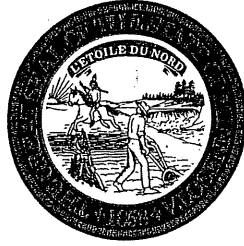


Research Department

Thomas Todd, Director

600 State Office Building
St. Paul, Minnesota 55155-1202
651-296-6753 [FAX 651-296-9887]
www.house.leg.state.mn.us/hrd/hrd.htm



Minnesota House of Representatives

July 21, 2003

TO: Representative Sondra Erickson

FROM: Deborah K. McKnight, Legislative Analyst (651-296-5056)

RE: Sample Legislative Ethics Codes

I have reviewed statutes and legislative rules from several states. To reduce bulk and repetition, I took the following approach.

I enclose as your local reference points the Minnesota House Ethics Code, Minnesota Senate Ethics Code, and the executive branch employee ethics code found in Minn. Stat. §43A.38.

I enclose legislative ethics codes from two jurisdictions so you can see some complete documents. I enclose the Iowa House and Senate ethics codes because Iowa is a neighboring state, its codes cover employees as well as members, and its codes appear in legislative rules. I enclose Illinois's legislative code because it is in statute rather than rule, covers only members, and is much briefer than Iowa's ethics codes.

In addition to these states, I have materials from a dozen other states. Because the substance of these codes duplicates provisions found in the codes I am sending you, at this point I will only summarize the topics covered in various codes (see page 2). If you want full copies of more codes either now or at any later time, let me know.

"Structural" issues

As noted above, states differ in whether their legislative ethics codes are placed in statute or legislative rule. Some may adopt codes in the form of policy other than rule (like the Minnesota House), because in some states I found a statutory directive that the house and senate to adopt codes, but there was no code in statutes or rule.

Some legislative ethics committees issue advisory opinions on issues covered by their ethics codes. Others just take complaints about violations. Some ethics codes regulate conduct that would be to the benefit of legislators' family members or clients; others only govern actions affecting the member's own interests.

Policy Statements; Scope

More than one state code (1) covers both members and staff and (2) recognizes that legislative ethics issues must be considered in the context of members who serve part-time and legitimately have outside careers.

Issues typically covered in legislative ethics codes

Some of the following issues are of course already addressed in Minnesota Statutes. This list is meant to be exhaustive for topics I have found in other states and includes some intriguing unique provisions. The details of a given topic vary among the states (e.g., some states prohibit all gift taking; others merely require disclosure). If you want details on provisions affecting any given topic, let me know.

- gifts: prohibited, limited, or required to be reported
- use of confidential official information to further personal interests
- use of state property or time to further personal interests or for campaign purposes
- restrictions on contracts with government entities
- disclosure or refraining from voting in the case of financial conflicts of interest
- restrictions on employing relatives
- suggestion that legislators not represent clients before state agencies
- use of office to improperly influence government agency actions
- prohibition on paid lobbying or receipt of any income for legislative work (other than state salary)
- requirement that a legislator charge the same for property or services in private life to both those who have and those who do not have an interest in legislative business
- prohibition on being employed by a political committee other than a party unit or candidate's committee
- prohibition on legislators getting preferable rates or other benefits (from entities interested in legislation) that are not available to the general public
- sexual harassment prohibited
- economic interest disclosures required
- ban on lobbying for a period after leaving office
- required compliance with various state statutes bearing on integrity issues (e.g. bribery, etc.)
- "ghost" employees prohibited (unique to the Massachusetts Senate)
- prohibition on contacting a third party to get that person to threaten another member in order to get the other member to act improperly (unique to North Carolina)

Please let me know if you have follow up questions on any of this.

DKM/ks

Enclosures

cc: Blair Tremere, Ethics Committee Administrator