

AGENDA
HOUSE ETHICS COMMITTEE
3:00 P.M.
Room EW41
Wednesday, February 20, 2019

SUBJECT	DESCRIPTION	PRESENTER
	Review of House Policies	

COMMITTEE MEMBERS

Chairman Dixon
Rep Horman
Rep Barbieri
Rep Gannon
Rep Wintrow

COMMITTEE SECRETARY

Susan Werlinger
Room: EW45
Phone: 332-1161
email: hethics@house.idaho.gov

MINUTES
HOUSE ETHICS COMMITTEE

DATE: Wednesday, February 20, 2019
TIME: 3:00 P.M.
PLACE: Room EW41
MEMBERS: Chairman Dixon, Representatives Horman, Barbieri, Gannon, Wintrow
**ABSENT/
EXCUSED:** None
GUESTS: Betsy Russell, Capitol Correspondence Association

Chairman Dixon called the meeting to order at 3:10 p.m.

Chairman Dixon noted this would be the first open meeting of the House Ethics Committee to discuss House policies. He said the committee would address the first five policies first and would discuss the Respectful Workplace Policy at a later meeting.

Carrie Maulin, Chief Clerk of the House, addressed the committee and answered a question regarding why the House Ethics Committee is able to meet. She said the House Ethics Committee is a standing committee and can meet throughout the Legislative Session. She said House Rule 76 does address how the committee is constituted for the entire Legislative Session. Ms. Maulin answered further questions from the committee regarding the source of the policies and how they were established and the difference between a policy and a rule, saying the policies are more for use and do not rise to the level of a House Rule. She also stated, in statute, the Speaker of the House has a fiduciary obligation for the operation of the House and these policies fall in line with that obligation.

In answering further questions from the committee, **Ms. Maulin** explained she cannot speak to how the policies were disseminated, but it was her understanding the policies have been disseminated to the body over the years. The process for creation of the policies has come from the Speakers Office over the years when a situation has come up when a policy was needed to be put in place.

Ms. Maulin reviewed the House Internet Use Policy, saying this is a basic policy which states what is acceptable for internet use and has basic guidelines on how to use the internet services provided to the Legislature. Ms. Maulin reviewed the House Copy Policy and stated because an excessive number of colored copies were made during 2017, this policy was implemented. She reviewed the cost of the copier leases and said Representatives have the opportunity to use the copiers during the session and there is a part time constituent services staff member available during the interim to provide this service to Representatives. She said the number of copies made by LSO during the interim went down after this policy was implemented. She said Legislators do receive compensation for constituent services and those funds should be used for this type of service.

Ms. Maulin continued the review of the House Mail Policy, saying this policy changed during the beginning of the current Speaker's administration. She said it appears as though most people are now using virtual means to get information to their constituents and this policy seems to be cost effective compared to the cost of postage. Ms. Maulin reviewed the House RS Policy, saying this policy is straight forward and relates to the confidentiality of an RS and includes the Statement of Purpose and Fiscal Note in that confidentiality. In answer to committee questions, Ms. Maulin said since virtual committees are still a new concept, the person who owns the RS gives permission for the RS to be distributed to the committee members only, she agrees this policy needs to be revised to reflect this.

Betsy Russell, President, Capitol Correspondence Assoc., addressed the committee with concerns with the House RS Policy, and stated she would recommend the first line of the policy be stricken, because an RS is not the property of any one person but does fall under an exception of a public records request. She said when an RS is taken up in a public meeting, is the moment when it becomes public. She said the custom in the past for reporters was to get copies of an RS at that time, because there is a lag in time from that point to when the bill is available on the website. She said the press thinks there needs to be a new mechanism to have the RS's appear on the website before they are read across the desk on the House floor and are on the website as a bill.

Ms. Maulin reviewed the process for when legislation is brought from the committee meetings to when they could be read across the desk.

Ms. Maulin reviewed the Legislative Newsletter Checklist, she said this was written by the Attorney General's office with LSO to clarify what is acceptable to include in a newsletter and to clarify the law against the use of using public dollars for personal gain and to remember not to use newsletters as a campaign device.

The committee discussed having **Brian Kane**, Legislative Deputy Attorney General, present at the next meeting regarding the issue of a policy verses a rule. The committee also expressed the need for House members to come and give their input on the policies and a representative from the Senate to present on the Senate policies compared to the House policies in light of House members possibly having a disadvantage to Senators in regard to the copy and mail policies specifically.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 4:05 p.m.

Representative Dixon
Chair

Susan Werlinger
Secretary

AGENDA
HOUSE ETHICS COMMITTEE
4:00 P.M.
Room EW40
Tuesday, February 26, 2019

SUBJECT	DESCRIPTION	PRESENTER
	Review of Senate Policies	Mary Sue Jones, Chief of Staff to President Pro Tem
	Review of Idaho Code 67-451	Brian Kane, Legislative Deputy Attorney General
	Continued Review of House Policies: <ul style="list-style-type: none">• House Internet Use Policy• House Copy Policy• House Mail Policy• House RS Policy• Legislative Newsletter Checklist	

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Dixon
Rep Horman
Rep Barbieri
Rep Gannon
Rep Wintrow

COMMITTEE SECRETARY

Susan Werlinger
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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.

Representative Dixon
Chair

Susan Werlinger
Secretary