

MINUTES
HOUSE ETHICS AND HOUSE POLICY COMMITTEE

DATE: Thursday, February 24, 2022

TIME: 6:00 P.M.

PLACE: Room EW41

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

**ABSENT/
EXCUSED:** Rep. Barbieri

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 6:15 p.m.

Chairman Dixon continued review of the draft on page 2 regarding how one party waiving confidentiality would not be appropriate for the confidentiality to be waived for all parties.

Rep. Horman stated line 47 does not comply with the original rule and the committee's review will need to be very specific and clear of all changes to the rule as they are made.

Rep. Gannon asked about comparing the draft with the original language and **Chairman Dixon** said the draft rule has been rearranged so it may be difficult to compare the two side by side.

Rep. Crane said on page 2 with adding back in the original five allegations, the committee may need a new draft with changes and then make motions to approve each change.

The committee discussed the threshold of probable cause and needing evidence to move to probable cause. **Rep. Gannon** reviewed three points of the probable cause threshold.

Rep. Young explained in the next section she wanted the respondent to have the ability to waive the right to confidentiality and have the ability to defend themselves if the complaint became public. Committee members expressed concern with protecting a third party and didn't think there was an incident where this would apply. **Rep. Green** said she didn't think this would be in the best interest of the institution and could be used as campaign material. Committee members discussed protecting the respondent and should a complaint become public, a disclaimer could be added to the rule. **Rep. McCrostie** said every complaint is confidential and any letter given by the committee is subject to a lack of confidentiality. **Rep. Young** said any letter of dismissal could become public and an addition could be added to the rule if the letter of dismissal becomes public then confidentiality could be waived.

MOTION: **Rep. Crane** made a motion to delete on page 2, lines 38, 39, 40. **Rep. Green** seconded the motion.

Speaking to the motion, **Rep. Gannon** said a third party won't know about any letter or dismissal and sometimes there isn't a letter. **Chairman Dixon** said there is a potential for things to be exposed and twisted and exacerbated.

The committee continued discussion regarding giving the committee some discretion on what can be released and what may be discussed on social media. **Rep. Crane** argued it's frustrating to see things in social media that the committee can't explain. **Rep. Gannon** said no one is addressing that the person could still make a complaint to the public and not to the Ethics Committee. **Rep. Horman** said the committee has clearly established it's not going to be the social media police and members have civil avenues to follow. She said they need to stay within the rails of the rule and address members of the House.

VOTE ON MOTION:

Motion carried by voice vote.

MOTION:

Rep. Gannon made a motion to delete all of line 32 and continuation of the sentence on line 33 on page 2. **Motion carried by voice vote.**

Rep. Gannon questioned that to dismiss a complaint it takes the majority of the committee but it takes 4/5 of the committee to move forward with a complaint. **Rep. Crane** agreed in order to maintain the bipartisan support of a decision it should be 4/5 to move forward or to dismiss.

MOTION:

Rep. Gannon made a motion to remove "a majority" and insert "4/5" on page 2, line 34. **Motion carried by voice vote.**

Rep. Horman said she is fine with making motions now but will reserve right to change her vote as the committee goes through a final rule. **Chairman Dixon** said they can dispense with motions until a final rule comes forward. **Rep. Crane** mentioned on points of contention the committee may need to still make motions.

The committee discussed lines 3 and 4 on page 3, regarding the provision in House Rule 26 for executive sessions. Committee members agreed it would be helpful to have the flexibility of going into executive session during a hearing or after a hearing and not just during the preliminary investigation. It was suggested to take out the reference to Rule 26 and have all preliminary investigation be in executive session.

Discussion continued regarding the deletion of line 7 on page 3 and how the complaint remains confidential until it is dismissed. **Rep. McCrostie** suggested changing the word "until" to "unless"...there is an indication the preliminary investigation will result in a public hearing.

The committee discussed the value of line 9 on page 3 that it may help a new comer understand the rules and it helps with the flow of the rule. **Chairman Dixon** suggested striking "resolved and" from the line.

Discussion was held regarding page 3 lines 17-18 because a complainant may file an answer and the complaint may be resolved. Members disagreed on who could call for witnesses and wanted to maintain more discretion for the committee to call the witnesses at this point in the process. Committee members agreed the process doesn't need to be this spelled out and the original language gives more flexibility to the committee. **Rep. Young** explained her intent was to provide for both parties to be able to be a part of the preliminary investigation. She would like to ensure both sides get an invitation to make a case and bring witnesses. Committee members said the preliminary investigation is to determine if there is probable cause and agreed the original language gives more flexibility and control to the committee of the committee process.

MOTION: **Rep. McCrostie** made a motion to keep the original language from the current rule on page 3, lines 18-22. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 7:34 p.m.

Representative Dixon
Chair

Susan Werlinger
Secretary