

State Laws or Ethics Codes with Class Exception clauses

state	law Ref.	Class Exception Text
Alabama	Title 36, Chap. 25, Sec. 1	A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated <u>in a manner different from the manner it affects the other members of the class to which he or she belongs.</u>
Alaska	Title 24, Chap. 60, Sec. 030	24.60.030 Prohibitions related to conflicts of interests and unethical behavior. (g) Unless required by the Uniform Rules of the Alaska State Legislature, a legislator may not vote on a question if the legislator has an equity or ownership interest in a business, investment, real property, lease, or other enterprise <u>if the interest is substantial and the effect on that interest of the action to be voted on is greater than the effect on a substantial class of persons to which the legislator belongs as a member of a profession, occupation, industry, or region.</u>
Arkansas	"Rules of conflicts" Agency # 153.00	A member of a state board or commission or board member of an entity receiving state funds may participate in, vote on, influence, or attempt to influence an official decision if the only pecuniary interest that may accrue to the member is incidental to his or her position or accrues to him or her as a member of a profession, occupation, or large class to no greater extent than the pecuniary interest could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class. <u>Note: This class exception language applies to members of state boards and commissions only.</u>
California	Gov't. code Sec. 87102.5	87102.5. (a) The remedies provided in Chapter 3 (commencing with Section 83100) shall apply to any Member of the Legislature who makes, participates in making, or in any way attempts to use his or her official position to influence any of the following governmental decisions in which he or she knows or has reason to know that he or she has a financial interest:(1) Any state governmental decision, other than any action or decision before the Legislature, made in the course of his or her duties as a member.(2) Approval, modification, or cancellation of any contract to which either house or a committee of the Legislature is a party.(3) Introduction as a lead author of any legislation that the member knows or has reason to know is nongeneral legislation.(4) Any vote in a legislative committee or subcommittee on what the member knows or has reason to know is nongeneral legislation. (5) Any rollcall vote on the Senate or Assembly floor on an item which the member knows is nongeneral legislation.(6) Any action or decision before the Legislature in which all of the following occur:(A) The member has received any salary, wages, commissions, or similar earned income within the preceding 12 months from a lobbyist employer.(B) The member knows or has reason to know the action or decision will have a direct and significant financial impact on the lobbyist employer.(C) The action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.(7) Any action or decision before the Legislature on legislation that the member knows or has reason to know will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the member has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency. (b) For purposes of this section, all of the following apply:(1) "Any action or decision before the Legislature" means any vote in a committee or subcommittee, or any rollcall vote on the floor of the Senate or Assembly.(2) "Financial interest" means an interest as defined in Section 87103. (3) "Legislation" means a bill, resolution,
		or constitutional amendment. (4) "Nongeneral legislation" means legislation that is described in Section 87102.6 and is not of a general nature pursuant to Section 16 of Article IV of the Constitution.

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California	Gov't. code Sec. 87102.6	87102.6. (a) "Nongeneral legislation" means legislation as to which both of the following apply:(1) It is reasonably foreseeable that the legislation will have direct and significant financial impact on one or more identifiable persons, or one or more identifiable pieces of real property.(2) <u>It is not reasonably foreseeable that the legislation will have a similar impact on the public generally or on a significant segment of the public.</u> (b) For purposes of this section and Section 87102.5, all of the following apply:(1) "Legislation" means a bill, resolution, or constitutional amendment.(2) <u>"Public generally" includes an industry, trade, or profession.</u> (3) Any recognized subgroup or specialty of the industry, trade, or profession constitutes a significant segment of the public.(4) A legislative district, county, city, or special district constitutes a significant segment of the public.(5) <u>More than a small number of persons or pieces of real property is a significant segment of the public.</u> (6) Legislation, administrative action, or other governmental action impacts in a similar manner all members of the public, or all members of a significant segment of the public, on which it
		has a direct financial effect, whether or not the financial effect on individual members of the public or the significant segment of the public is the same as the impact on the other members of the public or the significant segment of the public.(7) The Budget Bill as a whole is not nongeneral legislation.(8) Legislation that contains at least one provision that constitutes nongeneral legislation is nongeneral legislation, even if the legislation also contains other provisions that are general and do not constitute nongeneral legislation.
Connecticut	Chap. 10, Sec. 1-85	A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, <u>if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.</u>
Delaware	Chap. 10, Sec. 1002	(b) A legislator has an interest which tends to impair his or her independence of judgment in the performance of his or her legislative duties with regard to any bill or measure when: (1) <u>The enactment or defeat of the measure or bill would result in a financial benefit or detriment to accrue to the legislator or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons;</u> or (2) <u>The legislator or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by a measure or bill to a lesser or greater extent than like enterprises or other interests in the same enterprise;</u> or
Florida	Not in code	State courts say, "where a benefit has been secured through a general act of the Legislature which affects a broad class of persons, we are of the view that the phrase <u>"special benefit" comtemplates a benefit to a particular person or group which exceeds that received by the other membrs of the class of persons affected.</u> "
Idaho	Title 59, Chap. 7	59-703. (4) "Conflict of interest" means any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or member of the person's household is associated, unless the pecuniary benefit arises out of the following: (b) <u>Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged;</u>

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Iowa	Title II, Subtitle 2, Chap. 68B.2A	68B.2A Conflicts of interest. 1. Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any outside employment or activity which is in conflict with the person's official duties and responsibilities. In determining whether particular outside employment or activity creates an unacceptable conflict of interest, situations in which an unacceptable conflict shall be deemed to exist shall include, but not to be limited to, any of the following: a. The outside employment or activity involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment <u>to give the person or member of the person's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public.</u>
Kentucky	Chapter 6	6.761 (1). (b): The provisions of this subsection notwithstanding, a legislator may participate in the discussion of the question in committee and on the floor of the General Assembly, vote, or make a decision on a matter <u>if any benefit or detriment which accrues to the member of the General Assembly, as a member of a business, profession, occupation, or other group, or to a member of his family or a business interest in subsection (1)(b) of this section is of no greater extent than the benefit or detriment which accrues generally to other members of the business, profession, occupation, or other group;</u>
Maine	Title 1, Chap. 25. Sub Chap. 2, 1014	Where a Legislator or a member of his immediate family has an interest in legislation relating to a profession, trade, business or employment in which the Legislator or a member of his immediate family is engaged, <u>where the benefit derived by the Legislator or a member of his immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment.</u> [1975, c. 621, §1 (NEW).]
Minnesota	Chap 10A, Sec. 7	10A.07 CONFLICTS OF INTEREST. Subdivision 1. Disclosure of potential conflicts. A public official or a local official elected to or appointed by a metropolitan governmental unit who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, <u>unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation,</u> must take the following actions: (1) prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest; (2) deliver copies of the statement to the official's immediate superior, if any; and
	Chap 10A, Sec. 7, con't.	(3) if a member of the legislature or of the governing body of a metropolitan governmental unit, deliver a copy of the statement to the presiding officer of the body of service. If a potential conflict of interest presents itself and there is insufficient time to comply with clauses (1) to (3), the public or local official must orally inform the superior or the official body of service or committee of the body of the potential conflict.
Missouri	Statutes, Chap. 105, Sec. 105.452	Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, <u>if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.</u> In all such matters such officials must recuse themselves from acting and shall not be relieved by reason of the provisions of section 105.460, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; or (5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches

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Montana	Title 2, Chap. 2, 2-2-112	(3) When a legislator is required to take official action on a legislative matter as to which the legislator has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the legislator's influence, benefit, or detriment in regard to the legislative matter, the legislator shall disclose the interest creating the conflict prior to participating in the official action, as provided in subsections (2) and (5) and the rules of the legislature. In making a decision, the legislator shall consider: (a) whether the conflict impedes the legislator's independence of judgment; (b) the effect of the legislator's participation on public confidence in the integrity of the legislature; (c) whether the legislator's participation is likely to have any significant effect on the disposition of the matter; and (d) whether a pecuniary interest is involved or whether a potential occupational, personal, or family benefit could arise from the legislator's participation.
	Title 2, Chap. 2, 2-2-112 con't.	(4) <u>A conflict situation does not arise from legislation or legislative duties affecting the membership of a profession, occupation, or class.</u> (5) A legislator shall disclose an interest creating a conflict, as provided in the rules of the legislature. A legislator who is a member of a profession, occupation, or class affected by legislation is not required to disclose an interest unless the class contained in the legislation is so narrow that the vote will have a direct and distinctive personal impact on the legislator. A legislator may seek a determination from the appropriate committee provided for in 2-2-135.
Nevada	NRS Chap. 281A, Sec. 20	2 (c) Members of the Legislature serve as "citizen Legislators" who have other occupations and business interests. Each Legislator has particular philosophies and perspectives that are necessarily influenced by the life experiences of that Legislator, including, without limitation, professional, family and business experiences. Our system assumes that Legislators will contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted. <u>The law concerning ethics in government is not intended to require a member of the Legislature to abstain on issues which might affect his interests, provided those interests are properly disclosed and that the benefit or detriment accruing to him is not greater than that accruing to any other member of the general business, profession, occupation or group.</u>
New Hampshire	Ethics Booklet, RSA 15-B, Part 2, Sec. 5	No declaration shall be required <u>if no benefit or detriment could reasonably be expected to accrue to the legislator as a member of a business, profession, occupation, or other group, to any greater extent than to the any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines.</u> For purposes of these guidelines, groups shall be limited to ones generally recognized and of substantial size.
North Carolina	Ethics Act, Article 4, Sec. 138A-31	(a) Except as permitted under G.S. 138A 38, a covered person or legislative employee shall not knowingly use the covered person's or legislative employee's public position in an official action or legislative action that will result in financial benefit, direct or indirect, to the covered person or legislative employee, a member of the covered person's or legislative employee's extended family, or business with which the covered person or legislative employee is associated. <u>This subsection shall not apply to financial or other benefits derived by a covered person or legislative employee that the covered person or legislative employee would enjoy to an extent no greater than that which other citizens of the State would or could enjoy, or that are so remote, tenuous, insignificant, or speculative that a reasonable person would conclude under the circumstances that the covered person's or legislative employee's ability to protect the public interest and perform the covered person's or legislative employee's official duties would not be compromised.</u>

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Oregon	Chap. 244, Sec. 20, Subsec. 11	(11) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, <u>unless the pecuniary benefit or detriment arises out of the following:</u> (a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position. (b) <u>Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged</u> (c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal
Pennsylvania	Public Official and Employee Ethics Act, Chapter 11, Section 1102 Definitions	"Conflict" or "conflict of interest." Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. <u>The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he or a member of his immediate family is associated.</u>
Rhode Island	Title 36, Chap. 14, Sec. 7	(b) A person subject to this code of ethics does not have an interest which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, <u>if any benefit or detriment accrues to him or her or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents, as a member of a business, profession, occupation, or group, or of any significant and definable class of persons within the business, profession, occupation, or group, to no greater extent than any other similarly situated member of the business, profession, occupation, or group, or of the significant and definable class of persons within the business, profession, occupation or group.</u>
South Carolina	Title 8, Chap. 13 Ethics, Article 1, Sec. 8-13-100 Definitions	11 (b) This definition does not prohibit a public official, public member, or public employee from participating in, voting on, or influencing or attempting to influence an official decision <u>if the only economic interest or reasonably foreseeable benefit that may accrue to the public official, public member, or public employee is incidental to the public official's, public member's, or public employee's position or which accrues to the public official, public member, or public employee as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.</u>
Texas	Title 5, Chap. 572, Sec. 58	(f) In this section, "personal or private interest" has the same meaning as is given to it under Article III, Section 22, of the Texas Constitution, governing the conduct of members of the legislature. <u>For purposes of this section, an individual does not have a "personal or private interest" in a measure, proposal, or decision if the individual is engaged in a profession, trade, or occupation and the individual's interest is the same as all others similarly engaged in the profession, trade, or occupation.</u> Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

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Virginia	Title 30, Chap. 13, Sec. 30-101 Definitions	"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents any individual or business and such property, business or represented individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. <u>A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents is a member.</u>
West Virginia	Title 6, Chap. 2, Sec. 5	§6B-2-5. Ethical standards for elected and appointed officials and public employees. (b) Use of public office for private gain. -- (1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. <u>Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this subsection.</u> The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.
Wisconsin	Statute 19.45(1)	When a public official or a board, commission, or other body of which an official is a member is called upon to propose or to act on legislation to promulgate a rule or to issue a general policy, the official may participate in that action, <u>even though the action will affect the official, a member of the official's immediate family, or an organization with which the official is associated, as long as: the official's action affects a whole class of similarly-situated interests;</u> neither the official's interest, the interest of a member of the official's immediate family, nor the interest of a business or organization with which the official is associated is significant when compared to all affected interests in the class; AND the action's effect on the interests of the official, of a member of the official's immediate family, or of the related business or organization is neither significantly greater nor less than upon other members of the class.
Wyoming	Title 9, Chap. 13, Sec. 106 Official Decisions and votes	(a) A public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. <u>For the purposes of this section, a personal or private interest: (i) Is, with respect to the public official, public employee or public member, an interest which is direct and immediate as opposed to speculative and remote; and (ii) Is an interest that provides the public official, public employee or public member, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.</u>