

MINUTES
HOUSE ETHICS AND HOUSE POLICY COMMITTEE

DATE: Tuesday, March 15, 2022
TIME: Upon Adjournment of House
PLACE: Room EW41
MEMBERS: Chairman Dixon, Representative(s) Horman, Crane, McCrostie, Gannon, Barbieri, Young, Green, Chew
**ABSENT/
EXCUSED:** Representative(s) Horman
GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Dixon called the meeting to order at 4:08 p.m.

Chairman Dixon said there was a new draft available with changes by the committee up to the March 10th, 2022, meeting. He said the committee will continue to work with the draft that is color coded and continue on page 4, lines 17 through 26 to add back in the five conditions from the current rule.

The committee discussed lines 28 and beyond regarding reprimand, sanctions, censure and dismissal. It was mentioned dismissal is built into the rule before a public hearing but it should also be put in after the public hearing. **Rep. McCrostie** suggested on line 27 the vote should be 4/5 vote by the committee to recommend dismissal, reprimand, or sanction. The clarifying language of reprimand and censure and the graduating effect of the language on lines 27 through 33 was discussed and agreed to.

The committee reviewed the suggested new language on line 33 and it was pointed out the suggested language is not in line with what is stated in the Constitution. **Brian Kane**, Deputy Attorney General addressed the committee reminding them that whatever the committee decides is only a recommendation to the full body. He said this is limiting what the committee can recommend for expulsion without the consideration that someone won't adhere to the rules of the body even if multiple complaints have been filed and there has been continued reprimand or censure.

Rep. Crane said he didn't have an issue with using language for expulsion, up to reasonable doubt or even require a unanimous vote of the committee to recommend expulsion but he was not comfortable with limiting the language and the committee needs more flexibility. **Rep. McCrostie** said there are some challenges with the current rule because the Idaho Constitution says with 2/3 vote of either house the body can expel a member. The current language in the rule may fall outside of what the Constitution says. He said he would be comfortable with the language beyond reasonable doubt in case of a holdout for a unanimous vote but 4/5 is clearly more than a majority and a good vote.

Rep. Green said if 2/3 of the House members are needed to vote for the recommendation this would go beyond a reasonable doubt. She would rather allow for future committees to make that decision. **Rep. Young** said she would want language to protect the respondent and the vote should be either unanimous or 4/5. She said the body would always have the ability to go beyond the recommendation. **Chairman Dixon** said expulsion should have a high bar and he was inclined to agree with the suggested language as a safeguard. The committee agreed they would not take votes in this meeting but make suggested language changes to review and vote another day.

The committee discussed line 36 regarding allowing new evidence and relevance of new evidence through the process. **Mr. Kane** said the committee can determine what evidence is relevant or not relevant. He expressed to the committee some other thoughts on some of the suggested language regarding time lines taken from judicial time lines and such time frames like 30 days to issue a report and 14 days for a response from the respondent may be too long in legislative time lines depending on if the legislature is in session or not. He also suggested instead of the Attorney General's Office helping with a committee report, it should be any attorney that may have helped the committee during the process and who is familiar with the complaint.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:40 p.m.

Representative Dixon
Chair

Susan Werlinger
Secretary