

MINUTES
HOUSE ETHICS AND HOUSE POLICY COMMITTEE

DATE: Tuesday, March 22, 2022

TIME: 9:30 A.M.

PLACE: Room EW41

MEMBERS: Chairman Dixon, Representatives Horman, Crane, McCrostie, Gannon, Barbieri, Young, Green, Chew

**ABSENT/
EXCUSED:** Rep. Crane

GUESTS: The sign-in sheet will be held in the committee secretary's office; following the end of the session the sign-in will be retained with the minutes in the Legislative Library.

Chairman Dixon called the meeting to order at 9:38 a.m.

MOTION: **Rep. Green** made a motion to approve the minutes from Thursday, March 10 and Tuesday, March 15, 2022. **Motion carried by voice vote.**

Chairman Dixon explained there is a new draft with changes suggested by the committee. In response to committee questions, **Kristin Ford**, LSO legislation drafter said some things were changed but other suggestions which the committee was indecisive on were left unchanged.

Chairman Dixon began review line by line of the draft starting on page 1, line 19. The committee discussed the need for a provision in case of a tie in votes for ranking alternates. Idaho statute provides for a coin toss, it was suggested this be added. Committee members discussed how to fill vacancies in the case of a temporary vacancy or permanent vacancy and added those suggestions to the rule. **Kolby Reddish**, LSO legal council clarified this language

The committee reviewed and it was clarified by **Mr. Reddish** regarding the intent of the committee to keep records confidential and when documents could become public record. Committee members discussed document and record retention and it was determined the documents would be held for the term of service of the Representative. **Rep. Horman** stated the retention of records needs to comply with the rule on page 1, lines 28 and 29 regarding if someone is sanctioned by the committee they are not allowed to serve on the committee. Rep. Horman said on advise of council, to clarify the records are confidential and should be retained for sitting members to the end of their service.

Rep. Young suggested on line 40 to add a 3/5 threshold to dismiss a complaint and a 4/5 threshold to move forward to a public hearing. **Chairman Dixon** said a 3/5 vote may appear to be partisan and having a 4/5 vote would need to include a minority member. Other member agreed.

Mr. Reddish reviewed the processes in subsection 4 regarding the differences in the initial review and the preliminary investigation. Committee members discussed keeping the language consistent, the initial trigger that starts the process, and if there is only one processes and not two. **Rep. Young** said the intent from her suggested language is to have the initial review a part of the preliminary investigation.

Rep. Green reiterated she was more comfortable with a 4/5 threshold rather than a 3/5 threshold and would like this kept in on line 40. **Ms. Ford** made language suggestions for the bottom of page 2 to the top of page 3 and changing the order of romanette (b) and (c).

Chairman Dixon continued reviewing the draft line by line. **Rep. Young** suggested adding "all" in front of "evidence" and wanted to make sure the committee was comfortable with line 9 on page 3. **Rep. McCrostie** expressed concern regarding a dismissal of a complaint then it becoming no longer confidential. He said he has a problem with this language. **Rep. Gannon** said he thinks if there is a dismissal the complaint should remain confidential. He continued, saying if the complainant wanted it public, in the rule, the complainant would not be able to disclose a complaint was filed. **Rep. Green** said she is not comfortable with the complaint becoming public if it is dismissed, because it could be used to attack others. **Rep. Barbieri** said to be practical he did not want it to be an ethics violation to say a complaint was dismissed. **Rep. Young** said her intent was to give the respondent the ability to say a complaint was dismissed without putting the burden back on the committee to decide when the dismissal could become public. **Rep. Gannon** said the complaining party can still go to the public and complain, and the respondent can respond without mentioning the Ethics Committee or the complaint, he felt the committee should be left out of it.

MOTION: **Rep. Barbieri** made a motion to have the current draft made into an RS with the changes suggested by the committee.

Chairman Dixon expressed concern there was still over a page of the draft to be reviewed by the committee and not all members were present.

VOTE ON MOTION: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting adjourned at 10:33 a.m.

Representative Dixon
Chair

Susan Werlinger
Secretary