

Ethics Cases in Other States
News Stories

Ethics

Committees that consider violations of legislative rules and all questions of conduct of legislators.

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Source: All Sources : News : Newspaper Stories, Combined Papers

Terms: (ethics w/1 complaint) w/10 (house or senate) and date geq (02/28/1998) ([Edit Search](#))*The Des Moines Register, April 10, 1999*Copyright 1999 The Des Moines Register, Inc.
The Des Moines Register

April 10, 1999, Saturday

SECTION: Main News Pg.2**LENGTH:** 228 words**HEADLINE:** The assault in the Senate**SOURCE:** Register Editorial Writer**BODY:**

Boys being boys? That would be an easy way to dismiss one state senator striking another during debate Thursday on property rights and recreational trails, but it would send the wrong message. Official condemnation is called for.

Violence of any sort isn't tolerated the way it used to be, for good reason, whether it's a husband hitting his wife or students scuffling on the playground. As a society, we've come to realize that no one has the right to physically attack someone else. Certainly, not a state senator on the floor of the Senate, which is supposed to be a model of civility.

Senator Dennis Black of Grinnell, a trails supporter, said he is considering an **ethics complaint** against Senator John Jensen of Plainfield after Jensen walked across the **Senate** chamber and hit him in the shoulder. Jensen was then restrained by another senator. Jensen apparently thought he'd been called a liar.

Senate Majority Leader Stewart Iversen said Friday that the "unfortunate" incident had been blown out of proportion, that there was no intent to do harm. Black and Jensen were brought together later and shook hands. "I consider it over and done," said Iversen.

True, no one appears to have been injured, but serious damage has been done nonetheless. The Senate must make it clear that what Jensen did is unacceptable.

Des Moines Register Editorial

LANGUAGE: English**LOAD-DATE:** April 13, 1999View: [Cite](#) | [KWIC](#) | [Full](#) | [PREVIOUS](#) 48 of 107 [NEXT](#) | [Text Only](#) | [Download](#) | [Fax](#) | [Email](#)
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Anchorage Daily News July 18, 1998, Saturday,

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July 18, 1998, Saturday, FINAL EDITION

SECTION: METRO, Pg. 1D

LENGTH: 922 words

HEADLINE: LAWSUIT QUESTION OF ETHICS;
LEGISLATORS' FREE LEGAL HELP MAY BREAK CODE

BYLINE: Robert Kowalski; Daily News Juneau Bureau

DATELINE: Juneau

BODY:

State legislators who agreed to take part as individuals in a lawsuit on the subsistence issue against the federal government may have violated the state ethics code by accepting free legal representation.

That is being questioned as the case is being heard in federal court and the Legislature is about to take up the subsistence issue in a second special session next week.

Meanwhile, after a legislative committee ruled on the ethical question early this year, the full Legislature quietly changed the state law so that accepting such legal services at no charge won't be a problem for lawmakers in the future.

The legislators -- three state senators and six representatives, all Republicans -- agreed to act as individual Alaskans in a lawsuit the Legislative Council filed in January seeking to block a federal takeover of subsistence hunting and fishing management in Alaska.

They did so as a legal strategy to help ensure that the case could go forward even if a court decided the legislative body didn't have standing to pursue the lawsuit.

A federal judge heard arguments in the case in Washington, D.C., this week, but has not made a ruling. The legal challenge is a key part of discussions expected to take place next week when the Legislature returns to Juneau to try to find a way to avert federal takeover of subsistence fishing management in the state.

The Legislative Council agreed to pay \$ 175,000 in state funds for legal representation on its lawsuit. But none of the lawmakers who are named as individual plaintiffs in the suit have paid for legal work on the case, according to Rep. Ramona Barnes, chairwoman of the Legislative Council.

Barnes said that the chief lawyer hired by the Legislative Council, Mark Pollot of Boise, Idaho, agreed to represent the individuals named in the suit on a pro bono, or without charge, basis.

That is a violation of existing state law, said Mike Walleri, general counsel of the Tanana Chiefs Conference, a Fairbanks-based group that opposes the Legislature's lawsuit and has objected to the Legislative Council using state money to pay for it.

"Their continuing participation is a willful violation of the ethics law," Walleri said of the lawmakers named as plaintiffs. "I think there's a real problem and I think it's a major policy issue."

The Legislature's ethics committee in February ruled that if lawmakers named individually in the lawsuit didn't pay for their legal representation, the value of the legal services must be considered a gift under state law.

Lawmakers cannot accept a gift worth \$ 100 or more under the law, the committee ruled.

House Majority Leader Brian Porter sought the ethics committee opinion. He said he decided not to participate as an individual in the lawsuit as a result of the committee's ruling.

"The opinion indicated that we would be receiving something of value from that representation and that it would be, consequently, improper, if we were individually listed," said Porter, an Anchorage Republican. "It crossed my mind that there was an ethics problem."

But some of the lawmakers who are listed in the suit said the amount of legal services they've received in the case is so minimal that it doesn't violate the ethics law's limits on receiving gifts.

"We filled out our own paperwork and all the attorney had to do was put that in the brief, so it was less than \$ 100 for each one of us," said Barnes, an Anchorage Republican. "The cost of some secretary typing that into the brief was minuscule."

Barnes, an Anchorage Republican, said that although she is listed as an individual plaintiff in the suit, she has always been acting officially as a legislator in her dealings with the lawyer that the Legislative Council hired in the case.

"I've never discussed it in any way as an individual," she said. "The attorney said it was important to have legislators listed as individuals."

Rep. Scott Ogan, a Wasilla Republican who also is named as an individual plaintiff in the suit, said he read the ethics committee opinion, but won't remove his name from the case.

"They'll have to remove me from office to take my name off this suit," said Ogan, who also is a member of the Legislative Council.

Walleri said he is considering filing an **ethics complaint** against the **legislators** named as plaintiffs in the lawsuit, but if he does, it won't be until after the end of the upcoming special session.

"The problem with filing an ethics complaint right now is that it might be seen as being politically motivated," he said. "That's not the issue here. The issue here is the propriety . . . of this particular activity."

The Select Committee on Legislative Ethics, which issued its opinion on the lawsuit matter in February, can investigate potential ethics violations on its own, but most often does so after someone else files a complaint, committee staffer Susie Barnett said.

The Legislature passed a broad ethics bill earlier this year that changes the state ethics law to allow lawmakers to accept free legal services related to legislative matters, and to accept gifts with a value of as much as \$ 250.

The new provision becomes effective in January, so it would not apply to legal services already provided on the Legislative Council subsistence lawsuit.

Porter, who voted in favor of that ethics bill, said he wasn't aware it included that change for legal services.

"That must have been hidden in there someplace that I didn't read," he said.

LANGUAGE: ENGLISH

The Atlanta Journal, January 15, 2000

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The Atlanta Journal and Constitution

January 15, 2000, Saturday, Home Edition

SECTION: News; Pg. 1A

LENGTH: 749 words

HEADLINE: Georgia House approves its first code of ethics

BYLINE: Richard Whitt, Staff

SOURCE: AJC

BODY:

With a single dissenting vote, the Georgia House approved its first formal code of conduct Friday. Some hailed the legislation as a historic effort; others said it came up short.

The new code sets up procedures for educating House members on ethics guidelines and for publishing a handbook containing rules and laws pertaining to ethical conduct. It also requires an ethics training course for all newly elected members.

But public disclosure of **ethics complaints** will be limited. And **legislators** still can accept illegal campaign contributions without violating the new House rules. And they may still take gifts of any value from anyone without disclosing them.

"We think the House missed an opportunity to step up to the plate and do what the governor's office has done --- to adopt the no-gift policy," said Sierra Club lobbyist Mark Woodall. "I don't think folks back home understand all the free tickets and free meals. We don't think anyone is being bought by that, but we kind of hoped to see that end."

Lawmakers admit weaknesses in the rules, but Democrats and Republicans call the code a step forward.

"I believe all your mamas would be proud of you today," Ethics Committee Chairman Mike Snow said before the 163-1 vote.

Rep. Billy McKinney (D-Atlanta) said he cast the lone "no" vote because the ethics legislation wasn't needed.

"I'm sick of this ethics stuff. It goes on and on and on. I think we've got enough ethics," said McKinney. He declared that he had seen few unethical acts during his 28 years in the House.

"This issue is driven by politics," he said. "The Republicans want this and the Democrats have to respond. We've had no history of corruption in the Legislature."

The Senate has a set of rules governing conduct. Although it is not very tough, it does ban senators from going on junkets financed by lobbyists and corporations. The new House standards don't address that aspect of political schmoozing.

Snow noted that the House Ethics Committee has come under criticism in the press for meeting rarely during the past several years. A provision in the old rules kept the committee from meeting unless there was a formal complaint against a House member.

"I think that is a good reflection on the character and ethics of members of the House for the past

several years," Snow said.

The code lets the Ethics Committee investigate complaints, conduct hearings and issue advisory opinions at the request of House members or employees.

However, there is no requirement that complaints, rulings or advisory opinions be made public.

Snow said secrecy guards against frivolous complaints.

"I don't want to turn the Ethics Committee of the House of Representatives into what they have in Congress, where they spend most of their time attacking each other. Both sides, I think, had that concern," he said.

The new rules:

Allow any House member or House employee to ask for an advisory opinion from the Ethics Committee.

Limit the use of state funds, facilities, equipment, or services for nonlegislative purposes.

Make it a violation to perform or withhold any official action solely as the result of a political contribution, or to imply that such action would be performed or withheld on that basis.

Make it a violation to retaliate against anyone for reporting conduct the complainant feels is improper or unlawful.

Implement a 2-year-old rule that urges, but doesn't require, House members and candidates to submit to drug tests. The rule was adopted after the Supreme Court in 1997 struck down a Georgia law requiring candidates for state office to take drug tests.

Snow, who headed a study committee that wrote the code of conduct, said he would have no problem in taking up the gift disclosure issue. "My understanding is, that was to be part of the governor's campaign finance reform legislation," he said.

Accepting illegal campaign contributions was not seen as a serious issue by members of the study committee, Snow said.

House Majority Whip Jimmy Skipper, who was on the study committee, praised the new code. "I think it stacks up very favorable with other states," he said.

Skipper said he believes gifts to legislators are already adequately covered under current law. If a gift is given with intent to influence a legislator's vote, it falls under the bribery statute, he said.

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> www.accessatlanta.com/news/legislature/

GRAPHIC: Photo

Rep. Mike Snow (D-Chickamauga) speaks Friday. He led the committee that wrote the new code of conduct for members of the Georgia House of Representatives. / JOHN BAZEMORE / Associated Press

LOAD-DATE: January 15, 2000

Source: All Sources : News : Newspaper Stories, Combined Papers

Terms: **(ethics w/1 complaint) w/10 (legislator or legislature) and date geq (02/28/1998)** ([Edit Search](#))

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THE DENVER POST

ETHICS PANEL TURNS INTO KNOTTY ISSUE SENATORS DELAY DECISION

Saturday, January 8, 2000

Section: FRONT SECTION

Edition: SAT1

Page: A-12

BY MIKE SORAGHAN

DENVER POST CAPITOL BUREAU

After wading into the thorny issue of how to police themselves on ethics, state senators found Friday that they couldn't get out.

Senate leaders proposed creating an ethics committee to hear charges of ethical misconduct. It was supposed to be a routine change, simply matching a process the House already has.

But they swiftly hit opposition from those who said ethics enforcement will cause trouble and those who worried that the committee itself would have conflicts of interest.

Sen. Bryan Sullivant, R-Breckenridge, said creating an ethics committee will allow people to create mischief by filing **ethics complaints**. "Doesn't this ethics committee already exist? It's called the electorate," Sullivant said. He also criticized the source of information for most members of the electorate - the media - complaining about "inaccurate stories in the press."

The last ethics investigation in the Colorado **Legislature** took place in 1998, when a Denver man accused Rep. Tony Grampsas, R-Evergreen, of unethically interfering in the internal affairs of the University of Colorado. Grampsas died last year not long after being elected to the Senate.

The House's ethics committee cleared Grampsas, but Sullivant said that didn't make it right.

"I remember the stain he carried with him just from the filing" (of the accusation), Sullivant said.

The man who complained, John Simonton, alleged that the lawmakers who dismissed the charges simply were protecting their own.

Sen. John Evans, R-Parker, questioned the process. The plan called for the three Senate leaders - the president, majority leader and the minority leader - to sift through charges, referring those with merit to an ad hoc panel of senators.

Evans questioned whether those leaders, who are elected by the senators in their parties, could be impartial when they need the support of their members to stay in office and advance their agenda.

"It can be difficult for the leadership to review one of their members," Evans said. Senate Minority Leader Mike Feeley, D-Lakewood, said the leaders will keep any complaint secret unless they decide it has merit.

Senate Majority Leader Tom Blickensderfer, R-Englewood, said tough decisions are part of serving in a leadership position.

Eventually, though, they gave up and decided to try again Monday.

But Sen. Dorothy Rupert, D-Boulder, figures someone must be trying to bring charges against a

But Sen. Dorothy Rupert, D-Boulder, figures someone must be trying to bring charges against a senator. "There's never going to be something like this unless someone is the target," she said.

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Sun-Sentinel (Fort Lauderdale), June 9, 1999

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June 9, 1999, Wednesday, Broward Metro EDITION

SECTION: LOCAL, Pg. 6B

LENGTH: 285 words

HEADLINE: STATE PANEL DROPS **ETHICS COMPLAINTS;**
TWO LEGISLATORS WERE THE TARGETS

BYLINE: JOHN KENNEDY ; Tallahassee Bureau

DATELINE: TALLAHASSEE

BODY:

A state panel has dismissed ethics complaints against Senate President Toni Jennings and Senate Republican Leader Jack Latvala over a private dinner involving 20 GOP senators.

The ruling, made public on Tuesday, involved allegations by a Pinellas County Democratic activist who said the two legislators violated state public meetings laws by organizing the dinner, held on the eve of a key Senate vote.

In dismissing the complaints, the Florida Ethics Commission ruled that public meetings fall outside the legal authority of the panel and should be addressed by a state attorney. But there is no indication that the complaints will be brought before state prosecutors, ethics officials said.

Neither Jennings, R-Orlando, nor Latvala, R-Palm Harbor, could be reached for comment. In April, shortly after the complaints were filed, both said the private dinner should not have been held, acknowledging that the public and media are required to be notified about such meetings under Senate rules.

"It was my responsibility to make sure the meeting was noticed," Jennings said at the time. "I am sorry if I've done something wrong."

"We made a mistake," Latvala said.

At the dinner, held at a restaurant eight miles from the Capitol, 20 of the Senate's 25 Republicans gathered to discuss a vote on Gov. Jeb Bush's education package. Also present was Ken Plante, Bush's chief lobbyist.

The education package, which included the controversial school voucher provision, eventually sailed through the House and Senate. The complaints were filed by Terrence Gourdine, of Clearwater, a member of the Pinellas County Democratic Party's executive committee. He could not be reached for comment.

GRAPHIC: PHOTOS 2, LATVALA; JENNINGS

LOAD-DATE: June 10, 1999

The Atlanta Journal, February 28, 2000

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The Atlanta Journal and Constitution

February 28, 2000, Monday, Home Edition

SECTION: Local News; Pg. 1B

LENGTH: 1046 words

HEADLINE: Spotlight;
Grady contracts show law's laxity;
State's disclosure provisions fail to force legislators to reveal their dealings with public hospital.

BYLINE: Lucy Soto, Staff

SOURCE: CONSTITUTION

BODY:

It's not news that Georgia's elected officials have one of the nation's weakest financial disclosure laws. But we're reminded, yet again, with the latest news of financial dealings at Grady Memorial Hospital.

Two key legislators failed to disclose their interest in companies that have contracts with Grady, the state's largest public hospital. The legislators say they didn't think they had to.

And who's to tell them any different?

The law certainly won't. It's short on specifics and long on loopholes.

Neither will the State Ethics Commission, nor the House and Senate ethics committees. They only respond to formal complaints.

The state requires public officials to file disclosure reports to give the public information about potential conflicts. Officials must list any business in which they have a job giving them a financial stake. They also must list any business in which they have holdings worth more than \$ 20,000 or that make up at least 10 percent of the business.

House Majority Leader Larry Walker (D-Perry) owns part of a company that provides storage and retrieval for Grady's medical files. Archive America of Georgia got the contract in 1996. It was worth nearly half a million dollars the first two years. Walker has never listed the company on his disclosures, and his interest in it is not mentioned in the company's other public documents.

Senate Majority Leader Charles Walker (D-Augusta) is listed in secretary of state documents as CEO of a company that has collected \$ 1.9 million from Grady since 1997. (The Walkers are not related.) Georgia Personnel Services provides temporary housekeepers and cafeteria workers to Grady. He listed the company once on his 1995 disclosure form, but hasn't since.

Charles Walker acknowledged his interest in the company when he told a Journal-Constitution reporter last week he had no conflict of interest regarding Grady. "I bid the contract," he said. "I was the low bidder. I don't know what else I need to do."

Yet, he later told Spotlight he had no interest in the company. He said incorporation records list his son as CEO. His son, Charles W. Walker Jr., is listed as a "Jr." in other companies he works with, but the CEO of the personnel firm is not so designated.

In any case, the senator believes he doesn't have to disclose the temp agency or the seven other

Majority PAC.

In 1998, the campaigns of nine state senators gave \$ 28,500 to the PAC, which spent the money on helping GOP challengers for other Senate seats.

But some of the senators had already made the maximum legal donation to those candidates, raising the possibility that limits on campaign contributions had been circumvented indirectly.

"The law needs to be clarified," Price said. "The code is very confusing. . . . It's very hard for anyone to know that someone is in compliance."

Spotlight reports on how government works --- and when it doesn't. Tips or feedback? Tipsters will remain anonymous.

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LOAD-DATE: February 28, 2000

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The Florida Times-Union (Jacksonville, FL) February 26, 2000 Saturday,

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The Florida Times-Union (Jacksonville, FL)

February 26, 2000 Saturday, Georgia Edition

SECTION: NATIONAL/INTERNATIONAL; Pg. A-1

LENGTH: 957 words

HEADLINE: Ethics questions put lawmakers on the spot;
Rigorous campaign year seen as likely catalyst

BYLINE: Walter C. Jones, Times-Union staff writer

BODY:

ATLANTA -- Allegations of ethical lapses are coloring this year's legislative session with fingers pointing at both chambers' majority leaders, a senator who called a senior trooper about a speeding ticket, and a representative who takes lobbyist-funded family vacations.

So far, there is more noise than actual charges. Only one formal investigation has been launched, that at the request of the legislator being accused.

'All of this is laying the groundwork for what is an incredibly high stakes election campaign,' said Senate Minority Leader Eric Johnson, R-Savannah.

Legislators elected this fall will get to redraw districts for the House and Senate as well as members of Congress. Whether those lines favor Republicans or Democrats could determine who controls the General Assembly as well as the Congress, where a change of just six seats would swing the balance.

Here is a list of the legislators under suspicion, all of whom say they did nothing wrong:

Senate Majority Leader Charles Walker, D-Augusta, has been accused of enjoying a sweetheart contract for his company, Georgia Personnel, to supply temporary employees to the state's largest hospital, Atlanta-based Grady Memorial.

The workers Walker's company supplied were poorly dressed, had a bad attitude, slept on the job and one smelled of alcohol, according to Emmett Godfrey, former assistant vice president for organization at Grady.

'It seems kind of strange to me,' he said. 'Why do we keep getting people from this agency? Why not get them from an agency that did a better job?'

When he approached his superiors, he said he was told senior managers gave them no choice.

The director of personnel then, Joyce Harris, has been quoted as saying Walker got the deal because he had been instrumental in getting state funding for the hospital, which regularly loses money treating indigent patients.

Walker, though, maintains the arrangement is aboveboard and that his company was asked for a proposal and won the account.

'I don't know that we have to check with a [client] company to make sure they are following their

own procedures. I assume that they have,' Walker said. 'Grady is not a state agency. There is no conflict of interest.'

House Majority Leader Larry Walker, D-Perry, (no relation to Charles Walker) is a part owner in a records-storage company that has a long-term contract with Grady.

Sen. David Scott, D-Atlanta, sponsored a resolution that passed the Senate unanimously Tuesday establishing a committee to investigate financial dealings at Grady. In his argument, he named Charles Walker and Larry Walker as two powerful lawmakers profiting from their role in setting Medicaid payment rates for hospitals. That resolution is now in the House Rules Committee.

Sen. Joey Brush, R-Applying, admitted calling a high-ranking official in the Georgia Department of Public Safety after getting a speeding ticket and warning both on the same day. The official, Capt. O.T. Norton, quoted Brush as saying 'I guess that y'all don't have much coming through our committee this next session.'

Rep. Robin Williams, R-Augusta, requires that lobbyists pay to feed and house his family when they invite him to seminars and speaking engagements. State ethics rules say lobbyists can only pay reasonable expenses in connection with such invitations.

Only Williams' case is being investigated, and he requested it, saying it would settle the question of whether the travel payments he accepted are allowable. He maintains they are.

The State Ethics Commission voted Feb. 18 to begin a preliminary investigation of Williams. Its staff was prepared to make that recommendation when Williams sent it a letter asking for the inquiry.

'If they feel like I've done something wrong, I want to know that,' he said. 'I don't want to have this thing an open question mark every year.'

Spokesmen for investigatory agencies say either they have had no formal complaints or that what they know of the situations leads them to conclude no laws were broken.

One person who has filed complaints, Rome-bookstore owner George Anderson, sent a letter of complaint to Lt. Gov. Mark Taylor asking for an investigation into Brush.

'I strongly believe that Sen. Joey Brush has betrayed the public's trust. As a concerned citizen of Georgia, I strongly urge you to put this very important topic, ethics, before Sen. Brush's peers,' Anderson wrote.

But Taylor's spokeswoman said **Senate** rules require that **ethics complaints** originate with a member of the **Senate** or its staff. She said yesterday that none of those people had lodged a complaint.

Brush said he called Norton, whom he had known for years, to ask if troopers routinely delivered extended lectures and acted strange when issuing citations. But a copy of the tape recorded from the patrol car shows Sgt. C.A. Ulveling talking calmly during both stops --- the first lasting seven minutes when he issued a ticket for going 77 mph in a 65 mph zone and the second lasting 12 minutes when he wrote a warning.

The tape, released by the Georgia State Patrol, does not include audio from Ulveling's wireless microphone because it was sent for repairs two weeks beforehand. But a second trooper arrived for the last minute of the stop and recorded Ulveling's comments.

'This is a warning. There's no fine or anything on your record,' he told Brush. 'I do know if you pull off at the same speed, I'll stop you again.'

Ulveling offered to let Brush pace his car on the patrol car in case the senator's speedometer was broken.

Brush said yesterday he is suspicious about the tape because of the sound problem.

'You couldn't hear all the things he was saying to me,' he said.

LANGUAGE: ENGLISH

LOAD-DATE: February 28, 2000

Source: All Sources : News : Newspaper Stories, Combined Papers

Terms: (ethics w/1 complaint) w/10 (house or senate) and date geq (02/28/1998) ([Edit Search](#))

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Star Tribune (Minneapolis, MN), October 1, 1998

Copyright 1998 Star Tribune
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October 1, 1998, Metro Edition

SECTION: Pg. 8B

LENGTH: 199 words

HEADLINE: Ethics complaint against lobbyist sent to prosecutor

SOURCE: Associated Press

BODY:

An ethics panel has forwarded to Ramsey County prosecutors a complaint against a Teamsters lobbyist accused of working against tobacco-control legislation while secretly being paid by the tobacco industry.

In findings released Wednesday, the state Campaign Finance and Public Disclosure Board said probable cause exists to believe that Wes Lane violated the 1974 ethics in government law requiring lobbyists to register with the state.

Documents released through Minnesota's tobacco litigation earlier this year showed that the Tobacco Institute, the industry's trade group, secretly paid Lane \$ 2,500 a month from about 1988 until 1992 while he worked as a union lobbyist.

That revelation prompted Rep. Phyllis Kahn, DFL-Minneapolis, to file the **ethics complaint**. She said Lane helped sway **legislators** to vote against her bills to restrict smoking in the workplace in the early 1990s because they thought he was speaking solely as the Teamsters' top state lobbyist.

Lane's attorney said he doesn't think prosecutors will file charges based on the board's findings. Lane didn't spend enough hours lobbying on tobacco issues to require him to register, Paul Rogosheske said.

LANGUAGE: ENGLISH

LOAD-DATE: October 2, 1998

Source: [All Sources](#) : [News](#) : [Newspaper Stories, Combined Papers](#)

Terms: [\(ethics w/1 complaint\) w/10 \(legislator or legislature\) and date geq \(02/28/1998\)](#) ([Edit Search](#))

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Star Tribune (Minneapolis, MN) February 25, 2000, Friday, Metro Edition

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February 25, 2000, Friday, Metro Edition

SECTION: NEWS; Pg. 5B

LENGTH: 797 words

HEADLINE: GOP legislator's remarks draw DFL protest;
Complaint filed after he refers to DFLer's 'irreligious left views' during prayer debate

BYLINE: Patricia Lopez Baden; Staff Writer

BODY:

House DFLers filed an **ethics complaint** Thursday against Rep. Arlon Lindner, R-Corcoran, for calling a Jewish DFL House member part of the "irreligious left" during a tempestuous debate on prayer.

House Minority Leader Tom Pugh, DFL-South St. Paul, said Lindner's remarks were "one of the most shocking displays of insensitivity and intolerance that any of us can remember."

It's rare for anything said on the House floor to trigger a formal complaint, but DFLers said they intend to prove that Lindner's remarks "brought the House into disrepute," which could be a violation of House rules on conduct.

The complaint will be referred to the House Ethics Committee by Speaker Steve Sviggum, R-Kenyon, and could have a public hearing as early as next week.

Lindner's remarks came during a floor fight late Wednesday over whether the prayer that opens every House floor session should be nondenominational.

Up until last year, such prayers were denominational. Then House Republicans planned, as part of the session's opening prayer ceremony, a religious choir that ringed the House chamber singing the Apostle's Creed. Some House members were visibly uncomfortable with what they considered an overly religious display and pushed through a rule change that made the prayer nondenominational.

The change has irked religious conservatives in the GOP caucus, and on Wednesday they began the fight to reverse the rule.

Rep. Michael Paymar, DFL-St. Paul, was among those who defended the nondenominational prayer. "I would like to be part of that moment where a religious leader gets up before us and has a prayer," said Paymar, who is Jewish. "But I would like that to be nondenominational, and I would like it to be respectful of who I am."

Lindner then responded to Paymar: "You know we're told there's one God and one mediator between God and man. The man Christ Jesus. And most of us here are Christians. And we shouldn't be left, not able to pray in the name of our God. . . . And if you don't like it, you may have to like it. Or just don't come. I don't come sometimes for some prayers here. . . . We have that privilege, and you need to exercise it. But don't impose your irreligious left views on me."

There were gasps and some hissing, and Rep. Matt Entenza, DFL-St. Paul, asked Lindner to "rethink the last remark you made." Lindner did not, and afterward Entenza offered a "protest of dissent" petition that was entered into the House journal. Sixty members signed it, including eight

Republicans, Entenza said.

On Thursday, Pugh, Entenza and several others said the petition was not enough. "This was an anti-Semitic remark, attacking not only Representative Paymar, but the religious beliefs of thousands of Jewish people across this state," he said. "And that is so fundamentally unacceptable that the Ethics Committee has to decide what the appropriate course of conduct should be."

The committee has wide latitude and could recommend anything from a formal reprimand on the House floor to exoneration. The full House then would vote on the recommendation, Rep. Ann Rest said.

Lindner said Thursday that he didn't think the ethics complaint was necessary. He said he didn't intend to insult Jews.

He also remained unrepentant and said he would not apologize for his remarks.

"I love Jewish people," Lindner said. "I didn't intend those remarks to be anti-Semitic. I certainly didn't intend it that way."

But, he said, he would not apologize to Paymar. "He's referred to me before as being part of the Christian right. I think he owes me an apology. I'm looking at Representative Paymar as just a person with evidently some thin skin. I don't see how he could have been bothered by the music we had last year."

Paymar said many House Republicans came up to him privately on Wednesday. "They were absolutely appalled, and apologized on behalf of their caucus," he said. "I don't think Representative Lindner's remarks reflect the view of the Republican majority."

However, he said, "This is an issue the Republican Party is going to have to deal with. They can't say to non-Christian members, 'If you don't like the prayer, then get out and sit in the retiring room.' Representative Lindner has to be held accountable for his comments."

House Majority Leader Tim Pawlenty, R-Eagan, said that Lindner had been intemperate, but that he was unsure that his comments warranted an ethics complaint, something typically reserved for more grievous acts.

"His remarks were inflammatory and perhaps inappropriate," Pawlenty said. "His remarks do concern me. We often have heated debate, but we need to maintain a level of decorum."

GRAPHIC: PHOTO

LANGUAGE: ENGLISH

LOAD-DATE: February 26, 2000

Source: All Sources : News : Newspaper Stories, Combined Papers

Terms: (ethics w/1 complaint) w/10 (house or senate) and date geq (02/28/1998) (Edit Search)

View: Full

Date/Time: Tuesday, February 29, 2000 - 6:32 PM EST

The Courier-Journal (Louisville, KY.), May 12, 1998

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The Courier-Journal (Louisville, KY.)

May 12, 1998, Tuesday KY:KENTUCKY

SECTION: NEWS Pg.03B

LENGTH: 446 words

HEADLINE: 2 who worked under Downey testify
Ethics panel chairman won't reveal matters under consideration

BYLINE: TOM LOFTUS, The Courier-Journal

SOURCE: STAFF

DATELINE: FRANKFORT, Ky.

BODY:

Two former workers in Kent Downey's defunct Office of House Operations appeared briefly yesterday during a closeddoor session of the Legislative Ethics Commission.

Downey pleaded guilty last year to federal charges that he used a small event-planning business he owned to promote prostitution and illegal gambling. He also admitted that some of the illegal activity was conducted out of his office on the fourth floor of the Capitol.

In the wake of his guilty plea, Sen. Elizabeth Tori, R-Radcliff, filed a **complaint with the ethics** commission seeking an investigation to determine whether any **legislators** violated the ethics code in matters related to the Downey controversy.

Commission Chairman C. Bruce Lester declined yesterday to reveal matters being scrutinized by the commission. He said he expected the investigation to last two more months.

The two former members of Downey's House Operations staff who testified yesterday were Bethanie Fisher and Melvin LeCompte.

Both declined comment afterward.

LeCompte was once in charge of couriers for House Operations, which made sure the House was prepared for each floor session. LeCompte currently is on the staff of the House and Senate Labor and Industry committees.

His attorney, Guthrie True of Frankfort, declined to say what kind of information LeCompte provided. "I think it's best left to the investigative agents and authorities to determine whether or not anything Melvin has shared constitutes an illegality or an impropriety," True said.

Fisher was one of two former House Operations employees fired by Legislative Research Commission director Don Cetrulo on Dec. 31. The other was Chris Blake, who, along with another ex-Downey aide, Mike Benassi, was indicted last month for allegedly obstructing justice in the federal investigation of Downey.

Downey has remained free pending the scheduling of a sentencing date. As part of his plea, he agreed to cooperate with various ongoing investigations. In February he testified at length during a closed-door session of the ethics commission.

In filing her complaint, Tori asked that the commission examine whether any lawmakers misused Downey and his former staff for personal or political work.

A separate investigation, being conducted by Lexington attorney George Rabe, is looking into complaints of three employees of the Legislative Research Commission who say no action was taken by their superiors in response to their complaints about Downey's behavior long before the federal investigation started.

Cetrulo has said he responded as well as he could have to those complaints with the information available at that time.

LANGUAGE: English

LOAD-DATE: May 14, 1998

Source: All Sources : News : Newspaper Stories, Combined Papers

Terms: (ethics w/1 complaint) w/10 (legislator or legislature) and date geq (02/28/1998) ([Edit Search](#))

View: Full

Date/Time: Tuesday, February 29, 2000 - 4:36 PM EST

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The Santa Fe New Mexican, September 22, 1999

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The Santa Fe New Mexican

September 22, 1999, Wednesday

SECTION: Main; Pg. A-1

LENGTH: 847 words

HEADLINE: Aragon resigns post at Wackenhut

BYLINE: MARK OSWALD

BODY:

Senate President Pro Tem Manny Aragon in the face of a barrage of criticism Tuesday announced that he has resigned from his job with Wackenhut Corrections, which runs two private prisons in New Mexico that are paid tax dollars to house state inmates.

Aragon issued a statement saying allegations that his consulting contract with Wackenhut represented a conflict of interest for the Senate's top leader had become an impediment to a planned investigation of New Mexico's prison problems.

"The investigation and prison reform debate (are) too important to the citizens of New Mexico for it to be compromised by my consulting contract or any purported conflicts of interest or personality issues among my colleagues or administration officials," Aragon said.

"In my heart, I know I did not have a conflict; nevertheless, I realize that some people feel that it appeared that way. As the investigation and evaluation move forward, I do not want the product of these efforts to be negatively impacted by my association with Wackenhut."

"I trust that my resignation from Wackenhut puts an end to the issue," Aragon, D-Albuquerque, said.

Republican Gov. Gary Johnson disagreed.

"In my opinion, I do not believe that stepping down under pressure removes the cloud that surrounds him in his role as pro tem," Johnsons said in a prepared statement. "The damage has been done, and the questions will always linger."

Aragon took the job with Wackenhut which has contracts to be paid up to \$ 25 million a year to take state inmates last year. Once a leading opponent of prison privatization, Aragon never disclosed how much he was paid by Wackenhut.

Recently, a series of violent incidents at the Wackenhut prisons in Santa Rosa and Hobbs, including two riots and murders of four inmates and a guard, put renewed focus on Aragon's dual roles as Senate leader and Wackenhut employee.

Earlier this month, Public Safety Secretary Darren White stormed out of a meeting between state officials and Wackenhut executives about the inmate violence after Aragon began running the meeting. White said Aragon had to choose between the Senate and Wackenhut.

State Republican Party Chairman John Dendahl asked Democratic Attorney General Patricia Madrid to investigate whether Aragon had an improper conflict of interest. She refused. Dendahl then announced that he planned to file an **ethics complaint** against Aragon at the **Legislature**, but backed off after he learned that he had breached a statutory requirement that such complaints be

kept confidential.

Dendahl Tuesday took some credit for Aragon's resignation, saying it "totally vindicated the week of pressure that the press and the Republican Party have been putting on him."

He added: "I hope this blatant and embarrassing situation will give the other 111 members of the Legislature cause for inward reflection about conflicts of interest between their public duties and private business."

And Dendahl said he still expects the Aragon-Wackenhut relationship to be a campaign issue in legislative elections next year.

Democratic State Party Chairman Diane Denish said Aragon had taken "an important step" in eliminating even the appearance of a conflict of interest and that now the focus could shift to what she said were the Republican Johnson administration's failures at running a "safe and cost-efficient prison system."

She also said there should now be more focus on Wackenhut campaign contributions to Johnson and the company's connections to other Republicans.

Sen. Ben Altamirano, D-Silver City an Aragon supporter said "it is kind of tragic that he had to resign (from Wackenhut) because of a media hype." He said Aragon had no conflict of interest.

"It's depressing that it's popular to put a public official through the ringer like this," Altamirano said.

But Sen. Pauline Eisenstadt, D-Corrales one of a few Democratic senators who argued that Aragon shouldn't be on the Wackenhut payroll said Tuesday of Aragon's resignation, "Manny knew it was the right thing to do, and he did it."

The conflict of interest criticism "wasn't going to go away it was a drumbeat," she said. "Now we can do what we need to do about the prisons."

The Legislature, the governor's staff and the attorney general's office recently agreed to work together on putting together an independent board to investigate the violence at Wackenhut prisons and other prison issues.

White declined to criticize Aragon Tuesday. He said the Aragon controversy had been a distraction "and now it's time to focus on solutions for our prisons."

Sen. Billy McKibben, R-Hobbs, said Aragon faced no more of a conflict of interest than teachers, lawyers or insurance agents who serve in the Legislature and vote on issues related to their professions.

But he said that with recent uproar over Wackenhut, it was best that Aragon quit the Wackenhut job. "The hue and cry would have been forever that Manny was in there joining forces with Wackenhut, and perception is what politics is all about," McKibben said.

GRAPHIC: 1. Manny Aragon

LOAD-DATE: September 22, 1999

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The News and Observer (Raleigh, NC)

June 30, 1998 Tuesday, FINAL EDITION

SECTION: NEWS; Pg. A3; Under the Dome**LENGTH:** 426 words**HEADLINE:** Rocky road for ethics complaint**BODY:**

The rarely seen, rarely heard Legislative Ethics Committee appeared long enough last week to go behind closed doors and dismiss a complaint filed against a Republican Senate candidate.

The committee ruled that it did not have jurisdiction to act on a complaint filed against Wes Southern by Edy Brotherton. Brotherton, who lives in Mecklenburg County, lost to Southern, who is mayor of Cornelius, in the Republican primary for the District 34 state Senate seat.

Brotherton said she asked that Southern be disqualified on the grounds that he filed with the county board of elections an incomplete economic statement that didn't list his occupation, filed it late and didn't sign it. He later filed a signed statement, but still didn't list his occupation - he's an independent sales representative and real estate agent.

"We just simply rejected the complaint on the grounds that we have no jurisdiction in the matter since neither of the parties involved are an official member of the legislature," Sen. Howard Lee, co-chairman of the Ethics Committee, told Dome. Lee said he couldn't discuss specifics.

For months, Brotherton has been going in circles trying to hold her opponent to the letter of elections law.

In March, Brotherton filed a complaint with the Legislative Ethics Committee.

Walker Reagan, co-counsel for the committee, wrote Brotherton on March 19 that "the law ... directs the Legislative Ethics Committee to investigate violations of the Statement of Economic Interest provisions for candidates for legislative offices."

Asked about that letter, Reagan said the law allows the panel to probe violations but not to impose sanctions against non-legislators.

The same month she filed the **ethics complaint**, she asked the Mecklenburg Board of Elections to disqualify Southern on similar grounds. On April 17, the Mecklenburg board ruled it didn't have the authority to evaluate the accuracy of economic statements.

Brotherton appealed to the state Board of Elections, where she lost again. The state Board of Elections said Monday that it was the Ethics Committee's duty to handle complaints about statements of economic interest.

Southern said he expected Brotherton's complaints to be turned down.

Brotherton said she was highly aggravated.

"I have put everybody on notice that ... I will take it to Superior Court and have Superior Court to set aside the election," she said. "If the statement of economic interest is no more important that it can be taken that lightly, why the heck do the rest of us have to do it?"

LANGUAGE: ENGLISH

LOAD-DATE: June 30, 1998

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The Charleston Gazette, October 08, 1999

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The Charleston Gazette

October 08, 1999, Friday

SECTION: News; Pg. P1A

LENGTH: 850 words

HEADLINE: Mezzatesta wins long ethics fight House Education chairman gets green light to help home county Grant writing job a violation fo law. opponents charge

BYLINE: Phil Kabler

BODY:

On the fourth try, members of the state Ethics Commission reluctantly gave their approval Thursday to House Education Chairman Jerry Mezzatesta, D-Hampshire, taking a job as a grant-writer for his county school system.

That was after the commission deadlocked on a third attempt to approve the advisory opinion, and after it rejected an amendment by John Ellem to say Mezzatesta had violated the ethics law by accepting the position.

Ellem, a Parkersburg lawyer, said, "The thing almost speaks for itself: If you take a position like this, and you have a position in the Legislature, it's a violation."

Ellem's amendment said Mezzatesta violated the section of the ethics law that prohibits using public office for personal gain or for the benefit of another.

He said the "intimate relationship" between Mezzatesta's position as House Education chairman and his appointment as a grant-writer for Hampshire County Schools was evidence in itself of a conflict.

However, commission executive director Rick Alker warned that the commission would have a tough time proving that Mezzatesta violated

the ethics law.

If Ellem's amendment were adopted, Alker said, "I guarantee his detractors will be in here tomorrow morning filing a complaint against him."

Under the law, the burden would be on the commission to find proof that an ethics violation occurred, he said.

If a complaint were filed, the commission would have to be able to prove, for example, that a state Department of Education employee felt pressured to approve a Hampshire County grant because of Mezzatesta's position as Education chairman.

Commissioner Brad Crouser said that if he were an education employee, "and a high-powered legislator is a grant-writer, I'd feel pressured."

Said Crouser, "By approving this, we're setting up, if not a conflict of interest, the perception of a conflict of interest."

John Charnock Jr., who has been the most vocal opponent of Mezzatesta's request over the past three months, agreed.

"The appearance of impropriety is so strong in this case, it cannot be sanitized by any opinion," he said.

Chairman Norris Kantor said that, while he suspected that every commissioner had philosophical problems approving Mezzatesta's advisory opinion, the commission's authority is limited by the "framework" of the state ethics law.

"All of us would like the Legislature to enlarge our powers," Kantor said.

"Unless and until they do, that's the framework. If there is a complaint, how do you prove there is a violation?"

On the first vote, the commission voted 5-4 to approve the advisory opinion, which was not sufficient for passage, since the ethics law requires approval of a majority of all members, not just those

present. Commissioners Patrick Walker and Charles Long were absent.

It was the third deadlock in the past three monthly meetings on the issue.

The commission recessed for 25 minutes to give commissioners time to see if they could come up with an acceptable compromise.

Ultimately, commissioner David Sammons - who had voted previously to reject Mezzatesta's request - became the swing vote.

Sammons said he was "philosophically 100 percent opposed" to approving the advisory opinion, but was swayed by the argument that the commission could not defend itself if it rejected the opinion.

"I really, really am uncomfortable with the entire situation but if it's indefensible, I'm willing to reconsider the vote, but it's not something I'm proud of," he said.

On the reconsideration, the opinion passed on a 6-3 vote, with Kantor, Sammons, Jack Blair, Loren Archer, Bud Harmon, and Shawn Williams voting yes, and Charnock, Crouser and Ellem voting no.

Afterward, Sammons said of his vote, "I can't talk about it. It absolutely ruins my day."

The vote apparently ends a commission controversy that dates back to last fall, when Mezzatesta's Republican opponent in the **House** election, Dean Frohnapple, filed an **ethics complaint** charging that Mezzatesta had violated the law by accepting what was then a \$ 48,000 grant-writing position.

That would have required him to seek state, federal and private grants for Hampshire County schools.

The school board responded by removing provisions for state grants and scaled back the pay by \$ 9,000, and the complaint ultimately was dropped.

Mezzatesta filed a request for an advisory opinion on the revamped job this summer.

Anyone who obtains and follows the recommendations of an advisory opinion is immune from prosecution under the ethics law.

Alker stressed that the opinion tightly clarifies that Mezzatesta may seek private grants and federal grants where the state has no decision-making authority.

Mezzatesta could not be reached for comment Thursday. A receptionist at the Hampshire County Board of Education said he was in Wheeling on "governmental business."

To contact staff writer Phil Kabler, call 348-5193.

LOAD-DATE: October 09, 1999

Source: All Sources : News : Newspaper Stories, Combined Papers

Terms: (ethics w/1 complaint) w/10 (house or senate) and date geq (02/28/1998) (Edit Search)

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THE STATE

SENATE, HOUSE SHOULDN'T POLICE MEMBERS' ETHICS

Thursday, February 24, 2000

Section: EDITORIAL

Edition: FINAL

Page: A8

The case of Sen. Ty Courtney is the latest example of why the **Legislature** shouldn't be in charge of policing its own members' ethics.

The problem isn't that Sen. Courtney is taking an officially ambiguous "leave of absence" while awaiting trial on federal loan-fraud charges. Even if an independent body handled **ethics complaints**, it would still be up to the House and Senate to decide the status of its members; that's in the constitution.

No, the problem is the way the chairman of the Senate Ethics Committee responded when a reporter for the Spartanburg Herald-Journal inquired about Sen. Courtney's failure to report a \$300,000 loan from one of the state's largest video poker operators just as the **Legislature** was about to plunge into the 1999 mega-debate on whether to outlaw or deregulate video gambling.

"At that point in time, there was nothing before the Senate that would regulate video poker," Sen. Hugh Leatherman told the newspaper. "Had that loan been at the time that issue was brought before the Senate, then it would be a whole different thing."

Technically, Sen. Leatherman's assertion about the timing of the loan is correct. Sen. Courtney received the loan from Li'L Cricket (at least his third unreported loan from a video poker operator) in December 1998, after Sen. Courtney had helped keep the Senate from passing a ban on video poker but before the start of the 1999 session in which everyone knew that video poker would be one of the major topics of debate.

Using Sen. Leatherman's logic, a senator who received a loan from a video poker operator on a Friday wouldn't have to report it, since the Senate meets only on Tuesdays, Wednesdays and Thursdays.

State law requires officials to report any loans of more than \$500 that they receive from businesses subject to regulation by their agency. That information allows the public to decide whether the official was acting in the interests of the public or in the interests of himself when he took action affecting his creditor. Sen. Courtney, for instance, cast several votes to help the video poker industry in the months after he received the loan - something his constituents would never have discovered had the criminal case against him not prompted reporters to dig through courthouse records.

But there's no way the public can know whether their **legislators** have conflicts of interest if their **legislators** aren't forced to obey the law. It's next to impossible to say whether the House and Senate ethics committees are forcing **legislators** to obey the ethics law, because of a gag rule that sends people to jail if they tell anyone they've filed a complaint against **legislators**. But we do know that there has been only one public action taken against a **legislator** since the law took effect in 1992.

And the off-the-cuff interpretations we get from time to time from ethics "watchdogs," such as the latest from Sen. Leatherman, indicate that they don't take their jobs very seriously. Or, if they do take them seriously, they see their jobs as protecting their colleagues.

Simply turning the job of enforcing the ethics law over to the State Ethics Commission is not a complete solution. That agency has not exactly been a hotbed of ethics policing. Like the House and Senate ethics committees, it has been reticent to use its authority to launch investigations on its own, instead generally waiting for complaints to come to it. And the actions it takes are usually along the lines of fining a candidate for not filing a campaign disclosure report - an important

along the lines of fining a candidate for not filing a campaign disclosure report - an important function, but one that only scratches the surface of assuring the public that public officials are serving the public interest.

Whoever is charged with enforcing the ethics law has to take that job seriously. The law will be pretty much meaningless until that happens. And that won't happen until we demand it of our elected officials.

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San Antonio Express-News April 16, 1999, Friday

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April 16, 1999, Friday , METRO

SECTION: METRO / SOUTH TEXAS; Pg. 1B

LENGTH: 431 words

HEADLINE: Residents file complaints against Madla, Siebert

BYLINE: Christopher Anderson and Chris Williams; Express-News Staff Writers

BODY: More than a dozen residents on Thursday filed **ethics complaints** against two local **legislators** after protesting paid lobbying of city officials by state lawmakers.

George Rice, a hydrologist who is perhaps best known for his efforts to protect the quality of Edwards Aquifer drinking water, criticized Sen. Frank Madla, D- San Antonio, and Rep. Bill Siebert, R-San Antonio.

"While they're supposed to be taking care of the people's business up in Austin, they've hung 'For Hire' signs around their necks," Rice said from the steps of City Hall. "That's wrong."

Rice, a representative of the Maverick Alliance, a local affiliate of a national government watchdog group, urged residents to contact state and city elected leaders and demand an end to paid lobbying by public officials.

"They need their spines strengthened," Rice said, adding he believes only Mayor Howard Peak and Councilman Robert Marbut are serious about changing ethics rules to limit the influence of legislator/lobbyists.

Madla and Siebert have not returned repeated messages left at their offices this week seeking comment on the issue.

Cruz Chavira, a leader of the San Antonio Taxi Drivers' Union who joined the protest as a member of the Independent Allies, a coalition of local grassroots environmental and social justice groups, appealed to powerbrokers.

Chavira said he hoped Democratic and Republican party leaders would pressure Madla and Siebert into quitting the lobbying business.

Rice and Chavira, who have previously filed ethics complaints alleging Madla and Siebert violated the city's ethics rules, were joined by about a dozen others Thursday who filed similar complaints.

Madla and Siebert failed to register as lobbyists until after the council in February rewrote city regulations to allow one of their clients to control more than half the taxis in San Antonio.

The ethics code requires lobbyists to register before the city takes action on issues they are paid to follow.

Madla and Siebert have said they've tried to comply with the rules but have found them to be confusing.

City Attorney Frank Garza said the council-appointed Ethics Review Board soon will meet for the first time and will later review the allegations and determine whether any punishment is warranted. Punishment could vary from a reprimand to an outright ban on future lobbying.

In a related item, the council hired Tomorrow Management Services of New Braunfels to produce training and informational materials about the ethics code at a cost of \$25,250.

LANGUAGE: ENGLISH

LOAD-DATE: April 18, 1999

Source: [All Sources](#) : [News](#) : [Newspaper Stories, Combined Papers](#)

Terms: **(ethics w/1 complaint) w/10 (legislator or legislature) and date geq (02/28/1998)** ([Edit Search](#))

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The Salt Lake Tribune, November 30, 1999

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November 30, 1999, Tuesday

SECTION: Final; Pg. C1

LENGTH: 634 words

HEADLINE: Lawmaker Ethics Rules May Change; Committees vote to make it tougher to bring alleged violations to floor for action; Ethics Procedures May Be Revised

BYLINE: DAN HARRIE, THE SALT LAKE TRIBUNE

BODY:

Only one Utah lawmaker in the past 15 years has been driven from Capitol Hill by ethics charges under a self-policing system conducted largely behind closed doors.

If a new rule is implemented, discipline for unethical conduct in the Legislature could become even rarer.

Senate and House Rules committees voted unanimously Monday in support of a proposal that would make it tougher to advance an ethics case from a private hearing to the floor of the House or Senate for a public vote on censure, expulsion or other action.

The proposed change will be accepted or rejected by the full Legislature in January. The new rule would set a higher burden of proof of wrongdoing at the preliminary inquiry stage of an ethics probe when the accused legislator has waived a formal disciplinary hearing. Instead of sending the case to a public vote after a finding that a majority of evidence pointed to the accused's guilt, the new standard would require a more stringent standard of "clear and convincing" evidence.

A "clear and convincing" standard is higher than the "preponderance" burden of proof required in a civil suit, but lower than the "beyond a reasonable doubt" threshold in a criminal case.

Several Rules Committee members defended the change as a way to prevent abuses of the ethics process and to weed out "frivolous" complaints.

But government watchdog Claire Geddes complained that legislative ethics rules "ought to be going the other way" toward becoming more stringent. "Ethics standards already are dismal, at best," she said.

"What frivolous allegations have they had?" Geddes asked. "It really is discouraging."

Legislative General Counsel Gay Taylor said she recommended the change "so there's a consistent standard."

Taylor pointed out that under existing rules, the tougher "clear and convincing" standard applies when a legislator goes through a full-blown ethics investigation, but if a member waives the disciplinary hearing he or she faces the lower standard of a "preponderance," or majority, of evidence.

While the rules give an accused legislator the option of going through a formal ethics process that includes a public disciplinary hearing, that hearing has been waived by each of the three lawmakers named in official ethics complaints during the past 15 years.

Two of the three cases have ended with lawmakers being cleared in a closed-door preliminary inquiry of the bipartisan Ethics Committee. In the other case, a representative resigned from the House when facing certain expulsion by the full House on her "no contest" plea to shoplifting charges.

The most recent ethics charge emerged last year when then-House Speaker Mel Brown was accused of improperly discussing a future lobbying job with a US West lobbyist. The House Ethics Committee exonerated Brown after taking testimony and deliberating in private.

Rep. Mary Carlson, co-chair of the committee, declined to revisit the case after receiving new information about the allegations last spring.

"The system worked a year ago," Carlson said. "The Ethics Committee has a very narrow role to look at conduct."

Despite the scarcity of formal **ethics complaints** (which may only be brought at the request of three sitting **legislators**) and the even rarer cases when lawmakers are found guilty by their peers, some legislators worry about the potential for abuse.

Sen. Steve Poulton, head of the Senate Rules Committee, said Monday that he wanted to ensure that lawmakers were not beset with "frivolous" charges.

"The potential is there for abuses," agreed Rep. Neal Hendrickson, D-West Valley City.

"This says if it goes to the House [floor] it's a big deal," said Rep. Ron Bigelow, R-West Valley City. "We don't want to harm someone" if the evidence is not convincing.

LOAD-DATE: November 30, 1999

Source: All Sources : News : Newspaper Stories, Combined Papers

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THE CENTER FOR ETHICS IN GOVERNMENT AND ADVOCACY
17.01713

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To: **DAVE GREEMAN** Fax: **651-296-1222**

From: **PEGGY KERNS** Date: **3/8/2000**

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NATIONAL CONFERENCE of STATE LEGISLATURES

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Debate Decorum

A request for information on debate decorum was posted to the electronic discussion group of the American Society of Legislative Clerks and Secretaries in March 2000. The original questions were:

1. Must a challenge or protest to language used or words spoken by a member during debate on the floor occur within a set time frame?
2. Has your chamber ever disciplined or censured a member for language used or words spoken during debate on the floor?
3. What was the member's "punishment?"

Shown below are the responses.

Arizona. House. If any member is called to order for words spoken in debate, the member calling the other member to order shall repeat the words excepted to; and they shall be taken down in writing at the Chief Clerk's desk and read aloud to the House; but the member shall not be held to answer or be subject to the censure of the House if further debate or other business has intervened. House Rule 19 B. When heated words are exchanged in debate or otherwise, the member speaking apologizes to the other member and to the House. No one has been censured or subjected to any other punishment as the House deems appropriate for at least twenty-five years.

Arkansas. Senate. The Senate rules state: 9.06 If any member in speaking or otherwise transgresses the Rules of the Senate, the President shall, or any member may, call him to order, in which case he shall immediately sit down unless permitted on motion of another member to explain, and the Senate shall, if appealed to, decide on the case without debate. If the decision is in favor of the member called to order he shall be at liberty to proceed, but not otherwise, and, if the case requires it, he shall be liable to censure or such punishment as the Senate may deem proper.

9.07 If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Secretary's desk and read aloud to the Senate; but he shall not be held to answer, nor by such other censure of the Senate, therefore, if further debate or other business has intervened

Colorado. Senate. The Colorado Senate rules read as follows: "(2) If any Senator is called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be reduced to writing by the secretary; but no Senator shall be held to answer or be subject to censure of the Senate therefor if further debate or other business has intervened after the words spoken and before exception to them shall have been made." I don't ever recall this rule being used. In most cases, the presiding officer (President, pro tem or Chairman of the Committee of the Whole) will intervene if members start getting personal. This has happened when emotions are running high and, when it does, the presiding officer just asks the members to keep their remarks to the topic at hand. Usually, that ends the problem.

Idaho. Senate. "If a Senator is called to order for words spoken, the exceptional words spoken shall be immediately reduced to writing by the Secretary and if the ruling is final (no appeal or appeal unsuccessful), the Senator called to order shall yield the floor and speak no further if on a matter of privilege nor until all others have had an opportunity to speak if on a question before the Senate." We have never censored anyone that I can remember. If someone gets their feelings hurt, they might object, and the President will remind everyone of the Rule, but it usually doesn't amount to more than an apology given on the floor.

Indiana. Senate. In the Indiana Senate, our rules speak to Decorum. On page 3 under II. Decorum, Debate and Motions. #10. The President or Chair shall preserve order and decorum. Under 12 (g) No Senator shall impugn the motives of any other Senator. However, I do not remember a time in the Senate when this has been an issue and my Journal Clerk, who has been here since 1971, cannot remember a time, either. One other thing on debate and decorum, in the Indiana Senate, if a protest was made it would have to be submitted in writing and have consent of the body to be entered into the Journal

Nevada. Senate. If any Senator is called to order for offensive or indecorous language or conduct, the person calling him/her to order shall report the offensive/indecorous language/conduct to the presiding officer. No member may be held to answer for any language used on the floor of the Senate if business has intervened before exception to the language was taken. In cases of breaches of decorum or propriety, any Senator, officer or other person is liable to such censure or punishment as the Senate may deem proper. In 1997, a Senator made serious allegations that the amendment process of the Senate was being influenced by nonmembers of the body. In essence, he stated that the process was being manipulated by staff and other influences because of who he was and for what he believed. The Majority Leader responded immediately by stating: the nature of the Senator's remarks impugned the integrity of the Senate. The Majority Leader requested the Senator to be either specific about his allegations or apologize. Two days later, the Senator offered a public apology on the floor.

Assembly. Nevada Assembly Standing Rule No. 20 states: "If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order." At this time the point of order must sustained/not sustained. Following that we would use Masons. I have not heard of any problem having ever occurred in the Assembly.

Ohio. Senate. In the Ohio Senate, objection to the offending language would have to occur immediately. If the member is ruled out of order by the President, he or she would be required sit down and would not be permitted to continue speaking without leave of the Senate. This has not happened in the last 15 years. The relevant rules follow.

Rule 68. (How Often Senator May Speak.) No senator shall speak more than twice on the same question except by leave of the Senate or responding to the floor; and the senator speaking shall confine the speech to the question under debate and avoid personalities.

Rule 73. (Senator May Be Called to Order.) If any senator, in speaking or otherwise, is transgressing the Rules of the Senate, the President shall, or any member may, call the senator to order; and the senator called to order shall take the senator's seat until the question of order is decided.

Rule 74. (If Called to Order.) If the decision be in favor of a senator called to order, the senator shall be at liberty to proceed; if otherwise, the senator shall not be permitted to proceed without further leave of the Senate.

Oregon. Senate. Oregon's Senate Rules state: "If a member is called to order for words spoken in debate, the member objecting shall immediately repeat the words to which objection is taken and they shall be recorded by the Journal Editor. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection was made, the member shall not be held answerable or subject to censure." Last session one member seemed to "offend" members of his own caucus on a routine basis. Fortunately, our current Senate President is a peace-maker, so he was able to mediate successfully. Although, it took a lot of time away from the business of the Senate.

Pennsylvania. Senate. There have only been a couple of times in my tenure when offensive language was used in debate. Exception to the debate must be immediate. We do have the elaborate procedure of taking down the words, etc. and proceeding to discipline as the Senate might order but we have never used this procedure. In the past, when objection was heard, we immediately put the Senate at ease. The Member offering the offensive remarks is called to the front desk along with the floor leaders. After a private *tete a tete*, the Member is usually convinced to offer an apology to the Senate and any offended Members. We then entertain a motion to expunge the offensive remarks from the Journal and records of the Senate. However, the apology remains in the Journal.

Texas. Senate. Senate Rule 4.07 provides: "Whenever a member is called to order by the President of the Senate or by the presiding officer then the chair and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the sergeant-at-arms and/or the sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by two-thirds vote of the members present, be required to purge himself or herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor." Our members are such good ladies and gentlemen, there have been no instances of removal in many years.

Utah. Senate. In Utah, Senate Rule 22.06 states: "If a senator is called to order for words spoken in debate, the senator making the call shall repeat the words to which exception is taken and the words shall be recorded by the Minute Clerk. If called to order, the senator shall sit down, unless granted permission to explain. A senator may not be called to order or censured for words spoken in debate if there has been intervening business. During my tenure (7 years), no senator has ever been disciplined or censured for words spoken during a floor debate.

Washington. Senate. Normally the point of order is raised immediately, and the sanction is a caution to the offending speaker. If it's flagrant enough, the offender would be required to cease speaking. Or, in truly bad cases, the body could impose reprimand, censure, or expulsion. I'm not aware of any of these. As to the timing, it's not entirely clear, but since we follow Reed's Rules, they suggest that the point has

to be made "as soon as possible," so I don't think any significant passage of time would be allowed. We did have an incident last year where a senator's remarks were found offensive by certain House members, and the senator made an apology on a point of personal privilege the following day. Our experience has been consistent with this comment from Reed's Rule 226: "It almost always happens, when attention is called to the unsuitable nature of the words used by the member, or the acts performed by him that he makes such an explanation or retraction as enables the assembly to excuse him and go on with its business."

West Virginia. House. The West Virginia House has censured for words spoken in debate. The words excepted to must be repeated by the person taking exception to them, and they are to be taken down at the Clerk's desk to be read back to the House by the Clerk. The House may take whatever course of "punishment" it desires, from a slap on the hand to expulsion for the remainder of the day's session.

Wisconsin. Senate. The only thing I have is what is stated in Mason's, Section 123, (9). When another member has spoken or any other business has taken place since the member spoke, it is too late to take notice of any disorderly words used for the purpose of censure.



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Examples of Chamber Rules Re: Member Conduct--Language

State	Rule Number	Text or Text Excerpt
Alabama	Senate Rule 40	Senators engaged in debate shall refrain from engaging in abusive and derogatory language in reference to other Senators and shall immediately be called to order by the presiding officer if such practice prevails. When a Senator shall be called to order by the President, he or she shall immediately sit down; however, the Senator will not lose his or her place and may resume the microphone at the direction of the presiding officer. Senators engaged in debate shall address each other by their official title and last name or reference their geographical district of representation.
	Senate Rule 71	If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The presiding officer shall then judge the matter, and rule accordingly.
	House Rule 50	If any member transgresses the rules, in speaking or otherwise, the Speaker shall, or any member may, call him to order, in which case the member called to order shall immediately sit down, unless he is allowed to explain; and the House shall, if appealed to, decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to censure

State	Rule Number	Text or Text Excerpt
Arizona	Senate Rule 9	...C. No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator. D. If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the Presiding Officer shall call the Senator to order; and when called to order the Senator shall sit down and not proceed without leave of the Presiding Officer or upon motion adopted by the Senate, that the Senator be allowed to proceed in order, which motion shall be determined without debate. E. If a Senator be called to order for words spoken in debate, the exceptionable words shall, upon the demand of any Senator, be taken down in writing, and read at the table for the information of the Senate.
	House Rule 18	A. When a member desires to speak in debate or deliver any matter to the House, or make a motion, he shall rise and address himself to the Chair, and on being recognized may address the House. He shall confine himself to the question and avoid personalities. No member shall impeach or impugn motives of any other member's argument or vote...
	House Rule 19	A. No member shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation or use language tending to hold a member of the House or Senate up to contempt. B. If any member be called to order for words spoken in debate, the member calling him to order shall repeat the words excepted to; and they shall be taken down in writing at the Chief Clerk's desk and read aloud to the House, but he shall not be held to answer or be subject to the censure of the House therefor if further debate or other business has intervened. C. If any member, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall, or any member may call him to order, in which case he shall immediately sit down unless permitted to explain; and the House shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case requires it, he shall be liable to censure or such punishment as the House may deem proper...
California	Senate Rule 36	When a Senator shall be called to order he or she shall sit down until the President shall have determined whether he or she is in order or not. Every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

State	Rule Number	Text or Text Excerpt
California (cont'd.)	Assembly Rule 114	If any Member transgresses the Rules of the Assembly, the Speaker shall, or any Member may, call the offending Member to order. The Member so called to order immediately shall take his or her seat, until the Speaker, without debate, has determined whether the Member is in order. That decision by the Speaker shall be subject to an appeal to the Assembly. If any Member is called to order for offensive words spoken in debate, the person calling him or her to order shall state to the Assembly the words to which exception is taken. No Member may be held to answer, or be subject to censure by the Assembly, for language used in debate if other business has been transacted by the Assembly prior to exception being taken to the words spoken.
Colorado	Senate Rule 16	... (d) (1) If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any member may, call him to order, in which case he shall immediately sit down, and shall not speak, except in explanation, until it shall have been determined whether or not he is in order. (2) If any Senator is called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be reduced to writing by the secretary; but no Senator shall be held to answer or be subject to censure of the Senate therefor if further debate or other business has intervened after the words spoken and before exception to them shall have been made. (e) Any Senator shall have the right to protest or remonstrate against any action of the Senate, and such protest or remonstrance, with the reasons therefor, if reduced to writing, shall without alteration or delay be, with the consent of the Senate, entered in the journal if the protest or remonstrance is not personal in its nature.
Connecticut	Senate Rule 16	If a member, in speaking or otherwise, transgresses the rules and order of the Senate, the president shall, or any member may, call such member to order; and if speaking, such member shall sit down, unless permitted to explain; and if a member is guilty of a breach of any of the rules and orders, such member may be required by the Senate, on motion, to make satisfaction therefor, and until satisfaction has been made shall not be allowed to vote or speak except by way of excuse.
	House Rule 18	The speaker shall, or any member may, call to order any member who in speaking or otherwise, transgresses the rules and orders of the house. If speaking, the member shall sit down, unless permitted to explain; and if a member is guilty of a breach of any of the rules and orders, the member may be required by the house, on motion, to make satisfaction therefor, and shall not be allowed to vote or speak except by way of excuse until such satisfaction is made.

State	Rule Number	Text or Text Excerpt
Delaware	House Rule 15	(a) Each member shall conduct himself or herself in a dignified manner at all times. (b) No member or other person may walk across the House Chamber, or converse privately, in such a manner as to interrupt the House proceedings. (c) A member shall not be interrupted when speaking except for the following reasons: (1) a call to order by the Speaker. (2) a point of order by a member. (3) a motion by a member to move the previous question, to adjourn, or to recess. (d) A member shall not make derogatory personal comments about or to other members.
Florida	House Rule 24	Legislative office is a trust to be performed with integrity in the public interest. A Member is respectful of the confidence placed in the Member by the other Members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the Member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the Member by the House. To this end, each Member shall be accountable to the House for violations of this Rule or any provision of the House Code of Conduct contained in Rules 24 through 31.
	House Rule 99	When a Member desires to speak or deliver any matter to the House, the Member shall rise and respectfully address the Speaker as "Mr. (or Madam) Speaker" and shall confine all remarks to the question under debate, avoiding personalities. Once recognized, a Member may speak from the Member's desk or may, with the Speaker's permission, speak from the well.
Hawai	House Rule 27.3	The Speaker shall order any member who conducts himself or herself in a disorderly manner during any session of the House to stay in his or her seat and be in order. The Speaker shall order the Sergeant-at-Arms to remove any member who persists in disorderly conduct from the House for the remainder of the day's session, unless the member who has been disorderly pledges to the House that he or she will maintain a good behavior.

State	Rule Number	Text or Text Excerpt
Illinois	Senate Rule 7-3	(c) If any Senator in speaking (or otherwise) transgresses these Senate Rules, the Presiding Officer shall, or any Senator may, call him or her to order, in which case the Senator so called to order shall sit down, unless permitted to explain; and the Senate, if appealed to, shall decide on the case without debate. If the decision be in favor of the Senator called to order, he or she shall be at liberty to proceed. If otherwise, and the case requires it, he or she shall be liable to the censure of the Senate. (d) If any Senator be called to order for words spoken in debate, the person calling him or her to order shall repeat the words excepted to, and they shall be taken down by the Secretary. No Senator shall be held to answer or be subject to the censure of the Senate for words spoken in debate if any Senator has spoken in debate or other business has intervened after the words spoken and before exceptions to them shall have been taken.
Kentucky	House Rule 23 (Senate Rule 23 is similar)	If any member, in speech or otherwise, transgress the rules of order or decorum, he shall immediately be called to order by the chair and shall take his seat. The Clerk shall reduce the objectionable words to writing and read them to the House. After hearing a short explanation from the member called to order, or upon the withdrawal of the objectionable language, the Speaker may permit the member to proceed, or may compel silence upon him until the matter is disposed of. The ruling of the chair shall be subject to an appeal to the House. A member offending the House shall be liable to censure.
Maine	Joint Rule 304	At public hearings, the chair may limit testimony as necessary for the orderly conduct of the hearing. Members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While aggressive and probing questions may sometimes be appropriate, members shall exhibit respect for the witnesses and for one another. Members shall refrain from interrogation that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants.
Minnesota	House Rule 2.31	If a member is called to order for offensive words in debate, the member calling for order must report the words to which exception is taken and the Clerk must record them. A member must not be held to answer, or be subject to censure of the House, for language used in debate unless exception is taken before another member speaks or other business takes place.

State	Rule Number	Text or Text Excerpt
Mississippi	House Rule 20	If any member, in speaking, or otherwise, transgresses the Rules of the House, the Speaker shall, or any member may on point of order ask the Speaker to call the transgressor to order; and the member called to order shall immediately sit down, unless permitted on motion of another member to explain, and the House if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may deem proper.
	House Rule 21	If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate on other business has intervened.
Missouri	Senate Rule 78	If a senator is called to order for words spoken in debate, the senator calling him to order shall repeat the words excepted to, and they shall be taken down in writing on the secretary's table, and no senator shall be held to answer, or be subject to the censure of the senate for words spoken in debate, if any other senator has spoken or business has intervened after the words spoken and before exception to them has been taken.
	House Rule 83	When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker." The member shall confine himself/herself to the questions under debate and avoid personality. If any member violates the rules of the House the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case without debate.
Nebraska	Senate Rule 2, Sec. 9	If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

State	Rule Number	Text or Text Excerpt
Ohio	House Rule 46	If any member, in speaking, or otherwise, transgresses the rules of the House, the Speaker shall call the offending member to order. The member so called to order shall take the member's seat immediately, unless permitted by the Speaker to explain. Any member may, by raising the point of order, call the attention of the Speaker to such transgression. Except as provided in Rule 45, the point of order shall be decided by the Speaker without debate. Every such decision of the Speaker shall be subject to appeal to the House by any two members. If a member be called to order by another member for offensive words spoken in debate, the member calling the member to order shall, if the Speaker so requires, reduce the objectionable language to writing.
Oregon	Senate Rule 6.10	(1) In speaking, a member must confine remarks to the question under debate and shall avoid personalities. A member may refer to the actions of a committee if such actions are relevant to the debate, but a member shall not impugn the motives of another member's vote or argument.
	Senate Rule 6.35	(1) If a member transgresses the rules of the Senate, the President, or any member through the President, may call the member to order. Unless permitted by the President to explain, the member called to order shall be seated immediately. (2) The member who is called to order may appeal the ruling of the President. If the Senate decides the appeal in favor of the member, the member may proceed with the debate. If the Senate decides the appeal against the member, the member may proceed "in order" or be liable to a motion of censure of the Senate.
	Senate Rule 6.40	If a member is called to order for words spoken in debate, the member objecting shall immediately repeat the words to which objection is taken and they shall be recorded by the Journal Editor. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection was made, the member shall not be held answerable or subject to censure.
Rhode Island	Senate Rule 7.4	No senator shall use profane, insulting, or abusive language in the course of public debate in the senate chamber, or in testimony before any committee of the general assembly.
	Senate Rule 9.10	No senator shall use profane, insulting or abusive language or act in any manner that interferes with the orderly conduct of the session of the senate.

State	Rule Number	Text or Text Excerpt
Rhode Island (cont'd.)	House Rule 14	If any member, in speaking or otherwise, transgresses any rule of the House, the Speaker shall, or any member may, call him to order, in which case the member called to order shall immediately sit down, unless permitted by the Speaker to explain and the House shall, if appealed to, decide on the case but without debate.
South Carolina	House Rule 1.3	If any member, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall call him to order, or any member may call such transgressions to the attention of the Speaker who shall call the transgressor to order. If repeated cries of order are ineffective, the Speaker may call a member by name, and if the Speaker deems it necessary, he shall state the offense committed. The member may be heard in his exculpation and shall withdraw, and the House shall consider his punishment or any further proceedings to be had.
	House Rule 3.6	Every member, when about to speak, shall rise from his seat and respectfully address himself to "Mr. Speaker" and shall avoid disrespect to the House or the Senate and all personalities, observe decency of speech, and shall confine himself to the question under consideration.
Texas	House Rule 5, Sec. 33	If any member, in speaking or otherwise, transgresses the rules of the house, the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately be seated; however, that member may move for an appeal to the house, and if appeal is duly seconded by 10 members, the matter shall be submitted to the house for decision by majority vote. In such cases, the speaker shall not be required to relinquish the chair, as is required in cases of appeals from the speaker's decisions. The house shall, if appealed to, decide the matter without debate. If the decision is in favor of the member called to order, the member shall be at liberty to proceed; but if the decision is against the member, he or she shall not be allowed to proceed, and, if the case requires it, shall be liable to the censure of the house, or such other punishment as the house may consider proper.
Virginia	Senate Rule 39	No Senator or other person shall give audible expression to his or her approval or disapproval of any proceeding before the Senate.
	Senate Rule 40	If words are spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words are decided by the presiding officer, or by the Senate, upon an appeal, to be offensive, and they are not explained or retracted by the Senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

State	Rule Number	Text or Text Excerpt
Virginia (cont'd.)	House Rule 58	If any member, in speaking, transgress the Rules of the House, the Speaker shall, or any member may, call him to order; in which case the member called to order shall immediately take his seat, unless permitted to explain. If there be no appeal, the decision of the Chair shall be final. If the decision be in favor of the member called to order, he shall be at liberty to proceed; otherwise, he shall not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member shall be liable to the censure of the House.
West Virginia	House Rule 32	When a member is about to speak in debate or deliver any matter to the House, he shall rise in his place and respectfully address the presiding officer as "Mr. Speaker," and, upon being recognized, shall proceed, confining himself to the question under debate, avoiding all personalities and indecorous or disrespectful language.
	House Rule 36	If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to and they shall be taken down at the Clerk's table. And no member shall be held to answer, or be subjected to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened after the words were spoken and before the exception to them was taken.
Wisconsin	Senate Rule 58	Any member called to order shall sit down, and shall not speak, except in explanation, until it shall have been determined whether or not the member was in order. When a member is called to order for words spoken, the exceptional words shall be taken down in writing to better enable the president to judge whether they are in violation of the rules.
	Assembly Rule 58	(1) During debate, a member may question the orderliness of the remarks made by another member or whether the other member, in the manner of discussion or conduct, has violated the rules of the assembly. (2) When the presiding officer calls a member to order, that member shall not speak, except in explanation, until it is determined whether or not the member is in order. (3) When a member is called to order for the use of improper or disorderly language, the specific words to which exception has been taken shall be put in writing, thus enabling the presiding officer better to be able to judge whether the words spoken were in violation of the rules.

State	Rule Number	Text or Text Excerpt
Wyoming	House Rule 16-1	When a member is interrupted and called to order by the presiding officer for digressing from the question, exceeding a time limit, using improper language, speaking without recognition by the chair or wrongfully excluding others who wish to speak, he shall cease speaking and be seated at once until it is determined whether he is in order, except he may be permitted to explain his position when asked to do so.

Source: Search of NCSL's rules and procedures data base, March 2000.