

FEB 1 2005
Place On Calendar

1 HOUSE RESOLUTION NO. 7

2 BY COMMITTEE ON ETHICS

3 (SUCCESSOR TO HSB 4)

4 A Resolution relating to the House code of ethics.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

6 That the House Code of Ethics shall be as follows:

7 HOUSE CODE OF ETHICS

8 PREAMBLE. Every legislator and legislative
9 employee has a duty to uphold the integrity and honor
10 of the general assembly, to encourage respect for the
11 law and for the general assembly, and to observe the
12 house code of ethics. The members and employees of
13 the house have a responsibility to conduct themselves
14 so as to reflect credit on the general assembly, and
15 to inspire the confidence, respect, and trust of the
16 public. The following rules are adopted pursuant to
17 chapter 68B of the Code, to assist the members and
18 employees in the conduct of their activities:

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

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

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

HR 7

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

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

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

29 d. Employment. A member or employee of the house
30 shall not accept employment, either directly or

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

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

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

28 f. Certain goods or services. A member or
29 employee of the house shall not solicit or obtain
30 goods or services from another person under

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

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

29 4. CONFLICTS OF INTEREST. In order for the
30 general assembly to function effectively, members of

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

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

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

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

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

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

1 economic interest that is distinguishable from the
2 interests of the general public or a substantial class
3 of persons.

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

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

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

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

1 employee's control.

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

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

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

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

21 12. COMPLAINTS.

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

28 b. Complaints by committee. The ethics committee
29 may initiate a complaint on its own motion. Committee
30 complaints may be initiated by the committee as a

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

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

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

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

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

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

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

1 d. Confidentiality of complaint. The filing of
2 the complaint and the contents of the complaint shall
3 be confidential until the time that the committee
4 meets to determine whether the complaint is valid,
5 unless either the complainant or the party charged in
6 the complaint makes the existence of, or the
7 information contained in, the complaint public.
8 However, if either the complainant or party alleged to
9 have committed the violation requests that the meeting
10 to determine whether the complaint is valid be a
11 closed meeting and the filing of the complaint or the
12 contents of the complaint have not been disclosed, the
13 meeting shall be closed.

14 e. Notice of complaint. Upon receipt of the
15 complaint, the chief clerk of the house shall promptly
16 notify the chairperson and ranking member of the
17 ethics committee that a complaint has been filed and
18 provide both the chairperson and the ranking member
19 with copies of the complaint and any supporting
20 information. Within two working days, the chief clerk
21 shall send notice, either by personal delivery or by
22 certified mail, return receipt requested, to the
23 person or persons alleged to have committed the
24 violation, along with a copy of the complaint and any
25 supporting information. The notice to the accused
26 person shall contain a request that the person submit
27 a written response to the complaint within ten working
28 days of the date that the notice was sent by the chief
29 clerk. At the request of the accused person, the
30 committee may extend the time for the response, not to

1 exceed ten additional calendar days.

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

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

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

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

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

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

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

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

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

1 witnesses, and to present evidence. Members of the
2 committee shall also have the right to question
3 witnesses.

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

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

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

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

29 (2) That the member of the house be suspended or
30 expelled from membership in the house and required to

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

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

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

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

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

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

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

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

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

16 16. ADVISORY OPINIONS.

17 a. Requests for formal opinions. A request for a
18 formal advisory opinion may be filed by any person who
19 is subject to the authority of the ethics committee.
20 The ethics committee may also issue a formal advisory
21 opinion on its own motion, without having previously
22 received a formal request for an opinion, on any issue
23 that is within the jurisdiction of the committee.

24 Requests shall be filed with either the chief clerk of
25 the house or the chairperson of the ethics committee.

26 b. Form and contents of requests. A request for a
27 formal advisory opinion shall be in writing and may
28 pertain to any subject matter that is related to
29 application of the house code of ethics, the house
30 rules governing lobbyists, or chapter 68B of the Code

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

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

27 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
28 following form shall be used for disclosure of
29 economic interests under these rules and section
30 68B.35 of the Code:

1 STATEMENT OF ECONOMIC INTERESTS

2 Name: _____

3 (Last) (First) (Middle Initial)

4 Address: _____

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

6 _____

7 (City) (State) (Zip)

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

9 *****

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

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

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

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

23 Division I. Business, Occupation, Profession.

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

28 Examples:

29 If you are employed by an individual, state the
30 name of the individual employer, the nature of the

1 business, and your position.

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

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

10 1 _____
11 2 _____
12 3 _____
13 4 _____
14 5 _____
15 6 _____

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

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

24 1 _____
25 2 _____
26 3 _____
27 4 _____
28 5 _____
29 6 _____

30 Division III. Sources of Gross Income.

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

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

17 _____
18 _____
19 _____
20 _____
21 _____
22 _____

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

29 _____
30 _____

1 _____
2 _____
3 _____
4 _____

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

8 _____
9 _____
10 _____
11 _____
12 _____
13 _____

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

20 _____
21 _____
22 _____
23 _____
24 _____
25 _____

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

29 _____
30 _____

1 _____

2 _____

3 _____

4 _____

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

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 (Signature of Filer) _____ (Date) _____

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