

IN THE HOUSE OF REPRESENTATIVES

HOUSE RESOLUTION NO. 2

BY STATE AFFAIRS COMMITTEE

A HOUSE RESOLUTION

STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND AMENDING RULE 76 OF THE
RULES OF THE HOUSE OF REPRESENTATIVES RELATING TO COMMITTEE ON ETHICS.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable
that Rule 76 of the Rules of the House of Representatives be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Represen-
tatives, assembled in the First Regular Session of the Sixty-first Idaho
Legislature, that Rule 76 of the Rules of the House of Representatives shall
be amended to read as follows:

RULE 76

Committee on Ethics.--(1) The Speaker shall receive written, signed
complaints from any ~~person member~~ concerning misconduct involving legisla-
tive duties by a member of the House ~~including, but not~~ and such complaint
shall be limited to, the alleged use of legislative position for personal
gain, benefit or advantage, alleged conduct unbecoming a member of the House
or the alleged violation of the Rules of the House of Representatives and or
the provisions of applicable law. Written complaints shall remain confi-
dential until such time as an ethics committee, appointed by the Speaker as
provided for in this rule, finds probable cause that such member has commit-
ted misconduct involving legislative duties.

(2) Whenever such a complaint is received, the Speaker, in a timely
fashion, shall appoint a committee on ethics of seven members, consisting of
four majority party members, and three minority party members. The majority
party members of the committee shall be selected from among the chairmen
of committees of reference of the House. The minority party members of the
committee shall be selected, after considering recommendations made by
the minority leader, from among the members of the House who are senior in
service and experience. The Speaker shall designate the chairman and vice
chairman of the committee from among its members.

(23) The committee shall notify the person against whom the complaint
was brought and shall provide such person with a copy of the complaint. The
person complained against may submit a written answer to the committee. The
~~committee shall make~~ member complained against shall provide such written
answer to the chairman of the committee no later than fourteen days following
the date that the copy of the complaint was provided to the member complained
against. Following receipt of the answer or if no answer to the complaint
is provided to the chairman within the time period provided, the commit-
tee shall meet and conduct a preliminary investigation of the complaint.
Notwithstanding the provisions of House Rule 57, such meeting shall be held
in executive session. At the preliminary investigation, the committee shall
determine, based upon the complaint, other relevant information and the

1 answer to the complaint, whether probable cause exists that the member com-
2 mitted misconduct involving legislative duties. If, ~~after~~ at the conclusion
3 of the preliminary investigation, the committee determines no ~~violation~~
4 probable cause exists that misconduct involving legislative duties has oc-
5 curring, the complaint shall be dismissed and the written complaint shall
6 remain confidential. If, ~~after~~ at the conclusion of the preliminary inves-
7 tigation, the committee determines probable cause exists that a ~~violation~~
8 misconduct involving legislative duties may have occurred, the committee
9 shall so notify the person complained against and the written complaint
10 against the member shall no longer be confidential but shall become a public
11 document.

12 (4) ~~Such person may request a hearing before~~ Following a finding
13 of probable cause and in a timely fashion, the committee shall conduct a
14 hearing, before which ~~he~~ the member shall be entitled to appear, present
15 evidence, cross-examine witnesses, and be represented by counsel. The
16 committee shall have the power to take testimony under oath and to issue sub-
17 poenas and subpoenas duces tecum in the manner provided in Section 67-407,
18 Idaho Code.

19 (35) The committee may make appropriate recommendations to the House of
20 Representatives based upon the investigations conducted and hearings held
21 pursuant to this rule. In the case of a member of the House, the committee may
22 recommend dismissal of the charges, reprimand, censure, or expulsion. Ex-
23 pulsion of a House member shall require the affirmative vote of two-thirds of
24 the members elected to the House, as provided by Section 11 of Article III of
25 the Constitution. Reprimand or censure of a member shall require the affir-
26 mative vote of a majority of the members elected to the House. Action of the
27 House pursuant to this rule is final and not subject to court review.

28 (46) The committee may retain such counsel and may hire such investiga-
29 tors as it deems necessary for the performance of its duties under this rule.
30 All expenditures incurred pursuant to this subsection (46) shall be approved
31 by the Speaker and paid by vouchers and warrants drawn as provided by law from
32 appropriations made to the Legislative Account.

33 (57) The committee may adopt rules of procedure for the orderly con-
34 duct of committee meetings, investigations and hearings, which rules shall
35 be consistent with this rule and other applicable rules and statutes.

36 (68) If the written signed complaint concerns misconduct of the
37 Speaker, then the duties of the Speaker in this rule shall be the duties of
38 the majority floor leader.