

MINUTES  
**HOUSE ETHICS COMMITTEE**

**DATE:** Tuesday, February 26, 2019  
**TIME:** 4:00 P.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Dixon, Representatives Horman, Barbieri, Gannon, Wintrow  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Mary Sue Jones, Senate

**Chairman Dixon** called the meeting to order at 4:01 p.m.

**Chairman Dixon** said the committee will continue to review the House Policies and has also invited Mary Sue Jones from the Senate to answer questions regarding the Senate's policies and their history.

**Mary Sue Jones**, Chief of Staff to the President Pro Tem, Senate; said most of the Senate's policies start out with a document and over the years they have tried to refine the policy to make it more applicable and useful. In answer to committee questions, Ms. Jones said the Senate mail policy allows Senators to have an end-of-session letter which is a report of what happened in the session. In the past, Representatives were allowed to also sign the letter from the Senator in the same district. She said Representatives were then adding their own letters to the mailing which increased the cost and was no longer allowed. In further answer to committee questions, Ms. Jones said in regard to the process of establishing Senate policies, the policies are reviewed annually by the Secretary of the Senate and herself, but the President Pro Tem has the final say on policies.

**Brian Kane**, Legislative Deputy Attorney General, addressed the committee to explain Section 451, Idaho Code and how it relates to the Speakers fiduciary obligation to set policy for the House of Representatives. Mr. Kane said in answer to questions, he is not familiar with the mechanics of the account, and there are two accounts, the Legislative Account and the Constitutional Defense Account. He explained the genesis of this account came from **H 282** in the 1971 Legislative Session regarding legislative operations.

In answer to committee questions, **Mr. Kane**, said Idaho Code gives the Speaker of the House authorization to make expenditures and the action by the House in electing the Speaker is expressively given to the Speaker for that action. In further answer to committee questions regarding, other than the financial discretion provided to the Speaker, can policies be imposed upon the body without permission, Mr. Kane said Article III, Section 9 of the Idaho Constitution gives each Chamber the ability to govern itself and how a policy is implemented is the choice of the body. He continued in answering questions, saying there would not be a need for legislation to enact policies, it would be up to the body to govern themselves.

**Paul Headlee**, Budget & Policy Division Manager, LSO addressed the committee to answer questions. He explained the amount transferred to the account from the General Fund is in statute and is continuously appropriated with four transfers which happen quarterly. In further answer to committee questions, Mr. Headlee said the account is split 63% to the House and 37% to the Senate under an agreement between the House and Senate.

Committee members discussed the authority given to the leaders of each chamber to over see the funds and the ability to create policies regarding the funds and the body's authority to approve the policies or not approve the policies. Members also discussed the purpose of the Ethics Committee and if it was within the committee's purview to create a policy that requires policies to be reviewed annually, to make recommendations, then include the body in the acceptance or non acceptance of the policies.

In answer to committee questions regarding if there has ever been a request for an increase in the Legislative Account appropriation, **Mr. Headlee** said other than increases for inflation, there has not been any additional appropriation or transfer into the legislative account.

Committee members discussed the issue of the body agreeing to be governed by these policies for this term and the need for more outreach to the members for input. Members also discussed if there might be a need for a committee on policies if the body has issues, and making a recommendation for a committee on policies to be formed.

**MOTION:**

**Rep. Gannon** made a motion to recommend to the full body approval of the House Internet Policy, House Copy Policy and the Legislative Newsletter Policy with an amendment to the House Mail Policy to allow members to send up to 1,000 end-of-session letters and an amendment to the House RS Policy to add language making it clear that access to the RS's on the internet prior to committee meetings are privileged for committee members only and RSs are not to be discussed.

Committee members further discussed the need for a policy committee and this committee's desire for input from the House members. Discussion continued regarding receiving input from House members, the committee concluded to meet again on Monday, March 4, 2019 to allow further input from members.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 5:07 p.m.

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Representative Dixon  
Chair

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Susan Werlinger  
Secretary