality of a complaint, unless the complaint has been publicly disclosed, and shall permit the ethics committee to treat some or all of the contents of a complaint or other information as confidential if the committee finds that the criteria established under section 22.7, subsection 18, for keeping certain information confidential, are met. If the existence of a complaint or a preliminary investigation is made public, the ethics committee shall publicly confirm the existence of the complaint or preliminary inquiry and, in the ethics committee's discretion, make public the complaint or investigation and any documents which were issued to any party to the complaint or investigation. However, this subsection shall not prevent the committee from furnishing the complaint or other information to the appropriate law enforcement authorities at any time. Upon commencement of a hearing on a complaint, all investigative material shall be made available to the subject of the hearing and any material that is introduced at the hearing shall be public information.

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10. The code of ethics and rules relating to lobbyists and lobbying activities shall not become effective until approved by the members of the house to which the proposed code and rules apply. The code or rules may be amended either upon the recommendation of the ethics committee or by members of the general assembly.
11. Violation of a provision of this chapter or rules adopted relating to ethical conduct may result in censure, reprimand, or other sanctions as determined by a majority of the member's house. However, a member may be suspended or expelled and the member's salary forfeited only if directed by a two-thirds vote of the member's house. A suspension, expulsion, or forfeiture of salary shall be for the duration specified in the directing resolution. Violation of a rule relating to lobbyists and lobbying activities may result in censure, reprimand, or other sanctions as determined by a majority of the members of the house in which the violation occurred. However, a lobbyist may be suspended from lobbying activities for the duration provided in the directing resolution only if directed by a two-thirds vote of the house in which the violation occurred.

68B.31A Investigation by independent special counsel -- probable cause.

The purpose of an investigation by the independent special counsel is to determine whether there is probable cause to proceed with an adjudicatory hearing on the matter. In conducting investigations and holding hearings, the independent special counsel may require by subpoena the attendance and testimony of witnesses and may subpoena books, papers, records, and any other real evidence relating to the matter before the independent special counsel. The independent special counsel shall have the additional authority provided in section 17A.13. If the independent special counsel determines at any stage in the proceedings that take place prior to hearing that the complaint is without merit, the independent special counsel shall report that determination to the appropriate ethics committee and the complaint shall be dismissed and the complainant and the party charged shall be notified. If, after investigation, the independent special counsel determines evidence exists which, if proven, would support a finding of a violation of this chapter, a finding of probable cause shall be made and reported to the ethics committee, and a hearing shall be ordered by the ethics committee as provided in section 68B.31. Independent special counsel investigations are not meetings of a governmental body within the meaning of chapter 21, and records and information obtained by independent special counsel during investigations are confidential until disclosed to a legislative ethics committee under section 68B.31.

68B.32 Independent ethics and campaign disclosure board -- established.

1. An Iowa ethics and campaign disclosure board is established as an independent agency. The board shall administer this chapter and set standards for, investigate complaints relating to, and monitor the ethics of officials, employees, lobbyists, and candidates for office in the executive branch of state government. The board shall administer and set standards for, investigate complaints relating to, and monitor the campaign finance practices of

- candidates for public office. The board shall administer and establish standards for, investigate complaints relating to, and monitor the reporting of gifts and bequests under section 8.7. The board shall consist of six members and shall be balanced as to political affiliation as provided in section 69.16. The members shall be appointed by the governor, subject to confirmation by the senate.
2. Members shall serve staggered six-year terms beginning and ending as provided in section 69.19. Any vacancy on the board shall be filled by appointment for the unexpired portion of the term, within ninety days of the vacancy and in accordance with the procedures for regular appointments. A member of the board may be reappointed to serve additional terms on the board. Members may be removed in the manner provided in chapter 69.
 3. The board shall annually elect one member to serve as the chairperson of the board and one member to serve as vice chairperson. The vice chairperson shall act as the chairperson in the absence or disability of the chairperson or in the event of a vacancy in that office.
 4. Members of the board shall receive a per diem as specified in section 7E.6 while conducting business of the board, and payment of actual and necessary expenses incurred in the performance of their duties. Members of the board shall file statements of financial interest under section 68B.35.
 5. The board shall employ a full-time executive director who shall be the board's chief administrative officer. The board shall employ or contract for the employment of legal counsel notwithstanding section 13.7, and any other personnel as may be necessary to carry out the duties of the board. The board's legal counsel shall be the chief legal officer of the board, and shall advise the board on all legal matters relating to the administration of this chapter and chapter 68A. The state may be represented by the board's legal counsel in any civil action regarding the enforcement of this chapter or chapter 68A, or, at the board's request, the state may be represented by the office of the attorney general. Notwithstanding section 8A.412, all of the board's employees, except for the executive director and legal counsel, shall be employed subject to the merit system provisions of chapter 8A, article 4. The salary of the executive director shall be fixed by the board, within the range established by the general assembly. The salary of the legal counsel shall be fixed by the board, within a salary range established by the department of administrative services for a position requiring similar qualifications and experience.

68B.32A Duties of the board.

The duties of the board shall include, but are not limited to, all of the following:

1. Adopt rules pursuant to chapter 17A and conduct hearings under sections 68B.32B and 68B.32C and chapter 17A, as necessary to carry out the purposes of this chapter, chapter 68A, and section 8.7.

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2. Develop, prescribe, furnish, and distribute any forms necessary for the implementation of the procedures contained in this chapter, chapter 68A, and section 8.7 for the filing of reports and statements by persons required to file the reports and statements under this chapter and chapter 68A.
3. Establish a process to assign signature codes to a person or committee for purposes of facilitating an electronic filing procedure. The assignment of signature codes shall be kept confidential, notwithstanding section 22.2. The board and persons electronically filing reports and statements shall keep assigned signature codes or subsequently selected signature codes confidential. Signature codes shall not be subject to state security policies regarding frequency of change.
4. Review the contents of all campaign finance disclosure reports and statements filed with the board and promptly advise each person or committee of errors found. The board may verify information contained in the reports with other parties to assure accurate disclosure. The board may also verify information by requesting that a candidate or committee produce copies of receipts, bills, logbooks, or other memoranda of reimbursements of expenses to a candidate for expenses incurred during a campaign. The board, upon its own motion, may initiate action and conduct a hearing relating to requirements under chapter 68A.
5. Receive all registrations and reports that are required to be filed with the board under this chapter or section 8.7. The board, upon its own motion, may initiate action, conduct hearings, impose sanctions, and order administrative resolutions relating to reporting requirements under this chapter or section 8.7.
6. Prepare and publish a manual setting forth examples of approved uniform systems of accounts and approved methods of disclosure for use by persons required to file statements and reports under this chapter, chapter 68A, and section 8.7. The board shall also prepare and publish other educational materials, and any other reports or materials deemed appropriate by the board. The board shall annually provide all officials and state employees with notification of the contents of this chapter, chapter 68A, and section 8.7 by distributing copies of educational materials to each agency of state government under the board's jurisdiction.
7. Assure that the statements and reports which have been filed in accordance with this chapter, chapter 68A, and section 8.7 are available for public inspection and copying during the regular office hours of the office in which they are filed and not later than by the end of the day during which a report or statement was received. Rules adopted relating to public inspection and copying of statements and reports may include a charge for any copying and mailing of the reports and statements, shall provide for the mailing of copies upon the request of any person and upon prior receipt of payment of the costs by the board, and shall prohibit the use of the information copied from reports and statements for any commercial purpose by any person.
8. Require that the candidate of a candidate's committee, or the chairperson of a political committee, is responsible for filing disclosure reports under chapter 68A, and shall receive notice from the board if the committee has failed to

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file a disclosure report at the time required under chapter 68A. A candidate of a candidate's committee, or the chairperson of a political committee, may be subject to a civil penalty for failure to file a disclosure report required under section 68A.402, subsection 1.

9. Establish and impose penalties, and recommendations for punishment of persons who are subject to penalties of or punishment by the board or by other bodies, for the failure to comply with the requirements of this chapter, chapter 68A, or section 8.7.
10. Determine, in case of dispute, at what time a person has become a candidate.
11. Preserve copies of reports and statements filed with the board for a period of five years from the date of receipt.
12. Establish a procedure for requesting and issuing board advisory opinions to persons subject to the authority of the board under this chapter, chapter 68A, or section 8.7. Local officials and local employees may also seek an advisory opinion concerning the application of the applicable provisions of this chapter. Advice contained in board advisory opinions shall, if followed, constitute a defense to a complaint alleging a violation of this chapter, chapter 68A, section 8.7, or rules of the board that is based on the same facts and circumstances.
13. Establish rules relating to ethical conduct for officials and state employees, including candidates for statewide office, and regulations governing the conduct of lobbyists of the executive branch of state government, including but not limited to conflicts of interest, abuse of office, misuse of public property, use of confidential information, participation in matters in which an official or state employee has a financial interest, and rejection of improper offers.
14. Impose penalties upon, or refer matters relating to, persons who discharge any employee, or who otherwise discriminate in employment against any employee, for the filing of a complaint with, or the disclosure of information to, the board if the employee has filed the complaint or made the disclosure in good faith.
15. Establish fees, where necessary, to cover the costs associated with preparing, printing, and distributing materials to persons subject to the authority of the board.
16. Establish an expedited procedure for reviewing complaints forwarded by the state commissioner of elections to the board for a determination as to whether a supervisor district plan adopted pursuant to section 331.210A was drawn for improper political reasons as described in section 42.4, subsection 5. The expedited procedure shall be substantially similar to the process used for other complaints filed with the board except that the provisions of section 68B.32D shall not apply.
17. At the board's discretion, develop and operate a searchable internet site database that provides access to information on statements or reports filed with the board. For purposes of this subsection, "searchable internet site database" means an internet site database that allows the public to search and aggregate information and is in a downloadable format.

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18. At the board's discretion, enter into an agreement with a political subdivision authorizing the board to enforce the provisions of a code of ethics adopted by that political subdivision.
19. Impose penalties upon, or refer matters relating to, persons who provide false information to the board during a board investigation of a potential violation of this chapter, chapter 68A, section 8.7, or rules of the board. The board shall adopt rules to administer this subsection.

68B.32B Complaint procedures.

1. Any person may file a complaint alleging that a candidate, committee, person holding a state office in the executive branch of state government, employee of the executive branch of state government, or other person has committed a violation of chapter 68A or rules adopted by the board. Any person may file a complaint alleging that a person holding a state office in the executive branch of state government, an employee of the executive branch of state government, or a lobbyist or a client of a lobbyist of the executive branch of state government has committed a violation of this chapter or rules adopted by the board. Any person may file a complaint alleging a violation of section 8.7 or rules adopted by the board. The board shall prescribe and provide forms for purposes of this subsection. A complaint must include the name and address of the complainant, a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged, and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.
2. The board staff shall review the complaint to determine if the complaint is sufficient as to form. If the complaint is deficient as to form, the complaint shall be returned to the complainant with a statement of the deficiency and an explanation describing how the deficiency may be cured. If the complaint is sufficient as to form, the complaint shall be referred for legal review.
3. Unless the chairperson of the board concludes that immediate notification would prejudice a preliminary investigation or subject the complainant to an unreasonable risk, the board shall mail a copy of the complaint to the subject of the complaint within three working days of the acceptance of the complaint. If a determination is made by the chairperson not to mail a copy of the complaint to the subject of the complaint within the three working days time period, the board shall approve and establish the time and conditions under which the subject will be informed of the filing and contents of the complaint.
4. Upon completion of legal review, the chairperson of the board shall be advised whether, in the opinion of the legal advisor, the complaint states an allegation which is legally sufficient. A legally sufficient allegation must allege all of the following:
 - a. Facts that would establish a violation of a provision of this chapter, chapter 68A, section 8.7, or rules adopted by the board.

- b. Facts that would establish that the conduct providing the basis for the complaint occurred within three years of the complaint.
 - c. Facts that would establish that the subject of the complaint is a party subject to the jurisdiction of the board.
5. After receiving an evaluation of the legal sufficiency of the complaint, the chairperson shall refer the complaint to the board for a formal determination by the board of the legal sufficiency of the allegations contained in the complaint.
 6. If the board determines that none of the allegations contained in the complaint are legally sufficient, the complaint shall be dismissed. The complainant shall be sent a notice of dismissal stating the reason or reasons for the dismissal. If a copy of the complaint was sent to the subject of the complaint, a copy of the notice shall be sent to the subject of the complaint. If the board determines that any allegation contained in the complaint is legally sufficient, the complaint shall be referred to the board staff for investigation of any legally sufficient allegations.
 7. Notwithstanding subsections 1 through 6, the board may, on its own motion and without the filing of a complaint by another person, initiate investigations into matters that the board believes may be subject to the board's jurisdiction. This section does not preclude persons from providing information to the board for possible board-initiated investigation instead of filing a complaint.
 8. The purpose of an investigation by the board's staff is to determine whether there is probable cause to believe that there has been a violation of this chapter, chapter 68A, section 8.7, or of rules adopted by the board. To facilitate the conduct of investigations, the board may issue and seek enforcement of subpoenas requiring the attendance and testimony of witnesses and subpoenas requiring the production of books, papers, records, and other real evidence relating to the matter under investigation. Upon the request of the board, an appropriate county attorney or the attorney general shall assist the staff of the board in its investigation.
 9. If the board determines on the basis of an investigation by board staff that there is probable cause to believe the existence of facts that would establish a violation of this chapter, chapter 68A, section 8.7, or of rules adopted by the board, the board may issue a statement of charges and notice of a contested case proceeding to the complainant and to the person who is the subject of the complaint, in the manner provided for the issuance of statements of charges under chapter 17A. If the board determines on the basis of an investigation by staff that there is no probable cause to believe that a violation has occurred, the board shall close the investigation, dismiss any related complaint, and the subject of the complaint shall be notified of the dismissal. If the investigation originated from a complaint filed by a person other than the board, the person making the complaint shall also be notified of the dismissal.
 10. At any stage during the investigation or after the initiation of a contested case proceeding, the board may approve a settlement regarding an alleged violation. Terms of a settlement shall be reduced to writing and be available for public inspection. An informal settlement may provide for any remedy

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specified in section 68B.32D. However, the board shall not approve a settlement unless the board determines that the terms of the settlement are in the public interest and are consistent with the purposes of this chapter and rules of the board. In addition, the board may authorize board staff to seek informal voluntary compliance in routine matters brought to the attention of the board or its staff.

11. A complaint shall be a public record, but some or all of the contents may be treated as confidential under section 22.7, subsection 18, to the extent necessary under subsection 3 of this section. Information informally reported to the board and board staff which results in a board- initiated investigation shall be a public record but may be treated as confidential information consistent with the provisions of section 22.7, subsection 18. If the complainant, the person who provides information to the board, or the person who is the subject of an investigation publicly discloses the existence of an investigation, the board may publicly confirm the existence of the disclosed formal complaint or investigation and, in the board's discretion, make the complaint or the informal referral public, as well as any other documents that were issued by the board to any party to the investigation. However, investigative materials may be furnished to the appropriate law enforcement authorities by the board at any time. Upon the commencement of a contested case proceeding by the board, all investigative material relating to that proceeding shall be made available to the subject of the proceeding. The entire record of any contested case proceeding initiated under this section shall be a public record.
12. Board records used to achieve voluntary compliance to resolve discrepancies and deficiencies shall not be confidential unless otherwise required by law.

68B.32C Contested case proceedings.

1. Contested case proceedings initiated as a result of the issuance of a statement of charges pursuant to section 68B.32B, subsection 9, shall be conducted in accordance with the requirements of chapter 17A. Clear and convincing evidence shall be required to support a finding that a person has violated this chapter, chapter 68A, section 8.7, or any rules adopted by the board pursuant to this chapter. A preponderance of the evidence shall be required to support a finding that a person has violated chapter 68A or any rules adopted by the board pursuant to chapter 68A. The case in support of the statement of charges shall be presented at the hearing by one of the board's attorneys or staff unless, upon the request of the board, the charges are prosecuted by another legal counsel designated by the attorney general. A person making a complaint under section 68B.32B, subsection 1, is not a party to contested case proceedings conducted relating to allegations contained in the complaint.
2. Hearings held pursuant to this chapter shall be heard by a quorum of the board, unless the board designates a board member or an administrative law judge to preside at the hearing. If a quorum of the board does not preside at the hearing, the board member or administrative law judge shall make a

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- proposed decision. The board or presiding board member may be assisted by an administrative law judge in the conduct of the hearing and the preparation of a decision.
3. Upon a finding by the board that the party charged has violated this chapter, chapter 68A, section 8.7, or rules adopted by the board, the board may impose any penalty provided for by section 68B.32D. Upon a final decision of the board finding that the party charged has not violated this chapter, chapter 68A, section 8.7, or the rules of the board, the complaint shall be dismissed and the party charged and the original complainant, if any, shall be notified.
 4. The right of an appropriate county attorney or the attorney general to commence and maintain a district court prosecution for criminal violations of the law is unaffected by any proceedings under this section.
 5. The board shall adopt rules, pursuant to chapter 17A, establishing procedures to implement this section.

68B.32D Penalties -- recommended actions.

1. The board, after a hearing and upon a finding that a violation of this chapter, chapter 68A, section 8.7, or rules adopted by the board has occurred, may do one or more of the following:
 - a. Issue an order requiring the violator to cease and desist from the violation found.
 - b. Issue an order requiring the violator to take any remedial action deemed appropriate by the board.
 - c. Issue an order requiring the violator to file any report, statement, or other information as required by this chapter, chapter 68A, section 8.7, or rules adopted by the board.
 - d. Publicly reprimand the violator for violations of this chapter, chapter 68A, section 8.7, or rules adopted by the board in writing and provide a copy of the reprimand to the violator's appointing authority.
 - e. Make a written recommendation to the violator's appointing authority that the violator be removed or suspended from office, and include in the recommendation the length of the suspension.
 - f. If the violation is a violation of this chapter or rules adopted by the board pursuant to this chapter and the violator is an elected official of the executive branch of state government, other than an official who can only be removed by impeachment, make a written recommendation to the attorney general or the appropriate county attorney that an action for removal from office be initiated pursuant to chapter 66.
 - g. If the violation is a violation of this chapter or rules adopted by the board pursuant to this chapter and the violator is a lobbyist of the executive branch of state government, censure, reprimand, or impose other sanctions deemed appropriate by the board. A lobbyist may also be suspended from lobbying activities if the board finds that suspension is an appropriate sanction for the violation committed.
 - h. Issue an order requiring the violator to pay a civil penalty of not more than

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two thousand dollars for each violation of this chapter, chapter 68A, section 8.7, or rules adopted by the board.

- i. Refer the complaint and supporting information to the attorney general or appropriate county attorney with a recommendation for prosecution or enforcement of criminal penalties.
2. At any stage during an investigation or during the board's review of routine compliance matters, the board may resolve the matter by admonishment to the alleged violator or by any other means not specified in subsection 1 as a post hearing remedy.
3. If a person fails to comply with an action of the board under subsection 1, the board may petition the Polk county district court for an order for enforcement of the action of the board. The enforcement proceeding shall be conducted as provided in section 68B.33.

68B.33 Judicial review -- enforcement.

Judicial review of the actions of the board may be sought in accordance with chapter 17A. Judicial enforcement of orders of the board may be sought in accordance with chapter 17A.

68B.34 Additional penalty.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates a provision of sections 68B.2A through 68B.8, sections 68B.22 through 68B.24, or sections 68B.35 through 68B.38 is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

68B.34A Actions commenced.

1. Complaints regarding conduct of local officials or local employees which violates this chapter, except for sections 68B.36 and 68B.38, shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney.
2. Complaints alleging conduct of local officials or local employees which violates section 68B.36 or 68B.38, shall be filed with the ethics committee of the appropriate house of the general assembly if the conduct involves lobbying activities before the general assembly or with the board if the conduct involves lobbying activities before the executive branch.

68B.35 Personal financial disclosure -- certain officials, members of the general assembly, and candidates.

1. The persons specified in subsection 2 shall file a financial statement at times and in the manner provided in this section that contains all of the following:

- a. A list of each business, occupation, or profession in which the person is engaged and the nature of that business, occupation, or profession, unless already apparent.
 - b. A list of any other sources of income if the source produces more than one thousand dollars annually in gross income. Such sources of income listed pursuant to this paragraph may be listed under any of the following categories, or under any other categories as may be established by rule:
 - (1) Securities.
 - (2) Instruments of financial institutions.
 - (3) Trusts.
 - (4) Real estate.
 - (5) Retirement systems.
 - (6) Other income categories specified in state and federal income tax regulations.
2. The financial statement required by this section shall be filed by the following persons:
- a. Any statewide elected official.
 - b. The executive or administrative head or heads of any agency of state government.
 - c. The deputy executive or administrative head or heads of an agency of state government.
 - d. The head of a major subunit of a department or independent state agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds as defined under rules adopted by the board, pursuant to chapter 17A, in consultation with the department or agency.
 - e. Members of the banking board, the ethics and campaign disclosure board, the credit union review board, the economic development board, the employment appeal board, the environmental protection commission, the health facilities council, the Iowa finance authority, the Iowa public employees' retirement system investment board, the board of the Iowa lottery authority, the natural resource commission, the board of parole, the petroleum underground storage tank fund board, the public employment relations board, the state racing and gaming commission, the state board of regents, the tax review board, the transportation commission, the office of consumer advocate, the utilities board, the Iowa telecommunications and technology commission, and any full-time members of other boards and commissions as defined under section 7E.4 who receive an annual salary for their service on the board or commission. The Iowa ethics and campaign disclosure board shall conduct an annual review to determine if members of any other board, commission, or authority should file a statement and shall require the filing of a statement pursuant to rules adopted pursuant to chapter 17A.
 - f. Members of the general assembly.
 - g. Candidates for state office.
 - h. Legislative employees who are the head or deputy head of a legislative agency or whose position involves a substantial exercise of administrative discretion or the expenditure of public funds.
3. The board, in consultation with each executive department or independent agency, shall adopt rules pursuant to chapter 17A to implement the

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- requirements of this section that provide for the time and manner for the filing of financial statements by persons in the department or independent agency.
4. The ethics committee of each house of the general assembly shall recommend rules for adoption by each house for the time and manner for the filing of financial statements by members or employees of the particular house. The legislative council shall adopt rules for the time and manner for the filing of financial statements by legislative employees of the central legislative staff agencies. The rules shall provide for the filing of the financial statements with either the chief clerk of the house, the secretary of the senate, or other appropriate person or body.
 5. a. A candidate for statewide office shall file a financial statement with the ethics and campaign disclosure board, a candidate for the office of state representative shall file a financial statement with the chief clerk of the house of representatives, and a candidate for the office of state senator shall file a financial statement with the secretary of the senate. Statements shall contain information concerning the year preceding the year in which the election is to be held.
 - b. The ethics and campaign disclosure board shall adopt rules pursuant to chapter 17A providing for the filing of the financial statements with the board and for the deposit, retention, and availability of the financial statements. The ethics committees of the house of representatives and the senate shall recommend rules for adoption by the respective houses providing for the filing of the financial statements with the chief clerk of the house or the secretary of the senate and for the deposit, retention, and availability of the financial statements. Rules adopted shall also include a procedure for notification of candidates of the duty to file disclosure statements under this section.

68B.35A Personal financial disclosure statements of state officials and employees -- internet access.

Personal financial disclosure statements filed with the chief clerk of the house or the secretary of the senate shall be recorded on the legislative internet website or copies of the personal financial disclosure statements shall be forwarded to the secretary of state for the recording of the information on an internet website. The board shall record personal financial disclosure statements filed with the board on an internet website.

68B.36 Applicability -- lobbyist registration required.

1. All lobbyists shall, on or before the day their lobbying activity begins, register by filing a lobbyist's registration statement at times and in the manner provided in this section. In addition to any other information required by the general assembly and the board, a lobbyist shall identify in the registration statement all clients of the lobbyist. Lobbyists engaged in lobbying activities before the general assembly shall file the statement with the chief clerk of the house of representatives or the secretary of the senate. Lobbyists engaged in lobbying activities before the office of the governor or any state agency shall

- file the statement with the board. The chief clerk of the house and the secretary of the senate shall provide appropriate registration forms to lobbyists before the general assembly. The board shall prescribe appropriate registration forms for lobbyists before the office of the governor and state agencies.
2. Registration shall be valid from the date of registration until the expiration of the registration period for the type of lobbying in which the person will be engaging. Any change in or addition to the information shall be registered within ten days after the change or addition is known to the lobbyist. Changes or additions for executive branch lobbyists shall be filed with the board. Changes or additions for registrations of lobbyists of the general assembly shall be filed with either the chief clerk of the house or the secretary of the senate.
 3. For persons registered to lobby before the general assembly, registration expires upon the commencement of the next regular session of the general assembly, except that the chief clerk of the house and the secretary of the senate may adopt and implement a reasonable preregistration procedure in advance of each regular session during which persons may register for that session and the following legislative interim. For persons registered to lobby before the office of the governor or a state agency, registration expires upon the commencement of a new calendar year. The board may adopt and implement a reasonable preregistration procedure in advance of each new calendar year during which persons may register for that year.
 4. If a lobbyist's service on behalf of all clients, employers, or causes is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the board, the chief clerk of the house, or the secretary of the senate. The cancellation forms shall be filed by the lobbyist in the place where the lobbyist filed the original registration. Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of any employer, client, or cause until reregistering and complying with the rules of the board or the general assembly.
 5. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.

68B.37 Lobbyist reporting. repealed

68B.38 Lobbyist's client reporting.

1. On or before July 31 of each year, a lobbyist's client shall file with the general assembly and board a report that contains information on all salaries, fees, retainers, and reimbursement of expenses paid by the lobbyist's client to the lobbyist for lobbying purposes during the preceding twelve calendar months, concluding on June 30 of each year. The amount reported to the general assembly and the board shall include the total amount of all salaries, fees, retainers, and reimbursement of expenses paid to a lobbyist for lobbying both

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the legislative and executive branches.

2. Reports by a lobbyist's clients shall be filed with the same entity with which the lobbyist filed the lobbyist's registration.
3. The secretary of the senate, chief clerk of the house, and the board shall develop forms to implement this section.

68B.39 Supreme Court Rules

The supreme court of this state shall prescribe rules establishing a code of ethics for officials and employees of the judicial branch of this state, and the immediate family members of the officials and employees. Rules prescribed under this paragraph shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter. The supreme court of this state shall also prescribe rules which relate to activities by officials and employees of the judicial branch which constitute conflicts of interest.

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HOUSE BILL No. 2749

By Committee on Federal and State Affairs

5-4

9 AN ACT concerning challenging the constitutionality of a legislative ac-
10 tion or enactment by legislators; amending K.S.A. 2009 Supp. 46-233
11 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2009 Supp. 46-233 is hereby amended to read as
15 follows: 46-233. (a) (1) No state officer or employee shall in the capacity
16 as such officer or employee be substantially involved in the preparation
17 of or participate in the making of a contract with any person or business
18 by which such officer or employee is employed or in whose business such
19 officer or employee or any member of such officer's or employee's im-
20 mediate family has a substantial interest and no such person or business
21 shall enter into any contract where any state officer or employee, acting
22 in such capacity, is a signatory to, has been substantially involved in the
23 preparation of or is a participant in the making of such contract and is
24 employed by such person or business or such officer or employee or any
25 member of such officer's or employee's immediate family has a substantial
26 interest in such person or business.

27 (2) Except as otherwise provided in this subsection, whenever any
28 individual has participated as a state officer or employee in the making
29 of any contract with any person or business, such individual shall not
30 accept employment with such person or business as an employee, inde-
31 pendent contractor or subcontractor until two years after performance of
32 the contract is completed or until two years after the individual terminates
33 employment as a state officer or employee, whichever is sooner. This
34 prohibition on accepting employment shall not apply in any case where
35 a state officer or employee who participated in making a contract while
36 employed by the state of Kansas is laid off or scheduled to be laid off
37 from any state position on or after July 1, 2002. As used in this subsection
38 (a)(2), "laid off" and "layoff" mean a state officer or employee in the
39 classified service under the Kansas civil service act, being laid off under
40 K.S.A. 75-2948, and amendments thereto.

41 (b) No individual shall, while a legislator or within one year after the
42 expiration of a term as legislator, be interested pecuniarily, either directly
43 or indirectly, in any contract with the state, which contract is funded in

Attachment 7
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1 whole or in part by any appropriation or is authorized by any law passed
2 during such term, except that the prohibition of this subsection (b) shall
3 not apply to any contract interest in relation to which a disclosure state-
4 ment is filed as provided by K.S.A. 46-239, and amendments thereto.

5 (c) No individual, while a legislator or within one year after the ex-
6 piration of a term as a legislator, shall represent any person in a court
7 proceeding attacking any legislative action taken or enactment made dur-
8 ing any term such individual served as a legislator as being unconstitu-
9 tional because of error in the legislative process with respect to such
10 action or enactment ~~unless such legislator voted no upon the enactment~~
11 ~~of the measure and declared on the record, during such term, that such~~
12 ~~legislation was unconstitutional.~~ The prohibition of this subsection (c)
13 shall not apply to a ~~current or former legislator charged with a violation~~
14 ~~of such legislative action or enactment~~ *any individual who was in com-*
15 *pliance with the provisions of this subsection in effect at the time the court*
16 *proceeding was filed.*

17 (d) Subsections (a) and (b) shall not apply to the following:

18 (1) Contracts let after competitive bidding has been advertised for by
19 published notice; and

20 (2) contracts for property or services for which the price or rate is
21 fixed by law.

22 (e) When used in this section:

23 (1) "Substantial interest" shall have the same meaning ascribed
24 thereto by K.S.A. 46-229, and amendments thereto, and any such interest
25 held within the preceding 12 months of the act or event of participating
26 in the preparation of making a contract.

27 (2) "Substantially involved in the preparation or participate in the
28 making of a contract" means having approved or disapproved a contract
29 or having provided significant factual or specific information or advice or
30 recommendations in relation to the negotiated terms of the contract.

31 Sec. 2. K.S.A. 2009 Supp. 46-233 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its
33 publication in the statute book.

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the bill

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Senate Concurrent Resolution No. 1610

By Committee on Elections and Local Government

2-21

- 9 A CONCURRENT RESOLUTION adopting a legislative code of ethics.
10
11 WHEREAS, Responsibility is the cornerstone of public service; and
12 WHEREAS, Honor is the anchor which grounds legislators to their
13 duties; and
14 WHEREAS, Integrity is the foundation upon which public trust is
15 built: Now, therefore,
16 *Be it resolved by the Senate of the State of Kansas, the House of Rep-*
17 *resentatives concurring therein:* That the following is adopted as the
18 legislators code of ethics:
19 (a) When campaigning for office:
20 (1) I shall conduct truthful campaigns.
21 (2) I shall not engage in negative campaigning.
22 (3) I shall not misrepresent the positions of my opponent.
23 (4) I shall campaign with integrity.
24 (5) I shall accept the will of the voters.
25 (b) In the discharge of the duties of office:
26 (1) I shall govern for the people, not reelection.
27 (2) I shall listen to my constituents.
28 (3) I shall not bargain with a vote.
29 (4) I shall respect opposing opinions.
30 (5) I shall maintain voting integrity.
31 (6) I shall keep the public fully informed.
32 (7) I shall not use my position for personal or professional gain.

Attachment 8
HRJC 9-14-10