



'Citizen' legislatures, ethics laws and the public trust

Bipartisan changes in Indiana provide more guidance, training

by Indiana House Speaker Brian Bosma

Similar to the situation in many other states, the General Assembly in Indiana is comprised of 150 citizen-legislators who represent their constituents at the Statehouse while living and working in their home communities.

One of their greatest challenges is balancing public responsibilities with full-time occupations in classrooms, courtrooms, factories, farm fields, hospitals and service industries, to name just a few.

These part-time legislators are frequently placed in the challenging position of determining whether they can cast votes on issues that may directly affect their personal lives because of a real or perceived personal or pecuniary interest in the matter. A few headlines alleging potential self-dealing exacerbated the issue in Indiana and required bold legislative action to buttress public trust in our democratic institutions.

Based on the above, one of my top priorities for the 2015 legislative session was to strengthen the laws in Indiana addressing legislative and executive branch ethics and lobbyist regulation.

New ethics rules, law now in place

With the assistance and support of the bipartisan House Statutory Committee on Legislative Ethics and Minority Leader Scott Pelath, we began our efforts by incorporating a detailed Legislative Code of Ethics into our House rules for the first time. This included an aspirational preamble outlining our goals of high ethical standards and the avoidance of direct conflicts while recognizing and honoring the part-time nature of service in the Indiana House of Representatives.

This expansion of our rules started a conversation that has been beneficial for elected officials and the public alike, as we analyze how and when elected officials have a direct conflicting interest in a matter pending before the General Assembly.

As an example, a bill in years past dealt with reduced fishing license fees for senior citizens, and under our prior rules, many members asked to be excused from voting because they were eligible for the discount.

Similar issues have arisen for teachers, local government retirees, doctors, lawyers and others in regulated professions. Under the new House rules, a member is determined to have a direct personal or pecuniary interest in a matter if that interest has a "unique, direct and substantial" effect on the member's nonlegislative income or the income of a close relative.

In the example of the discounted fishing license, while it is arguably direct if a member or a member's



This year's changes in Indiana to state ethics rules affect legislators and lobbyists alike, and the goal is to improve public trust in government.

close relative is eligible because he or she is a senior citizen, the benefit is not "unique," as all senior citizens are eligible, and it likely is not "substantial" because the cost is only a few dollars.

This example may seem trite, but under our standing House rules, every member, except for the speaker, has a duty to vote on every issue, unless he or she has a recognized conflict of interest. We now clarify that duty while maintaining the public's trust that votes are being cast solely in the best interest of the public.

Leader Pelath and I also worked closely with Senate President Pro Tempore David Long and Senate Minority Leader Tim Lanane to author and sponsor historic, bipartisan ethics reforms through House Enrolled Act 1002, which was passed overwhelmingly in both chambers and became law on July 1, 2015. These reforms affected the General Assembly, legislative lobbyists and the executive branch.

We created the Office of Legislative Ethics in our nonpartisan Legislative Services Agency. The chief counsel of this new office will bring best practices in the area of legislative ethics from around the nation to our House and Senate ethics committees and will serve as an active resource for all members.

In addition, members must attend ethics training each year, and the required statements of economic interest for each member will be reviewed to ensure that they are complete and available to the public.

We now ensure that all business interests are fully disclosed, and we lowered the reporting threshold for stock holdings and sources of non-legislative income.

Also, each member's statement of economic interest must now be posted on our website, a House practice since 1997 that was not previously required under law.

More disclosure required of lobbyists

With respect to registered lobbyists, we now require clear disclosure of any legislator who is a "close relative" of a registered lobbyist and have authorized civil and potential criminal penalties for failure to file required lobbying reports and statements. In addition:

- We clarified that all state colleges and universities must report lobbying-related expenses by their employees and related foundations to bring more transparency to lobbying efforts on behalf of these schools.

- We tightened ethics laws relating to the executive branch, especially regarding post-employment restrictions and the nongovernmental use of state property.

- We plugged a loophole in the definition of "employer" so that a sole proprietor or self-employed former state employee working exclusively for a prohibited company is clearly within the post-employment prohibitions.

- We added a requirement that all waivers from the post-employment rules be vetted by the State Ethics Commission after a public hearing on the matter, ending the "private" waivers generously granted, bringing such waivers to a virtual halt.

- We also revised the laws regarding use of state property so that state materials, funds, property, personnel, facilities or equipment cannot be used for non-state purposes unless expressly permitted by a written policy approved by the State Ethics Commission.

Increasing transparency of government, especially the inner workings of the legislative branch, has been a constant goal during my years of leadership in the Indiana House of Representatives.

This work on both the House rules and HEA 1002 represents the outcome of extensive study during last year's interim, and I am proud of the bipartisan changes we have made to ensure the trust, respect and confidence of all Hoosiers. ★

Indiana House Speaker Brian Bosma, a Republican from Indianapolis, was first elected as state representative in 1986. He served as speaker from 2004 to 2006 and again from 2010 to the present.

Submissions welcome

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