

MINUTES  
**HOUSE ETHICS AND HOUSE POLICY COMMITTEE**

**DATE:** Tuesday, February 22, 2022

**TIME:** 3:00 P.M.

**PLACE:** Room EW41

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

**ABSENT/  
EXCUSED:** None

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

**Chairman Dixon** called the meeting to order at 3:11 p.m.

**MOTION:** **Rep. Gannon** made a motion to approve the minutes of Thursday, February 3, 2022. **Motion carried by voice vote.**

**Chairman Dixon** explained the committee has a copy of the current House Rule 45 and a draft copy of color coded suggestions of changes to the rule in one document. The plan is to continue to refine this today and get a clear direction for something to present to the House Judiciary, Rules and Administration Committee. The draft is fully rearranged to how the committee works through the process.

**Rep. Young** requested to work sequentially through the draft, and **Chairman Dixon** reviewed the changes in the draft. **Rep. McCrostie** said he would agree with 12 days instead of the 14 days after session begins to organize the committee and the next change is determining alternates. **Rep. Young** said the changes were to be consistent and not have leadership determine the order of alternates.

**MOTION;** **Rep. Gannon** made a motion to accept paragraph one and subparagraphs 1a, 1b and 1c. with the change from 14 to 12 days. **Rep. Crane** said he could not support the motion and would like to go through the entire rule before making motions.

**MOTION  
WITHDRAWN:** **Rep. Gannon** withdrew his motion.

**Rep. Crane** reviewed on page 2, electing a chairman, saying he would like to add "of the majority party". **Rep. McCrostie** said the 4/5 vote would provide for a majority party chairman. **Rep. Gannon** said the minority members of the committee have no objections to this.

**Rep. McCrostie** expressed concern for identifying any third parties as a complaint is being put together. He said they would not want to exclude a third party and appreciated the intent and would support inclusion at some point.

**Rep. Horman** explained in subsection b, three of the five previous allegations have been removed. **Rep. Young** explained her intent for removing the other allegation causes and said the current draft may have some of the language compressed. **Rep. Young** said the committee and House is not a judicial body and she did not want to bring attention to anything criminal. She wanted to get away from that language and emphasize conduct unbecoming so the rule would capture those behaviors. **Rep. McCrostie** said he would feel more comfortable with the current rule language and some of the allegations should be spelled out.

**Rep. Barbieri** said the discretion of the committee must be maintained and this covers it without delineating that discretion. **Rep. Crane** said he would not support the language as written in the draft. He said these are rules for Representative's conduct on what will be allowed or not. **Rep. Green** said she would agree with spelling it out more than having it compressed. **Rep. Horman** said she would agree with the delineation of the five and feels there is value in stating up front what potentially is an ethics violation.

**Rep. Barbieri** said on page 2, line 32, he is concerned with basing allegations solely on news reports and how the use of news reports could be utilized in the process. He explained he would not want an investigation triggered by an article. He explained further a complaint could be filed on the "evidence" the reporter based the article on and gave an example.

**Rep. Crane** said he is concerned with not being able to use the investigation phase and **Rep. Gannon** said it would be up to the committee to evaluate a news story, but if the committee can't even look at it, it would be difficult to investigate. Discussion was held on a complainant bringing supporting evidence and whether the burden should be on the complainant or the committee to investigate and find the evidence during the investigation. **Rep. Horman** pointed out a media only complaint may not pass muster in the current rule.

**Rep. McCrostie** pointed out concerns on page 2, line 32, subsection 3 because the committee does not determine criminality and "accused" should be changed to "respondent". **Rep. Young** said the draft is organized beginning with the organization of the committee, then the complaint process, etc. **Rep. Horman** said as the process was previously operated it has put the burden of proof on the complainant, just as a matter of function. **Rep. Crane** said he has concerns with ruminant (iv), and the testimony to the committee and in public should be the truth and the person testifying should be held accountable for it. He said the truth should be a part of the process.

**Rep. Barbieri** said any testimony cannot be used against the person in a court. He also questioned in the preliminary investigation is the burden of proof on the complainant, or is it on the committee to investigate the facts to determine if there was conduct unbecoming. **Chairman Dixon** said it is not the complainant who has the burden of proof, it would be the committee. He agreed the burden lies with the committee as they move forward with a complaint. **Rep. Young** said a complainant should carry some burden of proof because the process asks the committee to judge between the two parties. She said she would like to see the committee in a more neutral position.

**Rep. Horman** said it is sufficient for a complainant to file an ethics complaint and the committee to verify the behavior then make a recommendation to the full House. She said the burden is not with the committee but with the full House to make the determination of conduct unbecoming.

**Rep. Gannon** said the complainant doesn't have the ability to subpoena witnesses or investigate, he didn't think it was fair to put the burden of proof on the complainant. He continued saying determining probable cause doesn't involve the complainant or providing the burden of proof, the steps are already there and this addition would confuse things.

**MOTION:** Rep. Crane made a motion to adjourn. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 4:15 p.m.

---

Representative Dixon  
Chair

---

Susan Werlinger  
Secretary