

**RULES OF THE
HOUSE OF REPRESENTATIVES**

**STATE OF HAWAII
THE THIRTIETH STATE LEGISLATURE
2019-2020**

Preface to House Rules

It is the policy of the House of Representatives that no member or staff shall be discriminated against based on race, sex, age, religion, color, ancestry, mental or physical disability, genetic information, citizenship, national origin, veteran/military status, marital status, pregnancy, childbirth, breastfeeding or related medical condition, sexual orientation, gender identity or expression, arrest and court record, domestic or sexual violence victim status, credit history, whistleblower status, or any other status or condition that is protected by state or federal law.

It is the policy of the House to provide a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. House members and staff shall be treated with dignity and respect at all times.

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PART I. ORGANIZING THE HOUSE

Rule 1. Election of Officers; Selection of Party Leaders; Succession

- 1.1.** When the House convenes, the member from the First Representative District shall act as temporary presiding officer. The House shall then immediately elect a temporary chair. The temporary chair shall appoint a temporary Clerk and a credentials committee of no fewer than three members.
- 1.2.** The credentials committee shall immediately examine the credentials of the members elected. Upon verification that the credentials are in order, the credentials committee shall report this to the House, and the temporary chair shall order the temporary Clerk to call the roll.
- 1.3.** The temporary chair shall then appoint a committee of no fewer than three members to wait upon a justice of the Supreme Court or a judge of the Intermediate Court of Appeals or Circuit Court to administer the oath of office, as required by the Constitution of the State of Hawaii. After the oath has been duly administered, the House shall organize by electing by resolution, a Speaker, Vice Speaker, Clerk, Assistant Clerk, Sergeant-at-Arms, and Assistant Sergeant-at-Arms and by adopting Rules.
- 1.4.** The members of the majority and minority parties shall designate, respectively, a Leader, Floor Leader, Whips, and Assistant Leaders and Assistant Floor Leaders as they may choose to have.
- 1.5.** The Speaker and Vice Speaker shall hold office during the term for which they are elected to the House, unless sooner removed by majority vote of the House. If they are reelected to membership in the House for the succeeding term, they shall retain their respective positions until the day before the opening day of the succeeding Legislature.
- 1.6.** The Majority Leader, the Majority Floor Leader, the Minority Leader, the Minority Floor Leader, Whips, and Assistant Leaders and Assistant Floor Leaders as the House members of the majority and minority parties may select shall hold office during the term for which they were elected to the House, unless sooner removed by their respective parties.
- 1.7.** If the office of Speaker becomes vacant, the Vice Speaker shall serve as acting Speaker until a successor Speaker is duly elected by the House.
- 1.8.** Any vacancy in the office of Speaker and Vice Speaker shall be filled by election by the House.

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PART II. OFFICERS, PARTY LEADERS, AND EMPLOYEES

Rule 2. The Speaker

2.1. It shall be the duty of the Speaker to:

- (1) Open the meetings of the House;
- (2) Maintain order in the House Chamber and require proper decorum at all times on the part of all those present in the House Chamber;
- (3) Announce the business before the House in the order prescribed by these Rules;
- (4) Receive all matters brought properly before the House and submit them to the House, and call for votes on these matters and announce the results of the votes;
- (5) Consult with and advise the committees of the House and assist them in their work as an ex officio member without vote;
- (6) Receive all communications from other branches of the Government and present them to the House;
- (7) Assign to each member of the House a seat on the floor of the House; until the Speaker assigns seats to the members, they may occupy any vacant seat;
- (8) Authenticate all acts of the House by signing appropriate documentation;
- (9) Make known the Rules of Order upon request and decide all questions of order, subject to appeal to the House;
- (10) Issue warrants to arrest offenders upon the order of the House, and issue subpoena and subpoena duces tecum requiring the attendance of witnesses or the production of books, documents, or other evidence in any matter pending before the House or any committee;
- (11) Clear the House of any or all persons except its members and officers if the House adopts a motion to require it, or if there is a disturbance or disorderly conduct at any time;
- (12) Direct committees of the House to consider messages from the Governor or other communications from the executive;

- (13) Appoint any member to preside over the meetings of the House if the Vice Speaker, Majority Leader, and Majority Floor Leader are not available to perform such duties, but such substitution shall not extend beyond an adjournment;
- (14) Within four session days, refer all bills to committees, subject to an appeal to the House. In referring bills to one or more standing committees, the first referral shall be to the standing committee whose area of responsibility as described in Part III of these Rules is most closely related to the subject matter contained in the bill being referred. In the case of multiple committee referrals, the Speaker shall name the standing committee referred to in the sentence immediately preceding as the committee having primary responsibility for making recommendations for action on the bills so referred. However, where more than one standing committee could qualify as the committee having primary responsibility, preference shall be given to the committee having jurisdiction on a statewide, rather than a local, basis.

The chair of a standing committee affected by a referral of a bill may appeal the referral to the Speaker within 24 hours from the time the referral sheet containing the subject referral is made available to the members of the House. The Speaker shall review the appeal and shall meet with the chair and the chair(s) of the standing committee(s) affected by the referral to settle their differences. If the Speaker is unable to settle the differences between and among the chairs of the standing committees involved within 48 hours after the filing of the appeal, the Speaker shall immediately forward the appeal to the Review Panel which shall make its recommendation to the Speaker within 24 hours after receipt of the appeal. If the Speaker shall concur with the recommendation of the Review Panel, the referral of the bill shall stand or the bill shall be re-referred, as the case may be, according to or consistent with the recommendation. If the Speaker disagrees with the recommendation of the Review Panel, the Speaker shall submit reasons in writing in support of the Speaker's decision to the Review Panel and the chairs of the standing committees involved within 24 hours of the receipt of the recommendation from the Review Panel. The Speaker's decision shall be the final disposition of the matter.

The Review Panel shall be composed of the Majority Leader who shall serve as chair, the Vice Speaker and Majority Floor Leader;

- (15) Appoint the chair and members of conference committees pursuant to Rule 16;
- (16) Establish final dates for action on legislation. These shall include the final date for introducing bills pursuant to Rule 33.4, the final date for third reading of House bills, the final date for third reading of Senate bills, the final date for approving conference committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The Speaker shall coordinate with the President of the Senate to establish these final dates within seven days after the opening of the legislative session;
- (17) Notify members of the names of individuals nominated for or appointed to a task force, commission, working group, or similar position requiring the Speaker to nominate individuals for such a position. The Speaker shall not less than annually publish a list of those individuals nominated or appointed; and
- (18) Perform other duties required by law or these Rules.

2.2. To facilitate House floor proceedings, the Speaker may establish dates for a consent calendar consisting of all third and/or final reading bills that have not been selected for debate by any member. Said bills shall be considered without debate, but members shall be permitted to insert into the House Journal written remarks in support of or in opposition to the measure, consistent with the usual practices of the House. If a consent calendar is established pursuant to this rule, the Speaker shall set the deadlines for members to communicate to the Clerk their intention to debate calendared bills.

2.3. The Speaker after giving all members at least 15 days prior written notice may authorize legal action on behalf of the House and shall notify members of non-confidential legal action taken on behalf of the House, provided no other external legal actions affecting the Legislature's interest shall necessitate more expedient action by the House. The Speaker shall not less than annually report the status of each legal action and disclose expenditures and costs to the members.

Rule 3. The Vice Speaker

The Vice Speaker shall consult with and advise the standing committees and assist them in their work as an ex officio member without vote and shall perform such other duties as may be assigned by the Speaker; provided that the Vice Speaker shall serve as a voting member of the Committee on Legislative Management. In the absence of the Speaker, the Vice Speaker shall exercise all the duties and powers of the Speaker.

Rule 4. The Speaker Emeritus

Any member having served the House in the capacity of Speaker shall, subsequent to that service, be known as Speaker Emeritus, and may perform such functions and duties as assigned by the Speaker.

Rule 5. Party Leaders

- 5.1. The Majority and Minority Leaders and Floor Leaders, Majority and Minority Whips, and Assistant Leaders and Assistant Floor Leaders as the members of the majority and minority parties may choose to have, shall perform such duties as may be assigned by their respective memberships.
- 5.2. If the Speaker and Vice Speaker are absent when the House convenes, the Majority Leader or Majority Floor Leader, in that order, may convene the House and shall serve as Acting Speaker until the Speaker or Vice Speaker returns.

Rule 6. The Clerk

- 6.1. The Clerk shall be responsible for the safekeeping of all records of the House. The Clerk shall retain possession of all original documents, unless the Speaker orders the Clerk to release the records to someone else.
- 6.2. The Clerk shall make a record each day of all matters brought before the House. This record shall state in a complete and concise manner, the nature of the matters brought before the House, the names of their introducers, and the date and day of the session on which the House considered the matters. This daily record and such additional matters as the Speaker may order the Clerk to include in it shall constitute the Journal of the House, a copy of which shall be made available on the following session day or as soon thereafter as practicable. The House shall approve the Journal, subject to corrections, by vote of the House. However, the House may dispense with the reading of the Journal by majority vote.
- 6.3. The Clerk shall read all bills, resolutions, and other matters aloud to the House when the House requires it.
- 6.4. The Clerk shall immediately forward all communications and other matters the Clerk receives to the parties to whom they are addressed.
- 6.5. The Clerk shall deliver immediately to the chairs of the appropriate committees all matters duly referred to those committees.

- 6.6. The Clerk shall maintain for the committees of the House a record of subjects contained in messages from the Governor, which are referred to the committees.
- 6.7. The Clerk shall keep a record of all questions of order and the decision on each of them, and the Clerk shall append this record to the Journal at the close of the session.
- 6.8. The Clerk shall perform all other duties appropriate to the Clerk's office that the House or the law assigns.

Rule 7. Assistant Clerk

The Assistant Clerk of the House shall assist the Clerk in all duties. In the absence of the Clerk, the Assistant Clerk shall perform all duties of the Clerk.

Rule 8. Sergeant-at-Arms

- 8.1. The Sergeant-at-Arms shall:
 - (1) Execute the orders of the Speaker;
 - (2) Attend every session of the House;
 - (3) Maintain order among persons who attend the sessions of the House;
 - (4) Notify the presiding officer of the presence of persons who have communications for the House or who otherwise are of interest to the House;
 - (5) Keep the entrances and exits of the House clear at all times, and keep from the floor of the House all persons except members of the House, authorized employees of the House, and guests of the House;
 - (6) If requested, maintain order among persons attending meetings or hearings of committees of the House;
 - (7) Serve all orders or process directed by the Speaker or the House;
 - (8) Make all arrests ordered by the Speaker or the House and restrain persons in custody;
 - (9) Be responsible for the House postal service; and
 - (10) Be responsible for the House's safety and security operations, including emergency procedures.

- 8.2. The Sergeant-at-Arms shall be responsible for making purchases for the House in accordance with the House Administrative and Financial Manual.
- 8.3. The Sergeant-at-Arms shall be custodian of all property of the House and shall perform all duties related to its safeguard, care, and maintenance as provided in Part VIII of the House Administrative and Financial Manual.

Rule 9. Assistant Sergeant-at-Arms

The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in all duties. In the absence of the Sergeant-at-Arms, the designated Assistant Sergeant-at-Arms shall perform all duties of the Sergeant-at-Arms.

Rule 10. Officers and Employees: Responsibilities; Salaries

- 10.1. In addition to the responsibilities assigned by law and these Rules, all officers and employees of the House may be assigned responsibilities by their respective appointing authorities.
- 10.2. The pay of each member shall be pursuant to Article XVI, Section 3.5 of the Constitution of the State of Hawaii. Officers and employees of the House shall be employed and paid as authorized in the House Administrative and Financial Manual.

PART III. COMMITTEES

Rule 11. Standing Committees: Composition; Chair; Decision-making; Reports

11.1. Standing committees shall be committees established to consider and report on all bills, petitions, resolutions, budgets, and any other matters referred to such committees.

11.2. The composition of the standing committees shall be as follows:

- (1) The membership of each standing committee shall be appointed by the Speaker. The respective chairs and vice-chairs of each standing committee shall be appointed by the Speaker;
- (2) The membership of each standing committee, including the designation of the chair and vice-chair shall be provided for by resolution, provided, however, that the composition of the committee shall be on a proportional basis with the members of the majority party designating the chair, vice-chair, and majority party members, and the members of the minority party designating the minority party members; and
- (3) The Speaker and Vice Speaker shall be ex officio members of each committee without vote; provided that the Vice Speaker shall serve as a voting member of the Committee on Legislative Management.

11.3. The chair of each standing committee shall call and preside over all standing committee meetings; determine the order of deliberations on bills, resolutions, and other matters over which the standing committee as a whole retains jurisdiction; coordinate the scheduling of meetings and public hearings of the standing committee and assure that such schedules and agendas are posted or distributed as required by these Rules; establish guidelines to coordinate the flow of work to assure that directions of the House are fulfilled; supervise the work of the committee staff; and supervise the maintenance and disposition of the records of proceedings of the standing committee. The vice-chair shall, at the request of the chair, assist the chair in the performance of any duties. The vice-chair shall perform the duties of the chair in the chair's absence.

If the chair and vice-chair are unavailable to preside over a committee meeting, the Speaker may designate a committee member from the majority party to preside over the meeting.

If the chair and vice-chair are unavailable to sign a meeting notice, committee report, or other committee document in time to meet an applicable deadline, the Speaker may sign the document.

If a chair of a standing committee refuses a request of a majority of the committee members to set for public hearing a bill or resolution referred to the committee, the majority of the committee members may petition the Review Panel established under Rule 2.1(14) to compel the chair to set the bill or resolution for public hearing. The Review Panel shall establish a process pursuant to which the Review Panel shall receive and consider the petition and shall make a recommendation to the Speaker. If the Speaker concurs with the recommendation of the Review Panel, the chair shall either be sustained or be directed to duly set the bill or resolution for public hearing at the next available date according to or consistent with the recommendation. If the chair refuses to comply with the order of the Speaker, then the vice-chair shall act as chair for the purpose of hearing the bill or resolution under consideration. If the vice-chair refuses, then the Speaker may appoint any member of the House to act as temporary chair. If the Speaker objects to the recommendation of the Review Panel, the Speaker shall submit reasons in writing to support the Speaker's decision, which shall be the final disposition of the matter.

11.4. The chair of each standing committee shall keep a record of public hearings and shall file same with the State Archives, through the Speaker as soon as practicable after each session.

11.5. *Committee Meetings.*

- (1) Meetings, including decision-making sessions, of standing committees shall be public. Notice shall be publicly posted or announced on the House floor at least 48 hours prior to the meeting. Except for notices posted by the Committee on Finance, notice shall be posted before 4:30 p.m. on the last day of the work week for a hearing to be held on the following Monday or Tuesday. Notice of meetings may be shortened at the discretion of the Speaker upon request on the House floor by a chair or vice-chair and upon good cause shown.
- (2) No standing committee shall sit during the time when the House is actually in session except with the permission of the Speaker.
- (3) As practicable, standing committees shall schedule their meetings at times and at places as are convenient for attendance by the general public, and shall, in coordination with other committees of the House or Senate, endeavor to hold joint meetings and public hearings on matters of mutual interest.

- (4) No bill or resolution other than a congratulatory resolution shall be reported out of a standing committee unless the measure shall have received a public hearing in the House; provided that a bill which contains only a reference to the general idea of the bill in short form and contemplates the subsequent drafting of the specific details in long form may be reported out of a standing committee without a public hearing so long as the bill is reported out:
 - (a) In an amended form containing the substantive contents of the bill in long form;
 - (b) Recommending that the bill be recommitted to the same committee for the purpose of holding a public hearing thereon after satisfaction of the notice requirements set forth in paragraph (1) above; and
 - (c) Without recommendation for passage on any reading of the bill.
- (5) Upon the request of a chair of a standing committee, the Speaker may authorize the chair and the members of the standing committee to conduct a community-based public hearing whenever appropriate and practicable, subject to notice as required in paragraph (1) above. "Community-based public hearing" means a hearing conducted by a standing committee outside the State Capitol building at a location within the community for the purpose of accommodating the public to be heard on the matter under consideration by the standing committee.

11.6. *Committee Decision-making.*

- (1) A quorum of the committee which shall be a majority of the committee membership shall be present for decision-making.
- (2) Committee decision-making shall be by a majority of the members present. Reporting a measure out of the committee shall require a favorable vote of not less than a majority of the members present at a meeting duly constituted with a quorum. Any member voting "with reservations" shall be deemed to be in favor of the recommendation.
- (3) The vice-chair of the committee, or the designee of the chair in the absence of the vice-chair, shall be the recorder of the record of the quorum and the votes.

In the case of a joint hearing, the vice-chair of the lead committee, or the designee of the lead committee chair in the absence of the vice-chair shall be the recorder of the record of the quorum and the votes of all the committees party to the public hearing, unless

otherwise agreed to by the respective chairs. A member's vote on a measure shall be the same for all committees that the member may sit on.

- (4) Favorable action by the committee shall be conveyed in a committee report.
- (5) If a committee reports out a bill or resolution with proposed amendments that may affect the referral of that bill or resolution, the committee chair shall, within 24 hours, notify the Speaker.

11.7. *Standing Committee Reports.*

- (1) Standing committees shall report from time to time upon matters referred to them with such copies as may be designated by the Speaker. Such reports shall be printed by the House and be furnished to each member.
- (2) The reports shall state findings of facts and conclusions based thereon, together with a distinct recommendation as to the disposition of the matter.
- (3) A report recommending a measure for passage shall clearly state the legislative intent and purpose of the measure. The chair shall attest the action of the committee by signing the report on behalf of the committee. A record of the quorum present at the meeting and a record of the votes of the members of the committee on the bill or resolution as attested to by the recorder shall be attached to the report as a part thereof.
- (4) A report upon a measure shall state clearly the amendments, if any, proposed. If a substitute bill, for one or more bills referred to the committee, shall be reported, such substitute bill shall be consistent with the subject of the bill or bills referred to the committee. The report shall describe the disposition of the bill or bills referred.
- (5) All matters referred to and not reported upon by the standing committees shall be returned to the Clerk at the close of the regular session in the even-numbered year.

Rule 12. Standing Committees: Description

Standing committees shall be created by resolution at the opening of the session, or as soon thereafter as possible, to serve during the legislative session. The standing committees therein shall be as follows:

- (1) Committee on Agriculture, whose scope shall be those programs relating to the Department of Agriculture, agriculture, aquaculture, crop and livestock production, agricultural parks, animal welfare, invasive species, and other pertinent matters referred to it by the House.
- (2) Committee on Consumer Protection & Commerce, whose scope shall be those programs relating to consumer protection, the Department of Commerce and Consumer Affairs, the regulation of trade, business, professions, occupations, and utilities, the Residential Landlord-Tenant Code, condominiums, housing cooperatives, planned communities, and other pertinent matters referred to it by the House.
- (3) Committee on Economic Development & Business, whose scope shall be those programs relating to private sector job creation, public-private business or investment partnerships or ventures, new industry development, technology, cybersecurity, planning for economic development and diversification, industrial and product promotion and financial and technical assistance to business for interstate and intrastate commerce, and other pertinent matters referred to it by the House.
- (4) Committee on Energy & Environmental Protection, whose scope shall be those programs relating to energy resources and the development of renewable and alternative energy resources, energy conservation, environmental quality control and protection, environmental health, and other pertinent matters referred to it by the House.
- (5) Committee on Finance, whose scope shall be those programs relating to overall State financing policies, including taxation and other revenues, cash and debt management, statewide implementation of planning, programming, budgeting, and evaluation, and other pertinent matters referred to it by the House.
- (6) Committee on Health, whose scope shall be those programs relating to general health, maternal and child care, communicable diseases, dental health, medical and hospital services, mental health, hospitals, community health care facilities, and other pertinent matters referred to it by the House.

- (7) Committee on Housing, whose scope shall be those programs relating to housing development financing, assistance for homebuyers and renters, affordable and rental housing, public housing, and other pertinent matters referred to it by the House.
- (8) Committee on Human Services & Homelessness, whose scope shall be those programs relating to financial assistance, medical assistance, vocational rehabilitation, social welfare services, the general well-being of the state's elderly and youth, juvenile correctional services, homeless services and sheltering, and other pertinent matters referred to it by the House.
- (9) Committee on Intrastate Commerce, whose scope shall be those programs relating to the facilitation of commerce within the State of Hawaii through the administration and implementation of regulations for the licensing of professional vocations and unlicensed activity, property insurance products and services, state-chartered and state-licensed financial institutions, broadband and cable communications and services, and other pertinent matters referred to it by the House.
- (10) Committee on Judiciary, whose scope shall be those programs relating to the courts, crime prevention and control, penal code, criminal enforcement, prosecution, disposition, and punishment, indigent legal representation and defense matters, civil law, firearms, judicial and legal questions, constitutional matters, the Attorney General, the Judiciary, individual rights, civil rights and liberties, the Civil Rights Commission, campaign spending, and other pertinent matters referred to it by the House.
- (11) Committee on Labor & Public Employment, whose scope shall be those programs relating to employment, government operations and efficiency, employee pay and benefits, employee recruitment, classification and training, career development, employee performance, employment conditions, standards of conduct for employers and employees, collective bargaining in public employment, the civil service system, workers' compensation, unemployment compensation, temporary disability insurance, prepaid health care, employment opportunities, labor-management relations in the private sector, the Ethics Code, the Procurement Code, and other pertinent matters referred to it by the House.

- (12) Committee on Legislative Management, whose scope shall be those programs relating to the administrative operations and legislative services of the House, including the Legislative Reference Bureau, Legislative Auditor, Office of the Ombudsman, Public Access Room, the Hawaii State General Plan, and other pertinent matters referred to it by the House.
- (13) Committee on Lower & Higher Education, whose scope shall be those programs relating to early childhood education, primary and secondary schools, continuing education, libraries, the University of Hawaii, the community colleges, and other institutions of post-secondary education, intercollegiate athletics, the Waikiki Aquarium, and other pertinent matters referred to it by the House.
- (14) Committee on Public Safety, Veterans, & Military Affairs, whose scope shall be those programs relating to adult corrections, rehabilitation, correctional facilities and industries, probation, parole, furlough, and other alternatives to incarceration, civilian emergency and disaster response, veterans and military facilities and activities, and other pertinent matters referred to it by the House.
- (15) Committee on Tourism & International Affairs, whose scope shall be those programs relating to tourism, including the Hawaii Convention Center, Hawaii Visitors and Convention Bureau, the Hawaii Tourism Authority, international affairs, foreign policy issues, international relations, Hawaii's multi-cultural heritage, the State Foundation on Culture and the Arts, and other pertinent matters referred to it by the House.
- (16) Committee on Transportation, whose scope shall be those programs relating to air, water, and ground transportation, and other pertinent matters referred to it by the House.
- (17) Committee on Water, Land, & Hawaiian Affairs, whose scope shall be those programs relating to land and water resource administration and use, coastal lands, the Land Use Commission, county land use planning and zoning, the Hawaii Community Development Authority, infrastructure development, outdoor recreation, including freshwater recreational boating, freshwater fish and game management, drinking water and brackish waters, small boat harbors and their infrastructure, State parks, historic sites development and protection, ocean activities and outdoor marine matters, including marine recreational boating, ocean fish and game management, corals and inorganic marine resources, ocean mining, mariculture, commercial and recreational ocean fish and fishing, fishery development and management, submerged lands, the Coastal Zone Management Act, persons of Hawaiian ancestry, including programs administered by the

Department of Hawaiian Home Lands and the Office of Hawaiian Affairs, and other pertinent matters referred to it by the House.

Rule 13. Standing Committees: General Responsibility; Special Responsibility

13.1. *Standing Committees: General Responsibility.* It shall be the duty of each standing committee to:

- (1) Consider all bills, petitions, and resolutions as may properly come before it;
- (2) Review those portions of the State's program and financial plan and variance reports as may relate to programs over which the committee has primary responsibility. Through informational briefings, it shall gather information and examine those portions of the executive budget and the General and Supplemental Appropriations Bills relating to such programs and recommend to the Committee on Finance the programs and amounts to be spent thereon. (The executive budget and the General and Supplemental Appropriations Bills are hereinafter collectively referred to as the "State budget.") The recommended programs and amounts, taken as a whole, shall be consistent with and within the expenditure amounts allocated by the Committee on Finance;
- (3) Determine the objectives of any bill referred to it and make appropriate recommendations, including, if proper, expenditure recommendations on other bills referred to it by the House. Such expenditure recommendations shall be consistent with the allocations established by the Committee on Finance. On bills which relate to programs and matters over which a standing committee to which they are referred has no primary responsibility, the standing committee shall propose no substantive change to the bill unless prior concurrence of the chair of the committee which has the primary responsibility is first obtained. If the chair of the standing committee, which has primary responsibility over programs and matters of a bill, does not concur with the substantive change to the bill affecting such programs and matters sought to be proposed by a standing committee, any of the chairs of the standing committees involved may submit the matter to the Speaker for resolution. The Speaker shall meet with the chairs of the standing committees involved, hear their differences, and settle their differences with a decision which shall be the final disposition of the matter; and

- (4) Review how programs over which it has primary responsibility have been carried out in compliance with legislative direction and whether studies, analysis, and audit should be conducted on all or part of the program in order to define issues and recommend improvements. Each standing committee shall also recommend amendments to existing appropriation acts and may further recommend revenue measures and improvements to the State's planning, programming, budgeting, and evaluation system to the Committee on Finance.

13.2. *Committee on Finance: Special Responsibility.* The Committee on Finance shall:

- (1) Have final responsibility over all programs and matters relating to the State's financing policies, including taxation and other revenues, level of expenditures, cash and debt management, and to the statewide implementation of planning, programming, budgeting, and evaluation. Subject to the provisions of these Rules, it shall consider the reports of the fiscal officers of the State, all bills, petitions, and resolutions, those portions of the State budget, and all other items pertaining to such programs and matters. It shall also consider such other pertinent items as may be referred to it by the House;
- (2) Establish, within the revenue raising ability of the State, the general level of total governmental expenditures for each fiscal year of a biennial period and allocate to each standing committee a proportionate part of such expenditures. Each standing committee shall be responsible for budget review of the programs within its jurisdiction and for making program expenditure recommendations to the Committee on Finance. Upon receipt of the recommendations of the other standing committees, the Committee on Finance shall review the same to determine if, when taken as a whole, the programs and amounts to be expended thereon are consistent with and within the expenditure amounts it has allocated to the respective standing committees. In making allocations to and in reviewing recommendations, the Committee on Finance shall invite the participation of the chair of the standing committee having primary responsibility over the program. After review of all standing committee recommendations, the Committee on Finance shall be responsible for preparing the General and Supplemental Appropriations Bills for consideration by the House; and
- (3) In all other appropriation bills, inform the standing committee primarily responsible for the program or matter under consideration, of the amount and type of finances available. Upon receiving recommendations for the expenditures from the appropriate standing committee, the Committee on Finance shall review such recommendations to determine if, when taken as a whole, the recommendations are consistent with and within the expenditure

amounts allocated. In reviewing recommendations of the standing committees, the Committee on Finance shall invite the participation of the standing committee chair concerned.

13.3. *Committee on Legislative Management: Special Responsibility.* The Committee on Legislative Management shall:

- (1) Make recommendations to the Speaker on the procedures and manner in which the administrative operations of the House should be conducted;
- (2) Make recommendations to the Committee on Finance on the expenses to be included in the appropriation bills providing for the expenses of the Legislature and procedures to ensure that the expenses of the House are in accordance with the appropriation acts providing therefor; and
- (3) Make recommendations to the Speaker on programs relating to the establishment and operations of the House staff.

Rule 14. Special Committee

- 14.1.** The Speaker may appoint special committees for special or temporary purposes to consider and report on such special or temporary matters referred to it.
- 14.2.** Special committees shall consist of not less than three members each, unless otherwise ordered by the House, to serve until discharged or until finally reporting on such matters referred to them.
- 14.3.** Meetings of special committees shall be conducted in the same manner as provided for standing committees.
- 14.4.** Special committees shall report upon matters referred to them within the time prescribed under the appointment of the special committees, unless further time is given by vote of the House.

Rule 15. Committee of the Whole

- 15.1.** Whenever any matter shall be referred to the entire membership of the House by adoption of a motion to that effect, the House may at any time thereafter resolve itself into a Committee of the Whole to be chaired by the Speaker.

15.2. The Clerk of the House shall act as Clerk of the Committee of the Whole, without extra compensation, and shall make a careful record of the proceedings which shall be filed as one of the records of the House.

15.3. The committee may, on motion, rise and ask leave to sit at any future time. The rules of procedure in the House shall be observed, except as follows:

(1) Any member may speak more than once on the same subject, provided that the member shall not speak a second time or further until others desiring to speak have had an opportunity; and

(2) The motion for the "previous question" shall not be allowed.

Rule 16. Conference Committee

16.1. Conference committees shall consist of not less than three members each unless otherwise ordered by the House to be appointed for the purpose of resolving differences between the House and the Senate on any matters where the joint agreement of the House and the Senate is required and shall serve until discharged or until finally reporting on the matter referred to it.

16.2. The composition of the conference committee shall be as follows:

(1) The chair of the standing committee having primary responsibility of the subject matter to be resolved shall be the chair of the conference committee on the part of the House. In the absence of the chair of the conference committee, a designee of the chair shall serve as chair;

(2) The membership of a conference committee shall be on a proportional basis. In appointing the minority party members, the Speaker shall consult with the minority leadership of the House.

The Speaker shall appoint the members of a conference committee as the Speaker and the chair of such standing committee having primary responsibility of the subject matter shall so mutually agree; and

(3) In no event shall the membership of the conference committee include any member who has voted in the negative on adoption of a substantive resolution or has voted in the negative on third reading of a bill which is the subject of the conference committee.

16.3. The chair of the Committee on Finance shall be designated the chair of the conference committee on the General and Supplemental Appropriations Bills. The chair shall invite the participation of the chair of the standing committee having primary responsibility over the program or matter, as described in Part III of these Rules, to which the appropriation relates. After review, the

chair of the conference committee shall be responsible for preparing the budgets for consideration by the House.

16.4. The meetings of the conference committee shall be conducted as agreed upon by the members of the conference committee, subject to the provisions of Rule 16.5. It is the position of the House that conference committee meetings and decision-making sessions shall be public. Public notice of the meetings shall be given. Public notice may be posted or announced on the House floor during the session day. Subsequent meetings may be announced during conference committee meetings.

16.5. The authority of a conference committee shall be limited solely to resolving differences between the House and the Senate versions of a bill or resolution.

Accordingly, a conference committee shall not amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject; provided that the restrictions in this Rule 16.5 shall not apply to the General and Supplemental Appropriations Bills; provided further that any increases to the salaries, pensions, or retirement benefits for any elected or appointed officer of the State or County shall be considered by separate bill other than the aforesaid Appropriations Bills or any bill ratifying collective bargaining agreements.

Rule 17. Interim Committee

17.1. Interim committees may be established between regular sessions to accomplish specified objectives and work. The appointment of interim committees shall be completed by the Speaker as soon as practicable.

17.2. The composition of interim committees shall be as follows:

(1) The chair of the interim committee shall be the chair of the standing committee having primary responsibility, as defined by these Rules, over the program or matter to be considered by the interim committee; and

(2) The membership of the interim committee shall be on a proportional basis. In appointing the minority party members to the interim committee, the Speaker shall consult with the minority leadership of the House. The Speaker shall appoint the members of an interim committee as the Speaker and the chair of the interim committee shall so mutually agree.

- 17.3.** Interim committees may submit interim committee reports from time to time on matters referred to them. The reports shall state findings of facts and conclusions based thereon, together with such recommendations as to the disposal of the matter.

Rule 18. Committee on the Journal

- 18.1.** A Committee on the Journal shall be appointed to: prepare, compile, and bind the House Journal; enter into contracts for printing and any other acts necessary to accomplish the purpose of printing the Journal; and distribute the Journal to the members of the House at the next regular session.
- 18.2.** The Committee on the Journal shall consist of the Speaker, Vice Speaker, Majority Leader, Majority Floor Leader, Minority Leader, Minority Floor Leader, and the chair of the Committee on Legislative Management, whose duty it shall be to prepare, compile, and bind the House Journal, and who shall be authorized to make contracts with any printer, publisher, or bookbinder for the printing and binding of said Journal. The Clerk of the House shall act as Clerk of the Committee on the Journal. The committee shall report from time to time to the House.
- 18.3.** The Committee on the Journal may correct certain errors in all proper cases, and shall correct any mere clerical errors in the compilation of the Journal, such as errors in orthography or the use of one word for another as "affect" for "effect," "previous" for "previously," and the like. No corrections other than such as are authorized by this Rule shall be made at anytime by the Clerk or the Clerk's assistants, unless upon order of the committee.

Rule 18a. Advisory Committee on Rules and Procedure

The Speaker shall, prior to the convening of a legislative session in an odd-numbered year, establish an Advisory Committee on Rules and Procedure. The committee shall include at least one member from the minority party. The Advisory Committee on Rules and Procedure shall review these Rules and propose to the House such amendments as the committee deems appropriate.

Rule 19. Open Committee Meetings

Every committee authorized and/or established under Part III of these Rules shall be a committee of the House. Every meeting of a committee of the House or of a committee composed of a member or members from the House and the Senate held for the purpose of making decisions on matters referred to the committee shall be open to the public; provided that certain kinds of meetings, including executive sessions, organizational meetings,

partisan caucuses, and meetings the subject of which involves the invasion of a person's right to privacy if made public, need not be open to the public.

Every meeting of a special committee, interim committee, or the Advisory Committee on Rules and Procedure shall be noticed in the same manner as applicable to a standing committee.

PART IV. SESSIONS; ATTENDANCE

Rule 20. Meetings

- 20.1.** After the opening day of the Legislature, the House shall meet for the transaction of public business every day except Saturday, Sunday, any legal holiday, and any day in recess, and such other day as the House shall designate.
- 20.2.** The House shall determine from time to time the normal hour of its meetings.
- 20.3.** Each regular session shall be recessed for not less than five days at some period between the twentieth and fortieth days of the regular session. The House shall, by concurrent resolution, determine the dates of the mandatory recess. Any session may be recessed when a majority of the members of each house adopts a concurrent resolution for that purpose. When directed by a resolution adopted by the House, the Speaker shall consult with the President of the Senate to agree upon the time of a recess or recesses.

Rule 21. Quorum

- 21.1.** A majority of the members to which the House is entitled constitutes a quorum, of which a majority vote shall suffice for the conduct of ordinary business unless otherwise provided in these Rules, but the final passage of a bill shall require the vote of a majority of all members to which the House is entitled.
- 21.2.** A majority of less than a quorum may adjourn from day to day and compel the attendance of absent members.
- 21.3.** If a quorum is not present at the designated time of meeting, the Speaker may declare the House adjourned.
- 21.4.** The Speaker shall count the number of members present to determine whether there is a quorum.

Rule 22. Attendance

No member shall be absent from service to the House, unless the member is sick and is unable to attend or is excused by the Speaker.

Rule 23. Adjournments

- 23.1. Meetings of the House may be adjourned at any time by vote. Every adjournment shall be until the normal hour of meeting on the next business day, unless the motion for adjournment specifies otherwise.
- 23.2. A motion to adjourn is always in order and shall be decided without debate. However, one motion to adjourn shall not follow another without intervening business.
- 23.3. A motion to adjourn sine die or to adjourn to a specified time may be debated. No member shall speak more than once on such a motion.

Rule 24. Extension of Session

- 24.1. Two-thirds of the members to which the House is entitled, two-thirds of the Senate concurring, may petition the Speaker of the House and the President of the Senate to extend any session of the Legislature. The petition shall read:

"To the Speaker of the House of Representatives and the President of the Senate:

Your petitioners, members of the House of Representatives and of the Senate of the ___ Legislature of the State of Hawaii, respectfully request an extension of _____ days beyond the ___ day of the Regular Session of ___ of the ___ Legislature of the State of Hawaii."

- 24.2. The petition shall be in writing, above the signatures of the members.
- 24.3. When the Speaker of the House receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the Speaker and the President of the Senate shall jointly issue a proclamation extending the session for the number of days sought in the petition.

Rule 25. Special Sessions

- 25.1. Two-thirds of the members to which the House is entitled, two-thirds of the Senate concurring, may petition the Speaker of the House and the President of the Senate to call a special session of the Legislature. The petition shall read:

"To the Speaker of the House of Representatives and the President of the Senate:

Your petitioners, members of the House of Representatives and of the Senate of the _____ Legislature of the State of Hawaii, respectfully request the convening of a special session of _____, _____ Legislature of the State of Hawaii."

- 25.2.** The petition shall be in writing, above the signatures of the members.
- 25.3.** When the Speaker of the House receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the Speaker and the President of the Senate shall jointly issue a proclamation convening the Legislature in special session at the time and place sought in the petition.

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PART V. ORDER; DECORUM

Rule 26. Questions of Order

Any member may raise a question of order at any stage in the proceedings of the House, except during a roll call vote. The Speaker shall decide questions of order without debate, subject to an appeal of the House. Laying an appeal on the table shall sustain the Speaker's ruling.

Rule 27. Decorum: Punishment for Violations

- 27.1.** No person shall sit at the desk of the Speaker or Clerk, except by permission of the Speaker.
- 27.2.** No person shall walk out of the House Chamber or across the floor of the House while the Speaker is addressing the House. No person shall maintain a private discourse while the Speaker is addressing the House or a member is speaking. No person shall walk between the Speaker and a member who is speaking.
- 27.3.** A question concerning conduct of the Speaker or members should not be presented by way of debate on other matters. Allusions to, or critical reference to the Speaker or members are not in good order. Such attacks are not conducive to the good order of the House.
- 27.4.** The Speaker shall order any member who conducts himself or herself in a disorderly manner during any session of the House to stay in his or her seat and be in order. The Speaker shall order the Sergeant-at-Arms to remove any member who persists in disorderly conduct from the House for the remainder of the day's session, unless the member who has been disorderly pledges to the House that he or she will maintain good behavior.
- 27.5.** Any member who wishes to speak shall rise from his or her seat and address the Speaker, saying, "Mr. Speaker" or "Madam Speaker". When recognized, the member shall face the Speaker, and address the question under debate. All debate shall be addressed to the Speaker and not to the membership or an individual member.
- 27.6.** A member referring to another member should avoid using the member's name or political party, rather identifying the member by district, seat, as the member who last spoke, or other similar manner.
- 27.7.** It is not the person but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms.

- 27.8.** The Speaker shall call to order any member who violates these Rules while in session, and the member shall then immediately sit down. The Speaker shall then decide the question of order without debate, subject to an appeal to the House. The Speaker may call for the sense of the House on any question of order.
- 27.9.** A member who is called to order while speaking shall retain the floor while the question of order is decided. However, the member may not proceed with the matter under discussion until recognized by the Speaker to continue.
- 27.10.** Any member may demand that the Clerk take down the words or actions objected to when a member is called to order for words spoken or actions taken during debate, and may ask that they be read for the information of the House.
- 27.11.** The House may censure its members for disorderly conduct or neglect of duty. The House may also suspend or expel a member by a two-thirds vote of the total membership of the House.
- 27.12.** The House may establish an investigating committee pursuant to chapter 21, Legislative Hearings and Procedure, Hawaii Revised Statutes, for the purposes therein mentioned.
- 27.13.** Cell phones, pagers and similar devices shall be kept in silent mode, and not be used, while on the floor of the House Chamber.

Rule 28. Disclosures and Punishment of Members

- 28.1.** Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in his or her financial interests.
- 28.2.** If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall orally disclose his or her interest to the House before voting. The member then shall immediately make the written disclosure required by law and these Rules.

28.3. In accordance with Rule 60.7, the Speaker shall appoint a Select Committee on Standards of Conduct to receive complaints and investigate any member for misconduct, disorderly conduct, neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The House may punish any member found guilty by such a committee by censure, suspension, or expulsion. Censure shall require the approval of a majority of the members to which the House is entitled. Suspension or expulsion shall require the approval of two-thirds of the members to which the House is entitled.

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PART VI. ORDER OF BUSINESS

Rule 29. Order of Business: General; Order of the Day

29.1. The daily order of business shall be:

- (1) Roll call;
- (2) Reading and approval of the Journal unless the House by motion dispenses with such reading;
- (3) Messages from the Governor;
- (4) Reports and communications from the heads of agencies; and
- (5) Bills, resolutions, and other matters received from the Senate to be placed on the calendar.

29.2. At the option of the Speaker, prior to the convening of any session, there shall be an invocation. Any invocation shall be limited to two minutes, and should not be used to proselytize, advance, or disparage any religion or point of view. Attendance at and participation in the invocation shall be voluntary for all persons.

29.3. The order of matters to be considered in the Order of the Day shall be:

- (1) Unfinished business upon which the House was engaged at the time of its last adjournment;
- (2) Reports of committees;
- (3) Petitions, memorials, and communications;
- (4) Second and third readings;
- (5) Introduction of bills and resolutions;
- (6) Any miscellaneous business on the Speaker's table; and
- (7) Announcements.

Rule 30. Order of Business: Special

The House may, by previous motion, direct that any matter be made a special order of business. Special orders shall take precedence over all business after the fourth order in the order of business. The House may also specify that special orders be taken up at a later specified point in the order of business.

Rule 31. Order of Business: Unfinished Business; Committee Reports and Messages

31.1. Any business which the House did not complete before its last adjournment shall have precedence in the Order of the Day. No motion or other business shall be received without special leave of the House until the unfinished business is disposed of.

31.2. Reports from conference committees and from the Committee on Legislative Management shall be in order at all times. Upon motion, messages or reports from the Governor or from the Senate may be received at any time, provided that without unanimous consent such messages or reports shall not be in order for discussion when received but shall be placed on the calendar as "Unfinished Business".

Rule 32. Order of Business: Questions of Priority

All questions relating to the priority of business shall be decided without debate.

PART VII. BILLS AND RESOLUTIONS

Rule 33. Form: Bills, Resolutions, and Amendments

- 33.1.** All bills and resolutions to be introduced shall be submitted in the form and in the number of copies designated by the Clerk. Short form bills may be introduced. All bills and resolutions shall be dated and signed by the introducer in black ink.
- 33.2.** Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and stricken, and any new matter added to the section or subsection shall be underscored. However, a bill need not conform to this rule if it is: (1) a Supplemental Appropriations Bill; or (2) a bill amending the intent and effect of which can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses, or items to be amended need be set forth as the Speaker may allow. The Speaker may allow additional exceptions to this rule.
- 33.3.** No floor amendment to a bill shall be voted upon unless a copy of such amendment shall have been presented to the Clerk who shall prepare and distribute copies of the amendment to each member of the House present.
- 33.4.** The House shall, in concurrence with the Senate, provide for the date by which all bills to be considered in a regular session shall be introduced. This date shall precede the commencement of the mandatory recess provided for by Article III, Section 10 of the Constitution of the State of Hawaii.

Rule 34. Bills: First Reading

The first reading of a bill shall be of its title only.

Rule 35. Bills: Second Reading

On second reading, a bill may be read by title only, or, on motion, read throughout. It shall then be subject to a motion for referral to a committee. If it is referred to the Committee of the Whole instead of a special or standing committee, the chair of the Committee of the Whole shall set a day for its consideration. When a bill is reported by a standing committee, special committee, or the Committee of the Whole, and has passed second reading, it shall take its place in the order of business for future consideration.

Rule 36. Bills: Third or Final Reading

- 36.1.** No bill shall pass third or final reading in the House unless printed copies of the bill in the form to be passed have been made available to the members of the House for at least 48 hours. "Form to be passed" means the form in which a bill is to be either: (i) passed on third reading in the House; (ii) concurred to by the House after amendments have been made by the Senate; or (iii) passed by the House after a conference committee has agreed upon it.
- 36.2.** A bill on its third or final reading may be read by its title only and the Speaker shall then ask the House, "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Such bill may be amended on its third reading. For the final passage of any bill, the Ayes and Noes shall be called or a vote shall be taken pursuant to Rule 51.3 and such passage shall require the affirmative vote of a majority of all members to which the House is entitled. The vote upon third reading shall be upon a motion that the bill pass third reading, rather than upon adoption of a committee report, so that amendments to the bill may be offered at third reading and voted upon.
- 36.3.** The House shall not concur with substantive amendments made by the Senate to a House bill until the chair of the standing committee having primary responsibility for the subject matter contained in the bill has granted prior concurrence to such amendments as provided for under Rule 13.1.

Rule 37. Bills: Recall from Committee

- 37.1.** Any bill that has been referred to a committee may be recalled from that committee 20 days after referral, if one-third of the members to which the House is entitled vote in favor of the recall.
- 37.2.** No parliamentary rule or procedure may supersede the constitutional right of recall of a bill from committee.

Rule 38. Bills: Certification

- 38.1.** When the House passes a bill, the Speaker and the Clerk shall certify it and note the day of its passage at the bottom of the last page of the bill.

- 38.2.** When a bill introduced in the House passes third reading in the House, the Speaker and the Clerk shall immediately send it to the Senate. Likewise, they shall send to the Senate any bill which the House receives from the Senate, amends, and passes on third reading in the House. Likewise, they shall send to the Senate any bill introduced in the Senate in the first regular session of a Legislature which passes third reading in the House in the second regular session of the same Legislature.

Rule 39. Bills and Resolutions: Order of Consideration

- 39.1.** The Clerk shall send bills that have passed first reading to be printed immediately. When they have been printed and circulated to the members of the House, the Speaker shall refer them to the various committees. When the committees have considered them and reported on them, the committees shall return them to the Clerk, and the Clerk shall place them in the second reading file. The House shall consider them in the order in which they appear in the second reading file.
- 39.2.** The Clerk shall arrange bills that have passed second reading in the order of their passage on second reading, regardless of the date of their referral to committee or the date of the committee report on them. The Clerk shall place them in the third reading file in the order in which they passed second reading, and the House shall consider them on third reading in that same order. However, if the third reading of a bill is set for some particular date, that bill shall be removed from the third reading file.
- 39.3.** The Clerk shall send all resolutions, except congratulatory resolutions, to be printed. When they have been printed and circulated among the members of the House, they shall be placed on the calendar for adoption, unless the House orders otherwise.
- 39.4.** Resolutions shall either be considered at a stated date or be referred to a committee.

Rule 40. Bills and Other Matters: Special Order of Consideration

- 40.1.** The Clerk shall place all bills and other matters which are to be considered on particular dates in a special file, in the order of dates assigned for their consideration, and the House shall consider them in that order.
- 40.2.** If the House adjourns before disposing of matters on special order, those matters shall carry over to the next day's business. The House shall then consider them under "Unfinished Business" in the Order of the Day, unless the House orders otherwise.

Rule 41. Bills: Property of the House

All bills introduced in the House shall be the property of the House.

Rule 42. Bills: Carryover Bills

42.1. Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session; provided that if such bill shall have passed third reading in the House in an odd-numbered session, it shall again be placed in the third reading file and pass at least one reading in the House in the next regular session upon its return to the House from the Senate.

42.2. Bills which carry over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the House at the end of the session in odd-numbered years and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Rule 43. Bills Pre-Filing

The Clerk shall accept bills to be pre-filed within seven calendar days before the commencement of the regular session in the even-numbered year.

Rule 43a. Bills: Corrections of Errors

When a bill has passed the House and the Senate and an error in the bill is discovered prior to its having received approval of the Governor, the bill may be returned by concurrent resolution in the house last considering the bill for proper correction.

PART VIII. PETITIONS AND COMMUNICATIONS

Rule 44. Petitions and Communications: Presentation and Disposition

- 44.1.** Any person may petition the House. Petitions shall be in writing, and the petitioners shall sign them.
- 44.2.** The Speaker shall order all petitions and communications filed or referred to a committee without any motion or vote, unless there is objection from the members. If there is objection, the Speaker shall dispose of the matter as the House directs.
- 44.3.** Upon the request of a member, the Speaker may authorize the issuance of congratulatory certificates in the name of the House.

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PART IX. MOTIONS; DEBATE

Rule 45. Motions: Generally

- 45.1. No motion shall be received and considered by the House until the same shall have been seconded.
- 45.2. After a motion is stated and determined to be in order by the Speaker, it shall be disposed of by vote of the House. However, the motion may be withdrawn by the movant at any time before a decision or amendment.
- 45.3. Whenever any question whatsoever shall be under discussion, the only permanent motions shall be:
- | | |
|---------|--------------------------------|
| First: | To lay on the table; |
| Second: | To postpone to a certain time; |
| Third: | To commit; |
| Fourth: | To amend; and |
| Fifth: | To postpone indefinitely; |

which motions shall have precedence in the order named.

- 45.4. The first two motions shall be decided without debate and shall be put as soon as made.
- 45.5. Whenever any of the first four motions mentioned above shall be decided in the negative, it shall not be revived the same day in regard to the main question under discussion. If a motion to amend in a specific manner is defeated, it shall not be revived on the same day.

Rule 46. Indefinite Postponement

When a question is postponed indefinitely, the same shall not be acted upon again during the regular or special session in which it was introduced without the consent of two-thirds of the members to which the House is entitled.

Rule 47. Matters Tabled

When a question has been laid on the table, it shall not thereafter be taken from and be considered or restored to a place upon the calendar of the House without the consent of the majority upon a motion made on the day the question was tabled or on the next day that the House is in session; thereafter, no motion to take any question from the table shall be made without the consent, in writing, of the majority. A motion to take any

question from the table, if decided in the negative, may not again be made on the same day.

Rule 48. Motions: Previous Question

The purpose of the motion for the previous question is to end debate. The motion shall always be in order, except as otherwise provided herein. It shall require a majority vote of the members present in the House at the time the motion is made. Whenever the motion is carried, the movant of the main subject under discussion shall be permitted to close the debate, after which the main question, subject to the order of priority, shall be put; provided that the movant may delegate the right to close to another member.

Rule 49. Motions: Reconsideration

- 49.1.** When a motion has been made once and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for reconsideration, but any member who voted with the majority may move to reconsider it on the same or succeeding day of the session. A motion to reconsider shall take precedence over all other questions except a motion to adjourn.
- 49.2.** The House shall not reconsider a motion to reconsider.
- 49.3.** If the House wishes to reconsider a measure or other matter which it already has passed or adopted and sent to the Senate, the motion to reconsider shall be accompanied by a motion to request the Senate to return the measure or other matter. The House shall act first on the motion for return of the measure or other matter, without debate. If this motion fails, it is an end of the matter, and the movant and seconder of the motion to reconsider shall withdraw their motion.

Rule 50. Debate: Limits

- 50.1.** No member shall speak more than twice on the same question without leave of the House; provided, however, that the movant of the matter pending shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken. No member shall speak longer than five minutes the first time and three minutes the second time on the same question; provided however, that any member may yield his or her speaking time to another member.

- 50.2.** When a member yields the floor to another member, the yielding member's time shall continue to run, except when such yielding shall be to allow a specific question to be asked and when in response to the specific question asked.

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PART X. VOTING

Rule 51. Voting: Methods

- 51.1.** There shall be five methods of ascertaining the decision of the House on any matter: first, by voice vote; second, by raising of hands; third, by standing; fourth, by call of the roll of members, each of whose votes shall be recorded by the Clerk; and fifth, by unanimous consent.
- 51.2.** When the House is ready to vote on any question, the Speaker shall rise, state the question, and ask all those who wish to vote yes on the question say "aye" in a clear, loud voice. The Speaker then shall ask all those who wish to vote no on the question say "no" likewise. The Speaker shall announce the decision of the House after the Clerk has announced the result of the voting of the House, except that the Clerk shall not announce the decision of the House after a voice vote.
- 51.3.** With the unanimous consent of the House, the Speaker may direct the Clerk to record an aye for each member of the House. If there is no objection, the Clerk shall so record the vote. If there is objection, the Speaker shall ask for the names of the members voting no, and order the Clerk to record no votes for them. A vote shall not be recorded for any member who is not present at the time the vote is taken.

Rule 52. Voting: Rights of Members; Restrictions

- 52.1.** In case of a voice vote, if one-fifth of the members present doubt the result the Speaker announces, they may ask for a show of hands. The Speaker then shall state the question again and ask those who wish to vote yes on the question to raise their hands. The Clerk then shall count the number voting yes and report the result to the Speaker. The Speaker then shall ask those who wish to vote no to raise their hands likewise. The Clerk shall count the no votes and report the result to the Speaker. The Speaker then shall announce the result to the House.
- 52.2.** In case of a show of hands, if one-fifth of the members present doubt the result the Speaker announces, they may ask for a standing vote. The Speaker then shall state the question again, and ask those who wish to vote yes to stand up and remain standing until the Clerk counts their votes and reports the result to the Speaker. The Speaker then shall ask those who wish to vote no to stand likewise. The Clerk shall report the result to the Speaker and the Speaker shall announce it to the House.

- 52.3.** Any time one-fifth of the members present request it, the Clerk shall call the roll of members of the House to determine their vote on a question. Each member who wishes to vote yes on the question shall say "aye" in a loud, clear voice when his or her name is called by the Clerk. Each member who wishes to vote no on the question shall say "no" likewise.
- 52.4.** No member shall refrain from voting unless excused pursuant to Rule 60.6.
- 52.5.** When voting is by roll call, no member may explain his or her vote, unless the House permits it by unanimous consent.
- 52.6.** No member may vote or change his or her vote after the Speaker has announced the result of voting.
- 52.7.** Any member who refuses (including the "kanalua" response) three times to vote when ordered to do so will be considered to have voted aye, and the Clerk shall record an aye vote for the member.

PART XI. MISCELLANEOUS

Rule 53. Subpoena; Oaths; Witness Fees

- 53.1.** The Speaker, and every investigating committee under chapter 21, Hawaii Revised Statutes, may issue subpoenas requiring the attendance of witnesses or production of evidence in any matter before the House or its committees pursuant to chapter 21, Hawaii Revised Statutes.
- 53.2.** Any member of the House may administer oaths to witnesses in any matter pending in the House or in any committee of the House.
- 53.3.** Any witness subpoenaed to appear before the House or any of its committees shall receive the same witness fees and mileage allowances that the Circuit Courts of the State pay.

Rule 54. Public Information

The Speaker may admit to the House Chamber stenographers and members of the news media who wish to take down debates or report the proceedings of the House. The Speaker shall assign such persons places for observation and other facilities which will not interfere with the operations of the House.

Rule 55. Disposition of Records at Adjournment

Within ten days after the House adjourns sine die in even-numbered years, its committees shall deliver to the Clerk all bills, resolutions, petitions, and any other papers referred to the committees, plus any evidence taken by the committees. If a committee fails to comply with this rule, the Clerk shall report its failure to the Speaker.

Rule 56. House Administrative and Financial Manual

- 56.1.** The House shall adopt an administrative and financial manual.
- 56.2.** After adoption, any revision to the manual shall be presented to the House unless otherwise provided in the manual.

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PART XII. AMENDMENT, SUSPENSION, AND INTERPRETATION OF RULES

Rule 57. Rules: Amendment

These Rules shall not be altered unless the members of the House have received the 24 hour notice of the proposed change. The 24 hour period shall commence with the placement of a printed copy of the proposed amendment upon the desk of each member. Changes in these Rules shall be taken up as a special order. Any change in these Rules shall require the approval of majority of the members to which the House is entitled.

Rule 58. Rules: Suspension

These Rules may be suspended by the approval of majority of the members to which the House is entitled.

Rule 59. Parliamentary Practice

Mason's Manual of Legislative Procedure, 2010 Edition, is hereby designated as the adopted parliamentary authority of the House.

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PART XIII. CODE OF LEGISLATIVE CONDUCT

Rule 60. Standards of Conduct

- 60.1.** Members should conduct themselves in a respectful manner befitting the office with which they as elected officials have been entrusted, respecting and complying with the law and acting at all times in a manner that promotes public confidence in the integrity of the House.
- 60.2.** Members should not lend the prestige of public office to advance the private interests of themselves or others; nor should members convey or permit others to convey the impression that they are in a special position to unduly influence public business pending before them.
- 60.3.** Members should treat their fellow House members, staff, and the general public with respect and courtesy, regardless of political or religious beliefs, age, race, ethnicity, sex, sexual orientation, gender identity or expression, or physical disability.
- 60.4.** The legislative duties of members, as prescribed by law and these Rules, should take precedence over all of their other business or professional activities. Members should freely and willingly accept certain restrictions on their business activities and professional conduct that might be considered burdensome by an ordinary private citizen, and should perform the duties of elected office impartially and diligently. To the greatest extent reasonably possible, members should:
- (1) Refrain from allowing family, social, business, or other relationships to unduly influence the member's legislative conduct or judgment;
 - (2) Refrain from showing bias or prejudice, including but not limited to bias or prejudice based on political or religious beliefs, age, race, ethnicity, sex, sexual orientation, gender identity or expression, or physical disability, in the performance of their official duties;
 - (3) Exercise patience, tolerance, and courtesy to all those with whom they deal with in an official capacity, and require staff and others subject to their direction and control to maintain similar standards of conduct, fidelity, and diligence inherent in public service;
 - (4) Exercise the power of appointment impartially and on the basis of merit, refraining from making unnecessary appointments and approving compensation of appointees beyond the fair value of services rendered;

- (5) Afford to every person who wishes to participate in the legislative process the opportunity to be heard according to established procedures;
- (6) Consider at all times whether their conduct would create in reasonable minds the perception that their ability to carry out legislative responsibilities with integrity and independence is either questionable or impaired;
- (7) Manage their personal interests and obligations so as to minimize the number of votes in which they are in, or may reasonably be perceived to be in, potential conflict;
- (8) Refrain from using, or permitting the use of, the privileges and prestige of their public office to derive undue personal, professional, or financial benefits for themselves, members of their family, or others with whom they maintain personal, business, or professional relationships;
- (9) Refrain from engaging in financial and business dealings that involve them in frequent transactions, or continuing business or professional relationships, with those persons likely to derive benefits from public financial matters either pending or already deliberated and voted upon by the House, to the extent that such conduct may reasonably be perceived as personal exploitation of their public office; and
- (10) Refrain from membership in an organization that practices invidious discrimination and gives rise to perceptions that one's impartiality and ability to serve as a representative are unduly compromised.

60.5. If the member has a conflict of interest in legislation, the member shall disclose to the presiding officer (the committee chair or the Speaker, depending on where the vote is taking place) the conflict of interest prior to voting on that legislation. For the purposes of this rule, a "conflict of interest" means that the legislation affects the member's direct personal, familial, or financial interest except if the member, or the member's relative, is part of a class of people affected by the legislation.

60.6. If a member is uncertain as to whether a conflict of interest exists, the member may request a ruling from the presiding officer by giving notice and disclosing the direct financial interest to the presiding officer prior to voting. When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the presiding officer shall give due consideration to the context of that portion as it relates to the overall purpose of the measure. If the presiding officer determines that a conflict exists, the presiding officer shall recognize the conflict and honor the member's request to be excused from discussion, debate, and voting.

- 60.7.** There shall be established a Select Committee on Standards of Conduct composed of three members of the majority party and three members of the minority party, who shall be appointed by the Speaker. The Committee shall investigate any member for misconduct, disorderly conduct, neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The Select Committee on Standards of Conduct shall operate in accordance with rules and procedures adopted by the House.
- 60.8.** Except as provided, a member shall not accept an honorarium related to the member's legislative role, duties, or responsibilities. For the purposes of this rule, an "honorarium" means compensation provided to a member for services rendered by the member under conditions for which there is no contractual or legal obligation by the recipient of the services to compensate the member. The following shall not be considered an honorarium:
- (1) Reasonable and verifiable expenses for the member's meals, travel, lodging, and for care of a child or dependent adult that are actually incurred;
 - (2) Permissible gifts under chapter 84, Hawaii Revised Statutes;
 - (3) Anything of value that is otherwise reported or reportable as a campaign donation or expenditure; or
 - (4) Any compensation if the member is requested to appear and/or speak on a topic or issue that is not related to the member's legislative role or duties.
- 60.9.** Even if permitted by Rule 60.8, a member may not accept an honorarium if the offering of the honorarium is made for the purpose of influencing the performance of a member's official duties.
- 60.10** No member shall solicit any monetary campaign contribution from an employee over whom the member has authority to exercise direct control.
- "Direct control" means the authority to subject a person to an adverse employment action, including termination, reduction in compensation, demotion, or denial of a promotion.
- 60.11** Nothing herein shall be construed to limit, approve, prohibit, or infringe upon the proper jurisdiction of the Ethics Commission.

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House of Representatives

**RULES FOR THE SELECT
COMMITTEE ON STANDARDS OF
CONDUCT**

State of Hawaii
The Thirtieth State Legislature

2019-2020

RULES FOR THE SELECT COMMITTEE ON STANDARDS OF CONDUCT

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Preface

The purpose of these rules is to enable the Select Committee on Standards of Conduct to properly perform the powers and duties vested in the Committee, including the conduct of hearings, in a fair and impartial manner, consistent with the protection of constitutional rights of persons called to testify at hearings and the preservation of public good.

PART I. DEFINITIONS

1.1. DEFINITIONS. As used in these rules, unless a different meaning is clearly intended by the context:

"Adjudicatory review" means a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

"Authorized membership" means the total number of members appointed to the Committee.

"Chair" includes the Chair appointed by the Speaker, or in the absence of the Chair, the Vice Chair appointed by the Speaker, or in the absence of both the Chair and Vice Chair, a member designated by the Chair.

"Committee" means the Select Committee on Standards of Conduct established under House Rule 60.7.

"Executive session" means a session at which only members, staff, witnesses, and counsel for a witness or witnesses are permitted to be present. Other individuals may be admitted to an executive session for a specified period or purpose on the motion of a member with the approval of the Chair and Vice Chair. An executive session may be convened by a two-thirds vote of the authorized membership.

"House" means the House of Representatives.

"Member" means a member of the Committee.

"Preliminary inquiry" means a proceeding undertaken by the Committee following the receipt of a complaint from a Representative about misconduct to determine whether there is substantial credible evidence that provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

"Quorum" means a majority of the authorized membership provided that, except for an adjudicatory hearing under Part 6 or the taking of a deposition under Part 7, one member shall constitute a quorum to hear testimony if all members have been given notice of the hearing and a member of the majority party and a member of the minority party have been designated by the Chair and Vice Chair respectively to be in attendance.

"Speaker" means the Speaker of the House of Representatives.

PART 2. GENERAL APPLICABILITY

2.1. POWERS OF THE SPEAKER OF THE HOUSE. The Speaker shall have administrative authority over the activities and operations of the Committee to:

- (1) Assign appropriate staff and to direct appropriate services to assist the Committee in accomplishing its purpose;
- (2) Adjust the respective membership of the Committee as deemed necessary, including the filling of vacancies; and
- (3) In the absence of the Chair, sign hearing notices or subpoenas and subpoenas duces tecum, as authorized to be issued by the Committee.

2.2. VACANCIES. Vacancies shall not affect the authority of the remaining members to execute the functions of the Committee.

2.3. MEETINGS. Meetings may be held at the call of the Chair if at least 48 hours notice is furnished to all members. If all members agree, or if approved by the Speaker, a meeting may be held on less than 48 hours notice.

2.4. QUORUM. A quorum shall be present for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations, and reports.

2.5. ORDER OF BUSINESS. The order of business and the procedure of the Committee shall be decided by the Chair and Vice Chair.

2.6. HEARINGS ANNOUNCEMENTS. The Committee shall publicly announce the date, place, and subject matter of its hearing at least one week before the commencement of that hearing. If the Committee determines that there is good cause to commence a hearing at an earlier date, notice shall be given at the earliest possible time.

2.7. COMMITTEE MEETINGS. Meetings of the Committee shall be open to the public unless the meeting is held in executive session.

2.8. RECORD OF TESTIMONY AND COMMITTEE ACTION. (a) An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session, which record shall include rulings of the Chair, questions of the Committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the Committee, any vote of the Committee, and such other matters as the Committee or the Chair may direct.

(b) The record of any remarks made by a member, Committee staff, outside counsel retained by the Committee, counsel for the witness, or witness, whether in public or executive session, shall be made available for inspection in accordance with Part 10 under Committee supervision at a time and place determined by the Chair; a copy of any testimony given by a witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if requested.

(c) Any member, Committee staff, outside counsel retained by the Committee, counsel for the witness, or witness may suggest to the official reporter, any corrections to typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff, outside counsel, counsel for the witness, or witness may request a ruling by the Chair and Vice Chair, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chair and Vice Chair, acting jointly.

(d) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chair and Vice Chair, acting jointly, may order the transcript of a hearing to be printed without corrections if a reasonable time to correct the transcript has been afforded and corrections have not been requested.

(e) Records of the Committee shall be maintained by the Clerk of the House.

2.9. INELIGIBILITY OR DISQUALIFICATION OF MEMBERS. (a) A member shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(1) A preliminary inquiry or adjudicatory review relating to:

(i) The conduct of the member; or

(ii) Any complaint filed by the member against another Representative; and

(2) The determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (1).

A member may also be ineligible to participate if the member's staff will be a witness.

(b) If any Committee proceeding appears to relate to a member in a manner described in paragraph (a), the staff shall prepare a report to the Chair and Vice Chair. If either the Chair or the Vice Chair concludes from the report that it appears that the member may be ineligible to participate in a Committee proceeding, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees to the ineligibility, the member shall notify the Chair or Vice Chair. If the member does not agree, the member may explain the reasons to the Chair and Vice Chair, and if they both agree that the member is eligible, the member shall continue to serve. But if either the Chair or Vice Chair continues to believe that the member is ineligible and the member disagrees, the matter shall be promptly referred to the Committee. The member shall present arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(c) Members may disqualify themselves from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(d) Whenever any member is ineligible under paragraph (a) to participate in any preliminary inquiry or adjudicatory review, or is disqualified under paragraphs (b) and (c) from participating in any preliminary inquiry or adjudicatory review, another Representative shall be appointed by the Speaker, after written notice about the ineligibility or disqualification, to serve as a member solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any Representative appointed for such purposes shall be of the same party as the member who is ineligible or disqualified.

(e) The Speaker shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with paragraph (d).

2.10. TELEVISION, FILM, RADIO. Public hearings or meetings may be televised, filmed, or otherwise recorded and made public, unless otherwise determined by a two-thirds vote of the authorized membership. Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the members and staff, or with the orderly process of the meeting or hearing

2.11. LEGISLATIVE RECOMMENDATIONS. The Committee shall recommend to the House by report or resolution any additional rules or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Representatives. The Committee may conduct inquiries as it deems necessary to prepare this report or resolution, including the holding of hearings in public or executive session and the use of subpoenas as provided for in Part 3. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

2.12. EDUCATIONAL MANDATE. The Committee may develop and implement programs and materials designed to educate members about the laws, rules, and standards of conduct applicable to members in the performance of their duties.

2.13. LIMITATIONS. Nothing in these rules shall be construed to limit or prohibit the acquisition of evidence or information by the Committee through any lawful means.

PART 3. GENERAL PROCEDURES

3.1. RIGHT TO HEARING. The Committee shall give the Representative responding to the complaint or facing an adjudicatory review under Part 6 an opportunity for a hearing before it recommends disciplinary action against that Representative to the House or before it imposes an order of restitution or reprimand (not requiring discipline by the full House).

3.2. CLOSED HEARINGS. All hearings of the Committee relating to allegations of misconduct shall be closed to the public unless the Committee determines by a two-thirds vote of the authorized membership that a hearing should be public.

3.3. ADJUDICATORY HEARINGS. The Committee may, by a two-thirds vote of the authorized membership, designate any public hearing or executive session as an adjudicatory hearing. Any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in Part 6 shall apply.

3.4. PRESIDING OFFICER. The Chair shall preside over hearings.

3.5. SUBPOENAS. (a) The Committee, with the concurrence of the Speaker, may issue, by a two-thirds vote of the authorized membership, subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any matter pending before the Committee.

(b) The form of subpoenas, the manner of service, witness service fees, and notice requirements shall be as provided in sections 21-8 and 21-9, Hawaii Revised Statutes.

(c) Every subpoena and subpoena duces tecum authorized to be issued by the Committee shall be issued under the signature of the Chair and shall command each person to whom it is directed to attend and give testimony at a time and place thereon specified, and if requested by the Committee, to produce the books, papers, documents, or tangible things required by the Committee to be produced.

(d) The Committee may delegate to the Chair the authority to specify the time and place at which the person subpoenaed is to attend and give testimony and to designate the books, papers, documents, or tangible things required by the Committee to be produced.

(e) The Committee, by a two-thirds vote of the authorized membership, may withdraw a subpoena issued on behalf of the Committee.

3.6. DEPOSITIONS. Depositions shall be taken in accordance with Part 7.

3.7. OATH OR AFFIRMATION. (a) All testimony given or adduced at a hearing; preliminary inquiry under Part 5; or adjudicatory review or hearing under Part 6, shall be made under oath or affirmation unless the requirement is dispensed with in a particular instance by a majority of the members present at a hearing. Any member may administer an oath or affirmation to a witness at a hearing of the Committee.

(b) The form of the oath or affirmation shall be as follows: "Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

3.8. WITNESSES. Any witness may be asked, or subpoenaed, to testify at a hearing or adjudicatory review and shall have the rights set forth under Part 8.

3.9. RIGHT TO TESTIFY. Persons whose names are mentioned or who are specifically identified or otherwise referred to in testimony or in statements made by a member, staff, or outside counsel, or any witness, and who reasonably believe that a statement tends to adversely affect their reputation may:

- (1) Request to appear personally before the Committee to testify on their own behalf; or
- (2) File a sworn statement of facts relevant to the testimony or other evidence or statement complained of. Such requests and statements shall be submitted to the Committee for its consideration and action.

3.10. COMMITTEE REPORT; OPPOSING VIEWS. Each member shall be given a reasonable opportunity to have separate views included as part of any Committee report.

PART 4. PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

4.1. COMPLAINT, ALLEGATION, OR INFORMATION. Any Representative may report to the Committee a sworn complaint alleging that a Representative has violated a law, the House Code of Legislative Conduct, or any rule of the House relating to conduct of any individual in the performance of duties as a Representative, or has engaged in improper conduct which may reflect negatively upon the House. Complaints may be reported to the Chair, the Vice Chair, or a member.

Complaints shall not be accepted by the Committee during an election year on, or after, the filing deadline until one day after the general election. During this time, the Speaker shall accept complaints, allegations, or information and determine the action to be taken.

4.2. FORM AND CONTENT OF COMPLAINTS. A complaint shall be sworn but need not be in any particular form to receive Committee consideration, but shall:

- (1) State the name of the party filing the complaint;
- (2) Provide the name of each Representative who is specifically alleged to have engaged in improper conduct or committed a violation; and
- (3) State the nature of the alleged improper conduct or violation and may supply documents in the possession of the party filing the complaint relevant to or in support of the allegations as an attachment to the complaint.

For the purposes of this Rule, a "sworn complaint" means a written statement of facts, submitted under penalty of perjury, alleging a violation of law, the Code of Legislative Conduct, or any other Rule relating to the conduct of individuals in the performance of their duties as Representatives.

PART 5. PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

5.1. BASIS FOR PRELIMINARY INQUIRY. The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint from a Representative about alleged misconduct or violations by a Representative pursuant to Part 4; provided that the Chair and Vice Chair, acting jointly on behalf of the Committee may dismiss any matter, which is determined to lack substantial merit.

5.2. SCOPE OF PRELIMINARY INQUIRY. (a) The preliminary inquiry shall be of a duration and scope necessary to determine whether there is substantial credible evidence, which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chair and Vice Chair, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chair and Vice Chair or by the Committee as a whole, the day-to-day supervision of a preliminary inquiry rests with the Chair and Vice Chair, acting jointly.

(b) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information to make any determination provided for by these rules.

5.3. OPPORTUNITY FOR RESPONSE. A preliminary inquiry shall include an opportunity for the Representative against whom the complaint is being brought or the Representative's designated representative to present either a written statement, or to respond orally to questions from the Committee. Oral statements or answers shall be transcribed and signed by the person providing the statement or answers.

5.4. FINAL REPORT. When the preliminary inquiry is completed, the Chair and Vice Chair shall make a report, oral or written, to the Committee on findings and recommendations, as appropriate. Disclosure of this report shall be governed by rules provided under Part 10.

5.5. COMMITTEE ACTION. As soon as practicable following submission of the report by the Chair and Vice Chair on the preliminary inquiry, the Committee shall determine by a recorded vote of a majority of members to which the Committee is entitled whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

- (1) That there is not substantial credible evidence and in this case the Committee shall dismiss the matter. The Committee shall inform the complainant and the respondent to the complaint of the dismissal;
- (2) That there is substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the House. The issuance of a letter of admonition shall be approved by the affirmative recorded vote of not less two-thirds of the authorized membership; and
- (3) That there is substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In this case, the Committee shall promptly initiate an adjudicatory review in accordance with Part 6. No adjudicatory review of the conduct of a Representative may be initiated except by the affirmative recorded vote of not less than two-thirds of the authorized membership.

PART 6. PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW AND ADJUDICATORY HEARING

6.1. SCOPE OF ADJUDICATORY REVIEW. When the Committee decides to conduct an adjudicatory review, it shall be of a duration and scope necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by the Committee unless the Committee determines to use outside counsel for this purpose. In the course of the adjudicatory review, the Committee may conduct any inquiries, interviews, or hearings, take sworn statements, use its subpoena powers, take depositions, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

6.2. NOTICE TO RESPONDENT. The Committee shall give written notice to the Representative who is the subject of an adjudicatory review. The notice shall be sent to the Representative against whom the complaint has been made no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation and description of the evidence indicating that a possible violation occurred. The Committee may offer the Representative an opportunity to present a statement, orally or in writing, or to respond to questions from members, or outside counsel, if such counsel has been retained by the Committee.

6.3. FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE. Upon completion of an adjudicatory review, the Chair and Vice Chair shall submit a written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended. Disclosure of this report shall be governed by rules provided under Part 10.

6.4. COMMITTEE ACTION. (a) As soon as practicable following submission of the report of the Chair and Vice Chair on the adjudicatory review, the Committee shall prepare and submit a report to the House, including a recommendation to the House concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct may be conducted, or report or recommendation relating to an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than two-thirds of the authorized membership.

(b) After receipt of the report prescribed by Rule 6.3, the Committee, by a recorded vote of not less than two-thirds of the authorized membership, may make recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

- (1) A recommendation to the House for expulsion, censure, payment of restitution, recommendation to the Speaker regarding the Representative's positions of responsibility and committee assignments, or a combination of these;
- (2) In the case where the Committee determines, after according due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full House, and subject to Rule 6.5 relating to appeal, by a unanimous vote of six members order that a Representative be reprimanded or pay restitution or both; and
- (3) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issuance of a public or private letter of admonition to a Representative, which shall not be subject to appeal to the House.

(c) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(d) Promptly after the conclusion of the adjudicatory review, the Committee report and recommendation, if any, shall be forwarded to the Clerk of the House, and a copy shall be provided to the Representative bringing the complaint and the Representative responding to the complaint.

6.5. RIGHT OF APPEAL. (a) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to Rule 6.4 (b)(2), may, within ten days of the Committee's report to the House of its action imposing a reprimand or order of restitution, or both, appeal to the House by providing written notice of the appeal to the Committee and the Speaker. The Speaker shall cause the notice of the appeal to be printed in the House Journal.

(b) A motion to proceed to consideration of an appeal pursuant to paragraph (a) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the House. Debate on the appeal shall be limited to two hours, which shall be divided equally between those favoring and those opposing the appeal.

6.6. ADJUDICATORY HEARINGS; NOTICE. A copy of the public announcement of an adjudicatory hearing shall be furnished together with a copy of this Part to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

6.7. ADJUDICATORY HEARINGS; PREPARATION. (a) At least two working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the Representative responding to the complaint, if any:

- (i) A list of proposed witnesses to be called at the hearing;
- (ii) Copies of all documents expected to be introduced as exhibits at the hearing; and
- (iii) A brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(b) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in paragraph (a) to the Committee.

(c) At the discretion of the Committee, the information and documents to be exchanged under this Part shall be subject to an appropriate agreement limiting access and disclosure.

(d) If a Representative responding to the complaint refuses to provide the information and documents to the Committee (see paragraphs (a) and (b)), or if a responding Representative or other individual violates an agreement limiting access and disclosure, the Committee, by a two-thirds vote of the authorized membership, may recommend to the House that the offender be cited for contempt.

6.8. ADJUDICATORY HEARINGS; RIGHT TO CROSS-EXAMINE AND CALL WITNESSES. (a) In adjudicatory hearings, respondents and any other persons upon obtaining the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses on their own behalf.

(b) A Representative responding to a complaint may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on the Representative's behalf. An application shall be approved upon a concise showing by the responding Representative that the proposed testimony or evidence is relevant and appropriate, as determined by the Chair and Vice Chair. The subpoena shall be issued pursuant to Part 3.

(c) With respect to witnesses called by a responding Representative, or other individual given permission by the Committee, each witness shall first be examined by the party who called the witness or by that party's counsel.

6.9. ADJUDICATORY HEARING; ADMISSIBILITY OF EVIDENCE. (a) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Hawaii Rules of Evidence. Rules of evidence shall not be applied strictly, but the Chair shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(b) The Chair shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Rulings shall be final unless reversed or modified by a two-thirds vote of the authorized membership before the recess of that day's hearings.

(c) Notwithstanding paragraphs (a) and (b), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Representative, the Committee shall be guided by the standards and procedures of Rule 412 of the Hawaii Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only by a two-thirds vote of the authorized membership that the interests of justice require that this evidence be admitted.

6.10. ADJUDICATORY HEARING; SUPPLEMENTARY HEARING PROCEDURES. The Committee may adopt any additional special hearing procedures that it deems necessary, or appropriate to a particular adjudicatory hearing, copies of the supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

PART 7. DEPOSITIONS

7.1. PERSONS AUTHORIZED TO TAKE DEPOSITIONS. Depositions may be taken by any member designated by the Chair and Vice Chair, acting jointly, or by any other person designated by the Chair and Vice Chair, acting jointly, including outside counsel, Committee staff, other employees of the House, or government employees assigned to the Committee.

7.2. DEPOSITION NOTICES. Notices for the taking of depositions shall be authorized by the Chair and Vice Chair, acting jointly, and issued by the Chair, Vice Chair, or Committee staff or outside counsel designated by the Chair and Vice Chair, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these Rules to have been received in an executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena.

7.3. DEPOSITION PROCEDURE. Witnesses at depositions shall be examined under oath. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee, if a witness objects to a question and refuses to testify, or refuses to produce a document, the Chair or Vice Chair, if present, may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If the Chair or Vice Chair is not present, the individual who has been designated by the Chair and Vice Chair, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chair or Vice Chair of the Committee, who may refer the matter to the Committee or rule on the objection, if the Chair or Vice Chair, or the Committee upon referral, overrules the objection, the Chair, Vice Chair, or the Committee as the case may be, may direct the witness to answer the question or produce the document, the Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

7.4. FILING OF DEPOSITIONS. Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in the presence of that individual and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certificates shall be filed with the clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chair and Vice Chair, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chair and Vice Chair, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

PART 8. RIGHTS OF WITNESSES

8.1. TELEVISION, FILM, RADIO. Any witness served with a subpoena by the Committee may request not to be photographed or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or, other methods is occurring. At the request of any witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

8.2. RIGHT TO COUNSEL. Every witness at a hearing, adjudicatory review, adjudicatory hearing, or deposition, may be accompanied by counsel of the witness' own choosing, who may advise the witness of the witness' rights, subject to reasonable limitations which the Committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

8.3. STATEMENTS. (a) A witness, or the witness' counsel, with the consent of a majority of the members present at the hearing, may file with the Committee for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the Committee's investigation or inquiry. If a witness, or witness' counsel, desires to read the prepared or written statement, the determination of whether the statement may be read or simply placed in the record of the hearing shall be made by the Chair and Vice Chair, acting jointly.

(b) The witness or witness' counsel may also submit additional sworn testimony for the record within 24 hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chair and Vice Chair, acting jointly, within five days after the testimony is received.

8.4. PROPOSED QUESTIONS. A witness at a hearing, or the witness' counsel may submit to the Committee questions proposed to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the Committee shall ask those questions that the Committee determines to be appropriate for the subject matter of the hearing. Questions shall be submitted to the Committee at least one working day before a witness's scheduled appearance.

8.5. OPENING STATEMENTS. As far as practicable, each witness may be permitted to present a brief oral opening statement.

PART 9. VIOLATIONS OF LAW; CONTEMPT; PERJURY; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

9.1. VIOLATIONS OF LAW. Whenever the Committee determines by a two-thirds vote of the authorized membership that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report the possible violation to the proper state and local authorities.

9.2. CONTEMPT. (a) A person shall be in contempt if the person:

- (1) Fails or refuses to appear in compliance with a subpoena, or having appeared, fails or refuses to testify under oath or affirmation;

- (2) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of the Committee; or
- (3) Commits any other act or offense against the Committee, which, if committed against the Legislature, or either House thereof, would constitute contempt.

(b) The Committee may, by a two-thirds vote of the authorized membership, report to the Speaker, any instance of alleged contempt. The Speaker shall certify the report of such contempt under the signature of the Speaker to the State Attorney General who shall prosecute the offender in any court of the State.

9.3. PERJURY. Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the State Attorney General for prosecution.

9.4. APPLICABLE RULES AND STANDARDS OF CONDUCT. (a) Notwithstanding any other provision of this Part, no adjudicatory review shall be initiated for any alleged violation of any law, the House Code of Legislative Conduct, or Rule, which was not in effect at the time the alleged violation occurred. No provisions of the House Code of Legislative Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the House Code of Legislative Conduct.

(b) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the House Code of Legislative Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

PART 10. RULES OF DISCLOSURE

10.1. NON-DISCLOSURE POLICY. Except as provided in Rule 10.2, no Representative, member, staff, or any person engaged by contract or otherwise to perform services for the Committee shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole or in part, or by way of summary, including during tenure with the Committee or anytime thereafter, information or material in the possession of the Committee which pertains to illegal or improper conduct by a present or former Representative; allegations or accusations of this conduct; any resulting preliminary inquiry, adjudicatory review or other proceeding by the Committee into these allegations or conduct and any report issued about the inquiry, review, or other proceeding; the investigative techniques and procedures of the Committee; any testimony or other evidence given before the Committee in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee-sensitive information, document or material, received or generated by the Committee, any material or information deemed to be confidential by the Chair and Vice Chair, acting jointly, or any classified or Committee-sensitive information which may come into the possession of this person during tenure with the Committee or its staff. No such information shall be made public unless authorized by a two-thirds vote of the authorized membership.

10.2. DISCLOSURE TO EXECUTIVE AND JUDICIAL OFFICIALS. (a) Information, documents, or materials may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Committee or, in the event of termination of the Committee, in such a manner as may be determined by its successor or by the House.

(b) Information, documents, or materials may be released to an official of the judicial branch if it is required for judicial purposes, as authorized by the Committee or, in the event of termination of the Committee, in such a manner as may be determined by its successor or by the House.

10.3. COMMITTEE-SENSITIVE DOCUMENTS. (a) Committee-sensitive documents and materials shall be stored in the Chair's office, with appropriate safeguards for maintaining the security of the documents or materials. Removal from the Chair's office of these documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the Chair and Vice Chair, acting jointly.

(b) Each member shall have access to all materials in the Chair's possession. Members' staff shall not have access to Committee-sensitive documents and materials without the specific approval in each instance of the Chair and Vice Chair, acting jointly. Members may examine these materials in the Chair's office.

(c) Any Representative, who is not a member and who seeks access to any Committee-sensitive documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by a two-thirds vote of the authorized membership whether to share documents or materials available. If access is granted, the Representative shall not disclose the information found in the documents or materials except as authorized by the Committee.

(d) Whenever the Committee makes Committee-sensitive documents or materials available to any Representative who is not a member in response to a specific request to the Chair and Vice Chair, a written record shall be made identifying the Representative requesting such documents or materials and describing what was made available to the Representative.

10.4. RELEASE OF REPORTS TO PUBLIC. All information of official actions, statements, or positions of the Committee shall be made by the Chair.

PART 11. CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

11.1. ADOPTION OF CHANGES IN SUPPLEMENTARY RULES. The Rules of the Select Committee on the Standards of Conduct, other than rules established by statute, or by the Rules of the House, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than two-thirds of the authorized membership taken at a meeting called with due notice after prior written notice of the proposed change has been provided each member.

11.2. PUBLICATION. Any amendments to the Rules of this Committee shall be published.