

IN THE HOUSE OF REPRESENTATIVES

HOUSE RESOLUTION NO. 27

BY WAYS AND MEANS COMMITTEE

A HOUSE RESOLUTION

1 STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND REPEALING RULE 45 OF
2 THE RULES OF THE HOUSE OF REPRESENTATIVES; STATING FINDINGS OF THE HOUSE
3 OF REPRESENTATIVES AND PROVIDING FOR THE ADDITION OF A NEW RULE 45 TO
4 THE RULES OF THE HOUSE OF REPRESENTATIVES; AND STATING FINDINGS OF THE
5 HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE AMENDMENT OF RULE 26 OF
6 THE RULES OF THE HOUSE OF REPRESENTATIVES.
7

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

9 WHEREAS, the House of Representatives deems it necessary and desirable
10 to repeal Rule 45 of the Rules of the House of Representatives.

11 NOW, THEREFORE, BE IT RESOLVED by the members of the House of Represen-
12 tatives, assembled in the Second Regular Session of the Sixty-eighth Idaho
13 Legislature, that Rule 45 of the Rules of the House of Representatives, be,
14 and the same is hereby repealed.

15 WHEREAS, the House of Representatives deems it necessary and desirable
16 to add a new Rule 45 to the Rules of the House of Representatives.

17 NOW, THEREFORE, BE IT RESOLVED by the members of the House of Represen-
18 tatives, assembled in the Second Regular Session of the Sixty-eighth Idaho
19 Legislature, that the Rules of the House of Representatives shall be amended
20 by the addition thereto of a new Rule 45 to read as follows:

21 RULE 45

22 Ethics and House Policy Committee. -- (1) It is the policy of the Idaho
23 House of Representatives that when addressing an ethics complaint, the busi-
24 ness of the Ethics and House Policy Committee shall be considered an internal
25 matter that is not open to the public and that is not subject to House Rules 24
26 and 26. Further, to protect impartiality, the committee shall not be subject
27 to House Rules 23 and 25.

28 (2) (a) At the first regular caucus meeting after convening of the first
29 regular session of each legislature, each caucus shall elect the Ethics
30 and House Policy Committee members. The committee shall consist of five
31 members of the House who shall be known as the sitting members. Of the
32 sitting members, three shall be selected by members of the majority cau-
33 cus and two shall be selected by members of the minority caucus.

34 (b) Each caucus shall elect a first and second committee alternate for
35 its respective caucus, ranked according to the number of votes each al-
36 ternate received. An alternate shall not be considered a sitting mem-
37 ber.

38 (c) Committee members shall have served at least one full term in the
39 Legislature. Ethics and House Policy Committee members shall not have
40 been previously sanctioned by the House for an ethics violation pur-
41 suant to any House ethics rule.

1 (d) A complaint against a sitting member shall result in an immediate
2 vacancy of such member's position on the committee, and the committee
3 shall investigate such complaint. If the committee's investigation re-
4 sults in no action, the sitting member shall be reinstated unless other-
5 wise determined by the committee.

6 (e) A vacancy on the committee shall be filled by the first alternate
7 for the respective caucus for the duration of the vacancy. A second va-
8 cancy on the committee shall be filled by the second alternate for the
9 respective caucus for the duration of the vacancy.

10 (3) The committee may establish rules of governance. The committee
11 chair shall be elected by the committee.

12 (4) (a) An ethics complaint must be submitted in writing by any current
13 member of the House and must be signed by the complaining member. If the
14 substance of an ethics complaint is made without personal knowledge of
15 the facts, the complaint must include a statement that the complainant
16 believes the truth of the accusation together with facts supporting
17 such belief. Failure to meet this criteria may result in dismissal of
18 the complaint. A false accusation may result in an investigation by the
19 committee.

20 (b) A complainant shall confidentially deliver a copy of the complaint
21 to the committee chair and one minority sitting member. The chair shall
22 then confidentially notify the remaining sitting members that a meeting
23 will be held.

24 (c) If the committee determines that the complaint meets the criteria
25 set out in paragraph (a) of this subsection, the committee shall provide
26 the respondent with a copy of the complaint and all evidence submitted
27 supporting the complaint.

28 (d) The respondent may submit a written answer to the chair of the com-
29 mittee no later than five days after receipt of the complaint. Such an-
30 swer, if provided, shall be presented to the committee. Upon the expi-
31 ration of the five-day period a hearing may be called.

32 (e) All information regarding any committee work shall not be subject
33 to a public records request and shall remain confidential unless the
34 committee determines otherwise by unanimous vote. Failure to maintain
35 confidentiality may result in an investigation by the committee.

36 (5) (a) The committee may dismiss a complaint at any time in its discre-
37 tion upon an affirmative vote of four-fifths of the committee.

38 (b) If a complaint is dismissed, the chair shall notify the complainant
39 and respondent in writing of the dismissal and the basis of such dis-
40 missal.

41 (6) If the committee determines that disciplinary action must be rec-
42 ommended to the body, the committee shall prepare a report listing the sub-
43 stance of the complaint that was filed, the committee findings in relation to
44 the facts and evidence relevant to that complaint, the committee's recommen-
45 dation, and the reasons for such recommendation.

46 (7) The chair shall be responsible for safekeeping all committee
47 records relating to a complaint, and such records shall be maintained in a
48 locked box in the office of the chief clerk for the duration of the respon-
49 dent's service in the Legislature. There must be one majority member and
50 one minority member present at all times to open and examine the records.

1 Regardless of the ultimate disposition of the complaint or whether a report
 2 has been submitted to the body, the committee may, by majority vote, remove
 3 and destroy committee records relating to a complaint.

4 (8) The House of Representatives shall vote on any recommendation of
 5 the committee, as set forth in the committee's report, during the regular
 6 session of the Legislature when the committee makes such report. If the com-
 7 mittee meets during the interim when the Legislature is not in session, then
 8 the House shall vote on the committee recommendation during the next regular
 9 session of the Legislature.

10 (9) Expulsion of a House member shall require the affirmative vote of
 11 two-thirds of the members of the House as provided by Section 11, Article III
 12 of the Constitution of the State of Idaho. Reprimand or censure of a member
 13 shall require the affirmative vote of a majority of the members of the House.
 14 Any action of the House pursuant to this rule shall be final.

15 (10) At the end of each regular session of the Legislature, the commit-
 16 tee shall report the number of complaints received during that session and
 17 whether or not action has been recommended. No disclosure of the substance
 18 of dismissed complaints is permitted.

19 (11) All expenditures incurred pursuant to this rule shall be approved
 20 by the chair and paid by vouchers and warrants drawn as provided by law from
 21 the Legislative Account.

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

23 WHEREAS, the House of Representatives deems it necessary and desirable
 24 that Rule 26 of the Rules of the House of Representatives be amended.

25 NOW, THEREFORE, BE IT RESOLVED by the members of the House of Represen-
 26 tatives, assembled in the Second Regular Session of the Sixty-eighth Idaho
 27 Legislature, that Rule 26 of the Rules of the House of Representatives shall
 28 be amended to read as follows:

29 RULE 26

30 Committee Meetings to be Open, Executive Sessions Limited, Disruption
 31 of Meetings. -- (1) All regular meetings of any standing, special or select
 32 committee of the House of Representatives shall be open to the public at all
 33 times. Any person may attend any meeting of any standing or select or special
 34 committee, but may participate in said committee only with the approval of
 35 the committee itself.

36 (2) Executive sessions of a standing, special or select committee of
 37 the House of Representatives shall be limited and undertaken only when ne-
 38 cessitated by extraordinary circumstances as provided in this rule. Except
 39 in an emergency involving security or threats against state citizens, re-
 40 sources or facilities, an executive session may be considered by a committee
 41 only after the committee has given public notice at least twenty-four hours
 42 in advance of the meeting that the committee will have before it a request
 43 to meet in executive session, has listed the person(s) or agency that has
 44 requested the executive session, and has described the reason(s) for which
 45 an executive session has been requested. Only after the committee chairman
 46 has identified the reason(s) for holding the executive session and only upon
 47 a two-thirds vote recorded in the minutes of the meeting of the committee,
 48 shall a committee be allowed to hold an executive session during any meeting,

1 at which time persons who are not members of the legislature may be excluded.
2 Executive sessions shall be held only when and to the extent necessary to:
3 discuss records that are exempt from public disclosure by statute, court
4 decision or court rule; consider pending litigation, mediation or arbi-
5 tration; consider personnel decisions involving a legislative employee;
6 ~~conduct a preliminary investigation of an ethics complaint against a mem-~~
7 ~~ber under Rule 45;~~ consider charges brought against or the discipline or
8 dismissal of a member when public disclosure would harm an innocent third
9 party; discuss the security of or threats against state citizens, resources
10 or facilities; or discuss acquiring an interest in real property which is not
11 owned by a public agency. Under no circumstances, however, shall an execu-
12 tive session be authorized or held for the purpose of taking any final action
13 or making any final decision, and during such executive session, no votes or
14 official action may be taken.

15 (3) Nothing in this rule shall prohibit the removal of any person who
16 willfully disrupts a meeting to the extent that orderly conduct is seriously
17 compromised.