

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 Representatives, 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 legislative 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 confidential until such time as an ethics committee, appointed by the Speaker as provided for in this rule, finds probable cause that such member has committed 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 committee 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 curred, 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.