

MINUTES
HOUSE ETHICS AND HOUSE POLICY COMMITTEE

DATE: Tuesday, December 07, 2021
TIME: 9:00 A.M.
PLACE: Room EW42
MEMBERS: Chairman Dixon, Representatives Horman, Crane, Gannon, Davis, Barbieri, Young, McCrostie, Chew
**ABSENT/
EXCUSED:** None
GUESTS: None

Chairman Dixon called the meeting to order at 9:04 a.m.

The committee began with discussion on keeping the Speaker and House Leadership out of the ethics process, making a strong protection for confidentiality because any disclosure of an ethics complaint is a violation of the ethics rule and the procedure if a complaint is dismissed in the investigatory stage of the process.

Chairman Dixon began to review the current rule by section with suggestions from the committee. He said the first paragraph refers to how the committee is organized. The committee suggested organizing on the second day of session after leadership and chairmen are chosen with cautions of electing the ethics committee too early in the session.

Members discussed having a time line in the rule and having a separate committee for reviewing policies or have the House Judiciary, Rules & Administration Committee review the policies. The committee agreed on the number of members in the committee, keeping nine total with five active and the other four as alternates. **Rep. Horman** suggested it be spelled out in the rule that the caucus votes to fill in the alternate when needed or to vote a new member into the seat or to fill the seat in with an alternate and elect a new alternate. The committee agreed to have the committee members elect the chairman and how it would be spelled out in the rule.

Committee members discussed who could bring a complaint to the Ethics Committee especially in regard to a personnel matter where confidentiality is extremely important. They discussed limiting the number of people on a complaint to only one as the confidentiality of the complaint could be compromised if multiple people sign a complaint and requiring that the complaint be signed under oath.

The committee reviewed the section of the rule referring to what may constitute a felony but wanted the language to refer to a conviction of a felony. Discussion was held on leaving the judicial aspect out of the rule. A point was made that the committee does have a quasi-judicial function because they are being asked to judge the behavior of a colleague. The committee agreed on the time line that is laid out in the rule.

Carrie Maulin, Chief Clerk of the House gave clarification on the list of options on the complaints. She said some of the information comes from statute and disclosure of information is also in statute, she said the reference to a felony is not necessarily criminal but refers more to bribery. Ms. Maulin said there is more clarification available in the ethics handbook.

Committee members discussed how records of complaints would be maintained especially those complaints that may have been dismissed in the preliminary stage. Points were made regarding the safekeeping of the records during the confidential portion being paramount and there could be some wisdom in retaining those records. **Rep. Crane** raised the question that if the committee doesn't have access to the records of the previous complaints, then they would not be of value to the committee. The committee discussed creating the role of a secretary to provide the ability to retain records and records should be kept until the death of the Representative in question. The committee agreed if this is done it should be written into the rule. Rep. Horman mentioned the committee is thinking of complaints as a reflection of the accused, but complaints filed without merit can reflect on the complainant.

The committee recessed at 11:47 a.m. **Chairman Dixon** called the committee back to order at 1:00 p.m.

The committee discussed keeping the process confidential until probable cause is found, and the confidentiality should be maintained to that point by all parties. Once that point has been reached add the response and evidence to the documents that will be public. Suggestions were discussed regarding requiring two forms of contact for the respondent, a physical address and electronic email address and if the respondent should be required to appear before the committee within 14-days of notification of the complaint.

Committee members discussed **Rep. Young's** suggestion of keeping the process private until a report is issue by the Ethics Committee, then the members of the House will vote on the report. Members did not support the idea of the process remaining private until the very end and having such a significant change to the ethics process.

There was committee discussion regarding the opportunity to provide defense to the respondent. Suggestions were made about the respondent having the ability to consult the Attorney General's Office and inquire about how the process works which may promote some fairness in the process. Suggestions were made regarding eliminating counsel all together or to have unbiased counsel available if only to just advise on the process.

Members discussed and suggestions were made for raising the bar of voting on the House floor, that it could be raised to 60%. Points were made regarding protecting the integrity of the body and not trying to destroy someone's political career The House as a body should be making the determination at a lower standard except in the case of expulsion. It should be easier to protect the integrity of the House.

The committee discussed putting some limitations on censure along with definitions for reprimand and censure but there are different remedies that could be added to censure and it should remain flexible and the remedies unrestricted.

It was agreed that if the committee retains counsel the same resources should be available to the respondent but there should be limitations on what those resources are and those resources would be basic.

The committee members agreed it would be a good idea to adopt the rules of procedure for a hearing into the rule which would let everyone know ahead of time what the rules will be. It was suggested the committee still have the ability to review the rules and the ability to adopt their own rules depending on the circumstances.

Ms. Maulin said the rules of the committee can be adopted as an addendum to the House rules in order to keep the institutional knowledge for future Ethics Committees and would be amendable. She said once the committee is organized it can adopt the rules of procedure at the beginning of a session and they would be housed in the Chief Clerk's Office.

Discussion was held on approving a process that a victim of sexual harassment or assault would not be identified in any way. Especially during the investigatory and public hearing phases.

ADJOURN: There being no further business to come before the committee the meeting adjourned at 3:19 p.m.

Representative Dixon
Chair

Susan Werlinger
Secretary